

26 years of peace?

An analysis of the impact of women's participation in the implementation of the peace accords in Guatemala

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Irantzu Ruiz de Gopegui Peláez

Student number: <02100552>

Supervisor: Prof. Dr. Karen Büscher

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Abbreviations List:

ASC: Assembly of the Civil Society.

CEH: Commission for Historic Clarification.

CNR: National Reconciliation Commission.

COAMUGUA: Coordination of Guatemalan Women's Associations.

CONAPREVI: National Coordination for the Prevention of Violence.

CONAVIGUA: National Coordination of Widows from Guatemala.

DEMI: Office for the Defence of Indigenous Women.

EGP: Guerrilla Army of the Poor.

FLACSO: Latin-American Faculty of Social Sciences.

FNM: National Women's Forum.

GAM: Mutual Support Group.

GGM: Guatemalan Group of Women.

MINUGUA: UN Verification Mission in Guatemala.

ORPA: Organization of the Armed People.

PAC: Patrols of Civilian Self-Defence.

PEO: Plan for Equity in Opportunities.

PGT: Guatemalan Workers Party.

PLANEA: Plan for Prevention of Teenage Pregnancies.

PNPDIM: National Policy for the Promotion and Integral Development of Women.

REDNOVI: Network for Non-Violence.

SEPAZ: Secretary for Peace.

SEPREM: Presidential Secretary for Women.

SOSEP: President's Wife's Secretary for Community Welfare.

SVET: Secretaria contra la Violencia Sexual, Explotacion y Trata de personas.

UNRG: Guatemalan National Revolutionary Unit.

UNSC: United Nations Security Council.

USAC: University of San Carlos.

Abstract

This project examines the impact of the Sector de Mujeres in the implementation of the Guatemalan peace accords. In order to do so, it has mainly relied in a content analysis of primary sources – which include the peace accords, national laws, institutional mandated, policies and strategies, and monitoring and implementation reports – and in interviews with local women who had either directly participated in the peace process or done research on gender equality. This data was coupled with secondary resources and academic articles to engage in wider critiques of the Guatemalan peace process to uncover the elements that hindered its implementation. As such, this project has discovered that the peace process was successful in ending the armed conflict and in giving women a public space to do their demands. However, women’s efforts to decrease gender inequality and to implement the peace accords have been hindered by four factors: the faint governmental commitment, the co-optation of the justice system and its impunity, the interference of the international cooperation, and the colonial afterlives in the Guatemalan society. As a result, the peace process has been unable to tackle the continuum of violence that perpetuates the colonial structures of domination and oppression.

Key words: peace process, Sector de Mujeres, Guatemala, continuum of violence, coloniality.

1. Introduction.

Peace processes may offer women the opportunity to exercise their rights and influence gender equality policy outcomes (Kindervater & Meintjes, 2018 y O’Connell, 2015). A feminist vision of post-conflict reconstruction requires a coherent and strategic approach to governance that includes human rights, recognizes gendered power imbalances, increases institutions’ capacities to integrate gender analysis in their work, and recognizes the critical role played by women’s organization in conflict and post-conflict settings (O’Connell, 2015). However, despite the UNSC efforts to emphasize the need to include women in peace agreements to increase their durability, between 1992 and 2011, only 9% of negotiators were women and fewer than 4% were signatories (Ellerby, 2019). Per contra, the Guatemalan peace process allowed a huge citizen participation through the Civil Society Assembly (from now on ASC¹), which included traditionally marginalized populations – namely women and indigenous people².

Nonetheless, the peace accords that were signed in the 90s have been long forgotten by a government that has tried to silence the society’s demands for healing – especially during the last three presidential terms. The profound transformation of the Guatemalan society that was sought by the peace accords has never occurred. In fact, the patriarchal, racist and economic state practices that were established during colonialism still pierce the Guatemalan society: The arrest of José Rubén Zamora Marroquín was the last straw, after a long succession of corruption acts – such as the electoral fraud in the election of the public university’s (USAC) rector (Cuevas, 2022) or the extreme prosecution of judges and lawyers – and state violence through the militarisation of indigenous lands to ensure extractivism – which was the case of El Estor (Radio Zapatista, 2021). The situation of women is not better: in 2020, 79,800 women were victims of gender violence, and in 2021, 89,001; women still drop out of schools sooner than their male counterparts and 96% of domestic workers are women (Observatorio de Mujeres del Ministerio Público, n. d.; & Bermúdez & Barrueto, 2020).

In this context, this project will analyse the participation of mestiza³ and Maya women in the peace process through the *Sector de Mujeres*⁴, the impact of the measures taken by the

¹ From the Spanish initials: Asamblea de la Sociedad Civil.

² The estate treats the indigenous as a minority population, but 43.75% of the population are Xinca, Garífuna or the 22 Maya ethnic groups (Iwgia, 2021).

³ The terms mestiza or ladina are used to designate the non-indigenous women of Guatemala.

⁴ Women’s Sector.

Guatemalan state to implement the gender commitments acquired through the peace accords and the phenomena that hindered their total implementation. Consequently, this project does not seek to do an exhaustive analysis of the women's movements in Guatemala – and the tensions between feminism and indigenous women – but rather to understand which women were included in the peace process, how was the category 'woman' constructed in the peace accords and which were the main shortcomings of the peace accords at the time of its implementation. In order to do so, I have done a comprehensive content analysis of a diversity of primary sources – ranging from the peace accords, national legislation, public policies, and national and international reports, coupled with academic interviews – to relevant feminist organizations and researchers from Guatemala – and an analysis of secondary sources.

This paper will be structured in 6 sections: firstly, this introduction will be followed by the theoretical framework, where the main three concept of the research will be analysed – the continuum of violence, the concept of 'woman' and the decolonial peacebuilding; then, a contextual framework will follow, which will provide a historical approach to the Guatemalan internal armed conflict and the peace process; thirdly, the following section will be the research methodology; this will be followed by an analysis of the participation of women in the peace process through the Sector de Mujeres - shortly explaining the tensions between mestiza and indigenous women's groups – and the way in which their demands were included in the peace accords; after that, the implementation of the peace accords by the Guatemalan states will be analysed, providing an overview of the measures taken in the area of gender, their impact and the main obstacles; and finally, the last section will consist on a discussion and conclusions.

2. Theoretical framework.

2.1. The continuum of violence.

"Violence gives birth to itself. So, we can rightly speak of chains, spirals, and mirrors of violence – or, as we prefer – a continuum of violence," through this quote, Scheper-Hughes & Bourgois (2003, p.1) coined the term continuum of violence for the first. This idea is implicitly present in Aníbal Quijano's concepts of coloniality and colonialism, which are interlinked: coloniality originates from colonialism, but it is more profound and durable (Quijano 2014, as cited in Jaime-Salas, 2019). Coloniality is an intricate phenomenon that has extended until today, as it represents a pattern of power relations based on territorial, racial, cultural and epistemic violences that constantly reproduce themselves, generating an obliteration of the

subaltern's epistemologies and experiences (Restrepo & Rojas 2010, as cited in Castillo Huertas, 2015). The coloniality of power introduced race as an organisational method, to classify human relations in fictional biological terms (Lugones & María, 2008). As a result, as Mertens et al. (2022) explain colonial disabilities “are not just remnants of the past but contemporary (re)productions that (...) mask the deep intergenerational, mental and material reach of colonialism through presumably benign politics that retain imperialistic logics of exploitation and othering” (p. 8).

Regarding the continuum of gender violence, Elizabeth Ferris had already illustrated the continuous chain of violence in 1990, by stressing how women face multiple kinds of gender violence during conflict, flight and protected encampment (as cited in Krause, 2015). Cynthia Cockburn also delved into this concept and claimed that “a gender analysis suggests that it is meaningless to make a sharp distinction between peace and war, pre-war and post-war (...) we saw gendered phenomena persisting from one to the next (Cockburn, 2004). In this sense, the continuum is the repeated acts of violence suffered by women through generations in all territories during history (Pérez Sian, 2014). But violence cannot solely be understood in physical terms: what constitutes violence is always mediated by culture, social structures and ideas, these dimensions give violence its power and meaning (Scheper-Hughes & Bourgois, 2003).

Maria Lugones' idea of the coloniality of gender is fairly linked to these ideas. She created the term coloniality of gender by linking Quijano's ideas on the coloniality of power with intersectional feminism to enlighten how the modern system of colonial gender played a key role in the historical oppression of people of colour (Lugones & María, 2008). She established that in the colonial world, acceptable gender behaviour norms were directly constructed in racial classification. In fact, gender ideology was an integral part of the process of Spanish colonial state building (Few, 2002). On a similar note, Aura Cumes identified the creation of colonial systems of indigenous labour and wealth extraction as the foundation of a structure expropriation of women's bodies (as cited in Méndez & Alvarado, 2018). Racist and misogyny intertwined, placing indigenous women in the last place of the colonial social order, justifying the brutality against racialized and feminized bodies by submitting them to a profound process of dehumanization (Fulchiron, 2018).

On the contrary, Lorena Cabnal (2019) maintains that patriarchal power relations come from an ancestral original patriarchy⁵ that intersected with colonial patriarchy creating a patriarchal junction⁶. As such, some sectors of communitarian feminists distinguish two levels of patriarchal domination: on the one hand, the national and international system of white patriarchy – which is racialised – and, on the other hand, the internal system of patriarchy that prevails within their communities (Cru Hernández 2020, as cited in Hartviksen, 2021). Making this distinction allows us to understand how patriarchy readjusts itself to new domination structures – ancestral patriarchy, colonial patriarchy and capitalist patriarchy (Moore Torres, 2018). Pérez Sian (2014) further developed this idea in their study of the continuum of violence in Guatemala, where they concluded that in the pre-columbine ancestral cultures women rarely had political decision-making roles and their representation in art always revolved around ideas of reproduction and family. In fact, women were sometimes used to achieve alliances with other villages, using their bodies as an exchangeable good (Pérez Sian, 2014).

In either case, the consequences are the same. As Hartviksen (2021) states: “the oppressions and violences of colonialism were rearticulated and reconfigured throughout Guatemala’s post-independence years, its internal armed conflict and genocide, and its current engagement with neoliberal globalisation” (citing Cabnal 2019, p. 306). Sexual violence against Maya women is framed in a historical continuum of violence, and it has the power to naturalize the violent structures of ethnic oppression (Pérez Sian, 2014). It was systematically used as a colonization weapon, to subdue indigenous populations through their feminization, which justified genocidal violence and the expropriation of women and lands – which are essential for social reproduction (Gargallo Celentani 2012, as cited in Fulchiron, 2018). This stems from men’s patriarchal contract over women’s bodies and is reinforced through white men’s racial contract over indigenous bodies (Fulchiron, 2011). Moreover, extreme patriarchal and racist representations of Maya and black women are still being promoted nowadays to justify the masculine right to abuse their bodies (Fulchiron, 2018).

2.2. The concept of ‘woman’.

Gender inequality in Guatemala and women’s participation in its peace process are central to this research project. But, what does ‘woman’ mean? Maria Lugones is clear: “one of the first achievements of the colonial state was the creation of ‘women’ as a category” (Lugones &

⁵ In Spanish: patriarcado ancestral originario.

⁶ In Spanish: entronque patriarcal.

María, 2008). Through her analysis of the coloniality of gender she earnestly reflected on the category 'woman'. The term 'woman' is void of content, but the categorical logic has established white, bourgeois, heterosexual women – in other words, dominant women – as the norm, and therefore it has hidden the brutalization and the dehumanization caused by the coloniality of gender (Lugones & María, 2008). In a similar way, for Denise Riley, gender is not always constructed coherently and consistently, because it intertwines with other identities – such as race, class, ethnicity and sexuality – and it is impossible to separate one from the other (as cited in Butler, 1999). As a result, being a 'woman' is not the same in different social contexts, because gender – as a cultural construction – is generated in different relational contexts (Monzón, 2004).

In the face of this, postcolonial and intersectional feminism have thoroughly criticised hegemonic feminism's⁷ centrality of 'woman' as a subject of analysis. The notion of 'woman' as an already constituted group prior to the process of analysis creates the idea that patriarchy is universal and homogenizes the experiences of the 'third world woman' (Mohanty, 1988). When white women ignore their privilege and define 'woman' based on their own experiences, they submit women of colour to a process of 'othering' because their experiences are "too alien to comprehend" (Lorde, 2004). Then, by constructing the 'third world woman' in contrast to 'Western woman', hegemonic feminism advocates for a monolithic and ahistorical construction of 'third world women' that assumes them as victims of the backwards practices of their societies (Cumes, 2009). For her, this invisibilizes the problematic relation between feminism and liberalism, as it negates the centuries of white women's fight against Western patriarchy while indigenous women were suffering the processes of colonisation. The decontextualization of 'woman' and the imposition of a universal patriarchal system colonizes non-Western cultures to justify Western ideas of oppression and construct non-Western gender inequality as a product of their backwardness (Butler, 1999). This is how hegemonic feminism reproduces the axioms of imperialism (Spivak as cited in Hudson, 2012). In the face of this, Trujillo & Camerlengo (2017) assert: "there is not a unique way of being a 'woman', we are diverse, *we are* in plural"⁸ (p. 99).

This intrinsic racism in hegemonic feminism's discourses caused a complicated relationship between feminism and indigenous women in Latin America. Some indigenous women reject

⁷ Hegemonic feminism receives several names: white feminism, western feminism, European feminism...

⁸ Translated by the author.

the imposed feminist discourses and prefer to focus their efforts on the creation of a decolonized vision that fits in their culture and cosmovisions (Sieder & Macleod, 2009). Hence, decolonial feminism emerges as a re-reading of the history of Abya Yala⁹ and questions modernity, not only for its androcentrism but also for its inherent racism and eurocentrism (Espinosa, Gomez & Ochoa 2014, as cited in Moore Torres, 2018). Latin American feminisms were, in the beginning, influenced by Western women's thought, but in the 80s and 90s the idea of autonomous feminism – free from processes that reproduce coloniality – emerged to criticize the process of neo-colonization imposed by Western organizations, political parties and international cooperation (Villaroel Peña, 2019). Latin-American women, in different political, cultural and socioeconomic contexts have organized themselves to fight for their human rights and non-discrimination through the reclaiming of their cultures and their collective rights, using their cultural frameworks to interpret the international movement for women's rights (Sieder & Macleod, 2009).

Latin America has exhibited an emergence of diverse movements for women's rights that illustrates Len Ang's idea of the impossibility to build feminism as unique a homogenous political project (as cited in Macleod, 2011). In the face of this, communitarian indigenous feminism has emerged in Bolivia to recognize that feminism is the "fight of any woman, in any part of the world and in any time of history, who rebels against a patriarchy that intends to oppress her¹⁰" and patriarchy is the "system of all oppressions and all discriminations¹¹" (Guzman & Paredes 2014, as cited in Villaroel Peña, 2019). In addition, Lorena Cabnal (as cited in Few, 2002) uses the idea of feminisms – as a plurality, in contrast to *feminism* – because they have emerged in different parts of the world as part of the continuum of resistance to stand up against the continuum of violence created by the multiplicity of patriarchies that oppress women. As Pérez Sian (2014) describes:

"Despite the pain, the misery, the sorrow, the shame, the anger, the impotence and the aggression, women have been able to work, to smile, to feel love and friendship, to build alliances and mutual understanding, creating the conditions for their collective survival. These positive abilities are rescued in all epochs, and they construct the *continuum of resistances*."¹² (p. 67).

⁹ The oldest known name for the American continent, used by some indigenous people to refer to the American continent.

¹⁰ Translated by the author.

¹¹ Translated by the author.

¹² Translated by the author.

2.3. Decolonizing peacebuilding.

The term peacebuilding was first used by Johan Galtung in 1976, when he established the need to address the root causes of violent conflicts to achieve sustainable peace. Years later, in 1992 the Secretary-General of the UN Boutros Boutros-Ghali identifies peacebuilding as a necessary element to make peace-making and peace-keeping operations truly successful (Boutros-Ghali, 1992). In his report *An Agenda for Peace*, he identified the need for comprehensive efforts to support the structures that will consolidate peace and people's well-being and they include, among other things, disarmament, training support for security personnel, monitoring elections, advancing efforts to protect human rights or strengthening governmental institutions. To do so, the UN, when requested, must provide technical assistance in the transformation of national and democratic structures, as Boutros-Ghali (1992) identifies an obvious connection between democratic practices and peace.

Nonetheless, Chetail (as cited in Rigual, 2018) acknowledges a 'chronic ambiguity' in the term peacebuilding, because it covers a process, but also an underlining political strategy. Due to the centrality of the liberal peace thesis – which is based on democratisation, economic liberalisation and the rule of law (Donais, 2009) – peacebuilding has been identified as a neo-imperial endeavour that is more about making the world safe for neoliberalism than it is about human rights (Rigual, 2018). The uncritical assumption of modernity's rationale in peace studies has been interpreted as a perpetuation of the West's colonial mission to civilize the Global South through the liberal peace project (Jaime-Salas, 2019). In this way, liberal peace ignores the cultural contexts of the violent conflicts and disempowers whole populations in conflict and post-conflict states (Donais, 2009; Hudson, 2012).

On the one hand, the imposition of liberal peace through international peacebuilding has been criticised because it constructs the West as the saviours, and imposes a top-down peace process that subordinates local populations (Cruz & Fontan, 2014). As a result, the term 'local turn' has acquired centrality in the critiques of liberal peace, as its blindness to the way the 'other' is represented creates the risk of reproducing relations of domination and insecurity (Hudson, 2012). Sanches Rocha & Fernandes Maso (2020) also defended the inclusion of subaltern voices as an essential aspect of peace that would allow the dismantlement of the system of oppression of local populations. The 'local turn' is associated with John Paul Lederach's idea of bottom-up peace processes, which places an emphasis on the importance

of empowering local ownership to create everyday peace that addressed the structural causes of the conflict (Rigual, 2018, & Annan et al., 2021).

Nevertheless, even though ‘localizing’ peacebuilding has a high potential to reduce the conflict between external and local actors in the implementation of peacebuilding projects, it has been criticized for masking internationalized power hierarchies that rise from subordinating certain spaces designated as ‘local’ in contrast to the ‘international space’, because the local and international are intricately interlaced (Rigual, 2018; Sanches Rocha & Fernandes Maso, 2020). Furthermore, it may also promote an increase of intra-local struggles (Wolff, 2015). This happens because post-conflict societies do not have a unitary and coherent civil society, and local elites tend to be militarized and highly divided (Donais, 2009). The ‘local turn’ has also been criticized for its risk to produce a romanticization of the local, where the traditional is depoliticized casting a shadow over power dynamics and asymmetries – such as the silencing of women’s voices by local elites (Hudson, 2016,). Consequently, a bottom-up approach to peacebuilding is unlikely to be sufficient by itself, and the ‘local turn’ has materialized in hybrid peace, which integrates horizontal consensus building and local leadership with features of international peacebuilding and governmental structures (Annan et al., 2021; Donais, 2009; Rigual, 2018). This is the case of the Guatemalan peace process, where the ASC gave the local population the power to have an impact in the peace process.

On the other hand, the liberal peace thesis has also been criticised for co-opting feminism and using gender discourses to enforce its norms, creating a paradox where gender is neglected and, at the same time, invoked to justify intervention (Hudson, 2012). As a result, feminist critiques of the liberal peace have emphasized the oppressive ways in which gender equality is decontextualized and introduced in peace discourses to make them more difficult to challenge (Hudson, 2016). While the adoption of the UNSCR 1820 has broken the silence about sexual crimes during violent conflicts, they perpetuate power binaries by homogenizing women as victims of the males from their society reproducing the global North-South patten of colonial domination (Hudson, 2012). For instance, Mertens & Pardy (2017) developed the term ‘sexurity’ to illustrate how the construction of rape as weapon of war produces a political anaesthesia that marginalizes subaltern knowledge and equates the ‘other’ with ‘barbarity’, renewing the force of colonisation. This process tends to make sexual violence intelligible only as a weapon of war, ignoring the continuum of violence and colonial structures that normalize the masculine access to women’s bodies before, during and after a violent conflict. As Boesten

(2014) explains, wartime sexual violence feeds on peacetime hierarchies based on gender sexuality and race, and is used to reinforce these same hierarchies through the normalization and institutionalisation of violence.

Furthermore, the UN conferences on the 90s created the idea of gender mainstreaming – which was later enforced through the UNSC Resolution 1325 and the creation of the Women, Peace and Security agenda (Manjoo & Mcraith, 2011) – but they governmentalized feminist politics of emancipation (Mukhopadhyay, 2016). Gender mainstreaming by international actors has been able to institutionalize the feminist movement through the NGOization, depriving feminist organisation from their autonomy and producing activists who no longer have a clear feminist perspective (Villaroel Peña, 2019). In a similar way, by focusing on female representation and the implementation of international laws on gender, gender mainstreaming aims to increase democratisation and to change cultural perceptions about women’s leadership (Hudson, 2012). However, a global human rights approach does not usually adequately accommodate the particularities of the local setting and has an emphasis on individual victims, failing to capture the intersectional experiences of women (Godoy-Paiz, 2008).

As a result, postcolonial and decolonial feminists stress the importance of understanding the way different cultures create different wartime experiences for men and women, and how identities overlap to augment gender violence through class and ethnic violence (Cockburn, 2004). Focusing on the everyday lives of local actors must be an integral part of peace processes, because peace is not solely achieved with the absence of violence, but by transforming the colonial and patriarchal structures of domination in order to ensure the full citizenship of marginalized populations (Castillo Herrera & Vílchez, 2014; Hudson, 2016). After all, “peace is not something that happens to people, but somethings that is embodied and felt (Hudson, 2016 p. 12).

3. Contextual framework.

3.1. The internal armed conflict and the Guatemalan peace process.

Guatemalan history has been characterized by unequal power relations, and therefore one has to go back to the epoch of Spanish colonization to understand the dynamics that caused the internal armed conflict between 1960 and 1996. The Spanish colonialism laid down a highly hierarchical structure of economic, social and cultural power relations based on racism and

exclusion (CEH, 1999). The indigenous peoples of Guatemala were systematically robbed of their lands and Spanish colonists established an agrarian system based in the high concentration of lands in the hands of a small number of landlords that spilled over to the political sphere, ensuring their domination (Sandoval 1992, as cited in Fulchiron, 2011). Racial constructs were used to justify these dynamics, as Spaniards were constructed as the superior race, in charge of conducting a civilising mission in the colonized lands. This pattern was replicated by creole people first, and then by the ladino or mestizo people, maintaining the colonial subordination of indigenous peoples through time (CEH, 1999). These economic and racial structures remained unchallenged after obtaining independence from Spain in 1821 and the liberal revolution of 1871 and they were worsened by a lack of a state social policy to mitigate inequality (CEH, 1999). In addition to that, the succession of liberal dictators that raised to power after the approval of 1879, continued to normalize the use of violence as a legitimate state mechanism to suppress the social unrest caused by the deep structural inequalities (Rostica, 2015).

The removal of the dictator Jorge Ubico – who was in power from 1931 to 1944 – by the 1944's revolution and coup d'état supposed the opening of spaces for political participation, marking the start of the democratic spring (CEH, 1999). The two subsequent elected governments promoted the creation of a new constitution 1945, which recognized indigenous peoples' right to the inalienability of their communal lands for the first time. They also sought deep economic, social and political transformations through the application of social policies to integrate indigenous people in the socioeconomic development. This led to the approval of the agrarian reform, which aimed at distributing the land of the economic elites and benefitted half a million of peasants (CEH, 1999; Fulchiron, 2011).

However, this era was short-lived. The US, blinded by the Cold War vision, identified Jacobo Arbenz's efforts to improve his country a menace to the stability of the American continent (CEH, 1999). Consequently, the CIA worked together with the Guatemala oligarchy to overthrow Arbenz's reformist government in 1954, placing the military in power – which represented the elite's economic interests (Fulchiron, 2018). Peasants were once again disposed of their lands, and the anti-communist ideology justified the restoration of racist and oppressive dynamics (CEH, 1999). The violent closure of the spaces for political participation and the intensification of political persecution led to the militarization of the Guatemalan state

and the radicalization of left-wing movements – who were inspired by the success of the Cuban Revolution (CEH, 1999; Fulchiron, 2011).

In 1962, after a meeting of the Guatemalan Workers Party (from now on PGT¹³) with diverse insurgent groups, the first guerrilla group was created: the Rebel Armed Forces (from now on FAR¹⁴), which was mainly composed by peasants, workers and middle-classes (CEH, 1999). The consolidation of the revolutionary movement and state's counterinsurgent strategy marked the beginning of the most violent and bloody period of modern Guatemalan history. By 1966, the army consolidated the inducement of terror as part of its counterinsurgent strategy and promoted the involvement of civilians in the armed conflict through the creation of death squads and the Patrols of Civilian Self-Defence (from now on PAC¹⁵). The army ensured its impunity by submitting the judicial system to the executive power (CEH, 1999).

During the 70s, the FAR and PGT went through a process of reconstruction, and most of their members moved over to new guerrilla groups, such as the Guerrilla Army of the Poor (from now on EGP¹⁶) and the Organization of the Armed People (from now on ORPA¹⁷) (CEH, 1999). During this time, a high number of indigenous people entered the guerrilla movement and criticized their silence on the ethnic structures of oppression. After this, the spiral of violence keep on increasing until 1979, when the dictatorial regimes of Romeo Lucas García and Efraín Ríos Montt started a systematic prosecution of civilian organisations and adopted the strategy of scorched earth which constructed Mayan peasants as the internal enemy, justifying a genocide against them (Fulchiron, 2018). The judicial system was also strongly debilitated, as judges and lawyers were prosecuted and assassinated with the objective of paralyzing any action for the protection of human rights (CEH, 1999).

By 1982, the guerrilla groups united and created the URNG, and even though the revolutionary movement was already militarily defeated, the state violence was extended until 1989 (Rostica, 2015). Nevertheless, in May 1985 a new Constitution was approved and democratic elections were held (CEH, 1999). Vinicio Cerezo was elected president in 1986, who held a meeting with the presidents of Costa Rica, Nicaragua, Honduras and El Salvador in Esquipulas (Guatemala), marking the beginning of the Guatemalan peace process (Centro de

¹³ From the Spanish initials: Partido Guatemalteco del Trabajo.

¹⁴ From the Spanish initials: Fuerzas Armadas Rebeldes.

¹⁵ From the Spanish initials: Patrullas de Autodefensa Civil.

¹⁶ From the Spanish initials: Ejército Guerrillero de los Pobres.

¹⁷ From the Spanish initials: Organización del Pueblo en Armas.

Estudios de Guatemala, 2016). This prompted the creation of the National Reconciliation Commission (from now on CNR¹⁸) in 1987, which gathered with the URNG in 1990 to sign the Basic Accord for the Search of Peace Through Political Means¹⁹ (Centro de Estudios de Guatemala, 2016). This established the framework of the peace process, dividing it two stages: on the one hand, a process of dialogue between the URNG and diverse sectors of the Guatemalan civil society; and on the other hand, the direct negotiation among the URNG and the government (Rostica, 2015). The URNG assumed its responsibility and started to construct the peace agenda through meetings with political parties, the economic sector, religious leaders, trade unions, students, business owners and professionals (Centro de Estudios de Guatemala, 2016).

In 1991, Jorge Serrano Elías won the elections and committed to the Cerezo's peace negotiations and signed the Framework Accord on Democratisation for the Search of Peace Through Political Means²⁰ with the URNG (CEH, 1999; Sáenz Carrete, 2022). However, the peace process was paralyzed because of the institutional crisis provoked by Serrano Elías' attempt to carry out a coup d'état to his own government in 1993. The Constitutional Court quickly rejected the coup, and appointed Ramiro León Carpio – the ombudsman – as the new president (CEH. 1999). Despite being a highly unstable political period, the president resumed the negotiation process: the URNG and the Government met in México D. F., where they signed the Framework Accord for the Resumption of the Negotiation Process, where the ASC was created and the UN Verification Mission in Guatemala (commonly referred to as MINUGUA) was established (Brett, 2013; Sáenz Carrete, 2022). In 1994, the Comprehensive Agreement on Human Rights was also signed, which extended MINUGUA's mandate to include the verification of human rights (Comprehensive Agreement Human Rights, 1994). The MINUGUA was later extended over time to verify the state's compliance with the accords provisions until it was finally retreated in 2005 (Rostica, 2015).

Nonetheless, the ASC is perhaps the most interesting part of this peace process. Initially formed by five sectors – namely the church, indigenous people, trade unions, research institutes and human rights organization (Rostica, 2015) – it was later extended to include the Sector de Mujeres. The creation of ASC granted the Guatemalan society a unique possibility to play a central role in the peace process. The ASC was tasked with the responsibility of

¹⁸ From the Spanish initials: Comisión Nacional de Reconciliación.

¹⁹ Commonly known as the Oslo Accord.

²⁰ Commonly known as the Queretaro Accord.

discussing the content of the peace accords and submitting their ideas to the negotiations table – formed by the UN, the Guatemalan government and the URNG (Acuerdo marco para la reanudación Del proceso de negociación Entre el gobierno de Guatemala Y la unidad revolucionaria Nacional guatemalteca , 1994). The main obstacle was that its recommendations were non-binding, so the government and the URNG could easily bypass them (CEH, 1999).

The next three accords – the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence and the Agreement on the Identity and Rights of Indigenous People – were signed on 1994 and 1995. However, Ramiro León Carpio’s crisis of legitimacy forced another stop in the peace process, until Álvaro Arzú was elected in 1996, who finalized the peace process with the signing of the rest of the agreement – the Agreement on Socio-Economic Aspects and the Agrarian Situation, the Agreement on the Strengthening of Civil Power and the Function of the Army in a Democratic Society, the Agreement on a Definitive Ceasefire, the Agreement on Constitutional Reforms and the Electoral Regime , the Agreement on the Basis for Legal integration of the URNG and the Agreement on the Implementation, Compliance, and Verification Timetable for the Peace Agreements (CEH, 1999).

The continental meeting of indigenous people to critically assess the 500 years anniversary of the arrival of European strengthened the Maya organisations, giving them ability to participate in the political sphere with their own demands (CEH, 1999). In a similar way, while the influence of the international women’s movement in the Sector de Mujeres and the peace process is a bit contested, Luz Méndez (as cited in Luciak, 2001) emphasized the importance of the international sphere in the discussions of the ASC, because having gender issues at the centre of international conferences – such as the Conference Belem do Pará in 1994, the Fourth World Conference on Women in 1995 and the Latin-American Feminist encounters (Villa Avendaño, 2021) – made it easier to incorporate provisions favouring women’s rights. This shows how the Guatemalan civil society was influenced by international dynamics, which made their way into the peace accords blurring the dichotomy between local and international. Moreover, this peace process happened before the UNSC Resolution 1325, which gives it an interesting nuance as most of the fight for women’s inclusion stemmed from Guatemalan women’s demands and a conscious indigenous society that already discerned the

colonial origins of their grievances. As a consequence, the Guatemalan study case provides with an exceptional opportunity to analyse the top-down and bottom-up dynamics that constrain civil society's ability to generate changes in peace process and post-conflict contexts.

3.2. *Guatemala Memoria del Silencio*: Human impact of the internal armed conflict.

After the end of the peace process in 1996, the Commission for Historic Clarification (from now on CEH²¹) was established in 1997 (CEH, 1999). In compliance with the agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence, the CEH was formed by Jean Arnault – as he was the UN moderator through the peace process – who, in concordance URNG and the government, designated Christian Tomuschat, Otilia Lux de Cotí and Alfredo Balsells Tojo as the remaining members (CEH, 1999). The objective of the CEH was to elaborate a report in order to clarify the violence that happened during the internal armed conflict and to formulate recommendations to strengthened the construction of peace in Guatemala – which include measures to preserve memory of the victims, to promote a culture of respect for human right and to consolidate the democratic process (Comprehensive Agreement Human Rights, 1994).

The CEH released its report in 1999, entitled *Guatemala Memoria del Silencio*²², where the research members concluded that 160,000 people were victims of extrajudicial killings and 40,000 people were victims of enforced disappearances (CEH, 1999). 93% of the war-time crimes were committed by the Guatemala state – which included the army, the PACs, death squads and other security forces – and only 3% of the acts of violence were committed by the guerrilla – the remaining 4% was attributed to unidentified groups. The report also established the genocidal scale of the conflict, as 83.3% of the victims were Maya, 16.5% were mestizo and 0.2% were part of other ethnic groups (CEH, 1999).

The CEH also registered 1,465 victims of sexual violence, determining that women – and girls as young as 10-years-old – suffered specific forms of gender violence during the internal armed conflict (CEH, 1999). Sexual violence emerged as a generalized practice of the Guatemalan state's counterinsurgent policy: sexual violence against Maya women was part of the genocide scheme, and it took the dimension of femicide. Taking into account that the state forces systematically used extremely cruel sexual violence to terrorize the indigenous population, the CEH believed that sexual violence is severely under-reported in its report. Gender violence

²¹ From the Spanish initials: Comisión para el Esclarecimiento Histórico.

²² Guatemala a Memory of Silence.

during the armed also included sexual slavery, domestic slavery and sexual torture (CEH, 1999). Nevertheless, as Fulchiron (2011) explains, this dynamic is not conflict-exclusive: it stemmed from the patriarchal and colonial conception of women as servants and sexual property that was well installed in the society before (and after) the armed conflict.

On the other end, the guerrilla did not systematically use sexual violence as a weapon of war (Fulchiron, 2011). However, individual members of the guerrilla sexually assaulted female comrades and civil women. The revolutionary movement fought for the transformation of the social and economic spheres, and yet its members still maintained patriarchal values: the deliberate targeting of single and widowed women showed that guerrilla men interpreted the absence of a husband as a permit to rape women, perceiving them as masculine property (Fulchiron, 2011). This further illustrates the continuum of violence in the lives of women, which prevails generation after generation due to the survival of colonial dynamics.

4. Method.

The research question for this project is: How effective was the participation of women in the Guatemalan peace process for challenging gender inequality in post-conflict Guatemalan state institutions (government, parliament and judiciary)? Through this question I intend to analyse two things: on the one hand, the bottom-up participation of women in the peace process through the ASC, by specifically looking at the relationship between mestiza and indigenous women and how the category 'woman' was constructed in the final text of the peace accords; and, on the other hand, how gender inequality and its continuum of violence has been tackled by the Guatemalan national institutions – namely the government, the parliament and the judicial system – so as to critically assess the implementation of the gender content of the peace accords and to identify the elements that hindered the effectiveness of these mechanisms to improve women's situation in Guatemala.

In order to do so, I relied on qualitative research methods, and I divided the research question into two sub-research questions:

On the one hand, the first sub-research question was: "How were women included in the Guatemalan peace process?". The objective of this question, as I have stated before, was to collect information about which women were included in the peace process, in order to determine if indigenous women and their specific concerns were included in the same terms as white, urban and mestiza women. To achieve this goal, I carried out a content analysis of

the peace accords, to identify the precepts that made a reference to women and gender inequality, and then I compared them with a document released by FLACSO that compiled the recommendations made to the negotiations table by the ASC to determine which specific demands were not included in the final text of the peace accords.

After this, I contacted several Guatemalan feminist organisations and researchers to set up academic interviews (See ANNEX 3 for the interview guide). I did a total of ten online interviews: six were with women from the first civil society and feminist organisations, two with feminist researchers and two with women who had been members of the Congress of the Republic. Most of the interviewees had participated in the peace process through the Sector the Mujeres. However, as none of the indigenous women's organizations I contacted answered my request, I only got to do one interview with a Maya woman. The purpose of these interviews was to obtain a better analytical view of the peace process by compiling the testimonies and experiences of the women that participated in the ASC through the Sector de Mujeres. In this way, I have been able to understand the impact of women's participation in the peace process. To protect their personal data and right to anonymity, I asked the research participants to sign a formulary of consent where they could choose their preferred citation method. Most of the interviewees decided that I could cite them by name, three decided to remain anonymous and two established that I could cite them with prior consultation on the selected quotes. Following their desires, I contacted them once the citation was done and we discussed the way in which they preferred to be quoted.

On the other hand, the second sub-research question was: "Which are the elements that hindered/fostered the ability of the Guatemalan liberal peace process to tackle gender equality in post-conflict Guatemala?". The process I followed to answer this question was very similar. I did a comprehensive content analysis of several types of primary sources. By accessing the official webpages of the Guatemalan national institutions, I was able to read national laws, institutional mandates, public policies and strategies, and national and international reports assessing the implementation of the peace accords and the operationalization of the public policies. Moreover, I contacted some government offices to request monitoring reports that were not uploaded online. This allowed me to understand the legislative and institutional framework of the Guatemalan state regarding gender equality, and to assess their commitment to reducing violence against women. In this sense, the interviews were also helpful to build an accurate picture of gender equality in Guatemala and to critically

assess the interaction between the approved mechanisms and the post-conflict societal dynamics, by asking the interviewees about their opinions on governmental action, transitional justice, and the Guatemalan society.

And finally, I complemented the content analysis and the data gathered through the interviews and the content analysis with academic articles that discussed the topics of the continuum of violence, the implementation of the peace accords and the victimization of women in Guatemala. By doing this I engaged with wider critiques of governmental action and implementation of the peace accords to uncover the elements that hindered the effectiveness of the peace process to create a peaceful and just society in Guatemala.

During the data collection I encountered some limitations. I did not have access to many literary resources published by local organisations, as they were not uploaded online. Moreover, the Guatemalan government has become increasingly authoritarian, and consequently some of the government's webpages were outdated and blocked, preventing me from accessing some fundamental documents. The lack of answer from indigenous women's organisations also means that I did not have the possibility to converse about the intersectionality of gender and ethnicity, and the colonial afterlives in Guatemala with indigenous women. And finally, I severely underestimated the emotional tool of delving into such a sensitive topic, which is surrounded by so much pain and collective trauma. The documentary titled *La Asfixia* shows a deeply traumatized society characterized not only by the silence of the perpetrators, but also that of victims: "For any family member of a disappeared person is difficult to talk, because in order to keep living we try, in some way, to manage the feelings of pain that these situations generate. One always tries to dodge that. Therefore, when we talk, we also dig in all that, and that is difficult" (Bustamante, 2018). As a result, I tried to not delve into personal details about their violent experiences – during and after the conflict.

Finally explaining my conflictual positionality is fundamental for understanding how it has influenced my research design. My position as a foreign researcher coming from a European country to study the national institutions of a developing country is further deepened by the fact that Guatemala was a Spanish colony for many centuries. In fact, the reason why we speak the same language – which has been a tremendous asset while doing the interviews and the content analysis – is rooted on colonialism and the Spanish attempt to erase Guatemalan

indigenous languages and cultures. In this context, my own assumptions about feminism, as a white European woman, influenced my choice of the object of study, because in the beginning I wanted to focus on women participation in the Guatemalan peace process through feminist organizations. However, as I said before, after doing research on decolonial and indigenous feminism, I learnt that feminism is a highly contested term in Latin America: some indigenous activists fight against their oppression as indigenous women, and not as feminists. As a result, I decided to focus my study on women's organisations, so as not to exclude indigenous women's organisations that actually work from improving gender equality in Guatemala, but do so as indigenous activists, and not as feminists. By establishing an open dialogue with the research participants, I was introduced to concepts I had not previously considered and I reconstructed my research around their priorities, making it more relevant to them. Moreover, I also highly relied on native knowledge by citing and referencing Latin American academics and thinkers.

5. The participation of women in the peace process.

5.1. Women's fight for inclusion: an overview of the *Sector de Mujeres*.

Even though women have historically been active subjects of resistance in Guatemala who have participated in the revolutionary movement, the patriarchal structures of the guerrilla and other revolutionary groups deterred them from having a prevalent role in the decision-making process of these organisations (Villa Avendaño, 2021; A. Villa Avendaño, personal communication, July 14, 2022). Nevertheless, these experiences provided women with political conscience, as their participation supposed a deep rupture with the traditional gender roles that allowed them to escape the domestic sphere (Bendelac Gordon, 2015; Villa Avendaño, 2021). In addition, the state, following its counterinsurgent and repressive logic, severely restricted the spaces for public participation – especially in universities (A. S. Monzón, personal communication, July 25, 2022). Consequently, women's movement in Guatemala achieved widespread dynamism in the second half of the 80s, when the women who had been participating in diverse socio-political organisations started to reflect about the dismissal of their voices and their gendered identity (G. Navarro Miranda, personal communication, July 20, 2022). At the same, a moment of exacerbated political violence promoted the articulation of women who were looking for their lost family members – such as CONAVIGUA, which was formed by indigenous women in 1988, and GAM, which in turn emerged in the urban areas in 1985 (A. Villa Avendaño, personal communication, July 14, 2022).

Exiled women played a fundamental role in the process of magnification of the women's movement, because throughout their stays in foreign countries – mainly in Mexico and Costa Rica – they encountered feminism, prompting them to recognize the importance of organising as women to defend their specific demands and nourishing Guatemala's women's movement – both by returning back home or through contact with their comrades in Guatemala (A. Villa Avendaño, personal communication, July 14, 2022). In 1988, the first explicitly feminist groups emerged, such as GGM, which addressed the issue of violence against women, and Tierra Viva, which was mainly concerned with autonomy and reproductive and sexual health (Carrillo & Stoltz Chinchilla, 2010). These groups were based on the premise that a rupture was needed with the broader revolutionary movement, in order to bring light to the specific struggles of women (Villa Avendaño, 2021).

In this context, where only a few women's organisation emerged, COAMUGUA – which included GGM, Tierra Viva, Instituto María Chinchilla, and diverse women's committees that worked inside the trade unions – emerged as a coordination of women's organisations present in the first stage of the peace process, as it was introduced in the framework of the popular movement sector that was present in the Metepec Accord (G. Lemus, personal communication, July 8, 2022). As such, COAMUGUA was a precedent to the Sector de Mujeres.

In the beginning, the ASC did not include a women's sector in its framework, which meant that the first step was to fight for the inclusion of a sector that specifically defended women's demands, because the ASC's assumption was that women were already participating throughout the other sectors (int. alma). After some of the women – such as Eugenia Mijangos who was already participating in the ASC through other sectors – exerted pressure to include a women's sector, Rodolfo Quezada Toruño granted them ten days to create the Sector de Mujeres and directly participate in the ASC (Bendelac Gordon, 2015; A. S. Monzón, personal communication, July 25, 2022; personal communication, July 29, 2022). As an interviewee stated during their interview:

“After this opening we gathered and it was mental, it was like an anthill, because many of us did not know each other. Some were just coming back from the exile, like me. And there was a lot of suspicion, because we were still in the middle of the war. But we succeeded, (...) we got to choose our representatives. After that, in the next

ASC meeting the Sector de Mujeres officially attended.”²³ (personal communication, July 29, 2022).

However, women’s inclusion did not come without tensions and it was controversial: Rodolfo Quezada Toruño did not fully agree with the inclusion of women (M. Polanco, personal communication, July 6, 2022); and the dominant idea – held by both men and women – was that women were already being included through the general sectors (G. Navarro Miranda, personal communication, July 20, 2022; A. S. Monzón, personal communication, July 25, 2022). In fact, the Sector de Mujeres was accused of breaking the unity of the revolutionary movement, describing this rupture as an alliance with the enemy (A. Villa Avendaño, personal communication, July 14, 2022). Despite this, the Sector de Mujeres marked the first time women’s voices were heard by society and, even though at the start they had difficulties finding the thing that united them all, they were able to construct a common goal: to visibilize how war impacted men and women in a different way, especially in a national context that had been universalizing the male experiences (Villa Avendaño, 2020).

The Sector de Mujeres allowed them to actively participate in the creation of a national agenda as autonomous political subjects, mediated by their gender identity and not by their participation in wider political movements (Navarro Miranda, 2011). It also provided a forum in which more than 30 organisations – formed by mestiza, maya, garifuna and xinca women, surpassing the urban limit – debated the demands that were to be discussed in the negotiations with the ASC for later inclusion in the peace accords (Monzón, 2005; G. Lemus, personal communication, July 8, 2022). The Sector de Mujeres discussed the different forms of discrimination that oppressed women, selected the priorities and elaborated the proposals that were going to be discussed during the debates in the ASC (G. Lemus, personal communication, July 8, 2022). The Sector de Mujeres entered this last stage with a huge disadvantage as the feminist movement was still embryonic:

“the quantity of women with a university degree was minimum and the topics that were discussed were very tough. (...) our concepts were still very basic because we were at the beginning of the feminist movement, so we were still at the moment of merely declaring our rights, and even the idea of having women’s rights was very narrowly known. (...) so we had not developed a feminist economy yet. Hence the discussions were very interesting (...) and we understood what our shortages were.”²⁴ (A. S. Monzón, personal communication, July 25, 2022).

²³ Translated by the author.

²⁴ Translated by the author.

Nevertheless, women shared their ideas regarding all of the topics that were discussed in the ASC, incorporating the category of gender through new methodologies, strategies and concepts (G. Lemus, personal communication, July 8, 2022, G. Navarro Miranda, personal communication, July 20, 2022). This assisted the Sector de Mujeres in getting the recognition of the remaining sectors of the ASC, because it – together with indigenous peoples groups – brought up new visions regarding democracy, political participation, public policies, etc. (G. Navarro Miranda, personal communication, July 20, 2022). As a result, as it will be explained in the next section, women’s rights were specifically addressed in four of the seven substantive agreements (Luciak, 2001).

5.2. A bumpy road: ethnic tensions inside the women’s movement.

But before delving into the gender content of the peace accords, recognizing that the Guatemalan socio-political structure intertwines with racism (A. S. Monzón, personal communication, July 25, 2022) is fundamental for understanding how the category “women” was constructed throughout the peace process. Moreover, describing the Guatemalan state as racist, classist, sexist and patriarchal has been a recurring thing throughout the interviews. Firstly, while the peace process did indeed include the participation of (indigenous) women, the wider social context was very discriminatory. For instance, Villa (2021) asserts that the mestizo guerrilla leaders participated in the peace process- Consequently, both the mestiza and indigenous women that participated in the process were part of the intellectual, economic and social elites that had access to the process (personal communication, July 19, 2022).

Secondly, the synergy between the wider women’s movement and the indigenous women’s movement has been unsteady. As stated by Lorena Carrillo: “in a divided world, as the Guatemalan society, the paths of mestiza and indigenous women have been divergent” (as cited in Monzón, 2004 p. 104). Structural racism imbues the Guatemalan society with systemic violence based in the division of the population in ethnic-cultural terms, marginalizing and the discriminating the indigenous population (personal communication, July 19, 2022). This division is a direct legacy of Guatemala’s colonial past, when the Spanish colonists strategically divided the Guatemalan society to neutralize the uprising of the oppressed peoples (A. O. Chacón, personal communication, August 1, 2022). Consequently, the idea that mestiza women’s movement and the indigenous women’s movements are two separate phenomena still prevails in the Guatemalan society (A. O. Chacón, personal communication, August 1, 2022). For instance, feminist organizations in Guatemala have traditionally been comprised of

professional or intellectual mestiza women from urban areas (Monzón, 2005), despite the fact that, during their exile in south-east Mexico, indigenous women constructed a series of organisations with a gender focus (Macleod, 2011). These organisations included Mamá Maquín²⁵, Asociación Nacional de Mujeres Guatemaltecas Ixmucané²⁶ and Asociación de Mujeres Madre Tierra²⁷, which were focused on defending indigenous women's right to land property (Villa Avendaño, 2021). The Council of Maya Women from Guatemala was also created with the aim of giving visibility to the demands of Maya women (Trujillo & Camerlengo, 2017). Indigenous women's groups have privileged discussions regarding their ethnic identity and their positions in relation to the wider indigenous peoples' movement, which has distanced them from mestiza women's movement – which principally focuses on their gender identity inside the patriarchal system, but do not explicitly place their ethnic identity at the centre of their analysis (Asociación Política Moloj as cited in Monzón, 2004).

These divisions have also instigated tempestuous relations between indigenous women and the feminist movement. When indigenous women saw their proposals being neglected by the mixed indigenous movement – because indigenous movement's leaders believed that a gender analysis blurs the objectives of the fight for indigenous peoples' rights (Monzón, 2004) – they decided to collaborate with feminists organisations. This was not always easy: although there were some connecting points between them – such as the defence of equality and Human Rights (personal communication, July 21, 2022), indigenous women noticed some discriminatory practices from mestiza women, which made them consider constructing their own agenda (Monzón, 2004). For instance, indigenous women's petition to consider the indigenous identity of women as an aggravating circumstance in sexual harassment crimes generated tensions with mestiza women – who saw sexual harassment as the same crime regardless of the ethnic identity of the victim (A. S. Monzón, personal communication, July 25, 2022). On the other hand, feminism is still associated with negative stereotypes in Guatemala, such as hating men, promiscuousness, and whiteness, constructing it as something contradictory to the indigenous cosmovisions (Monzón, 2004; A. O. Chacón, personal communication, August 1, 2022). As a result, indigenous men had a strong tendency to accuse indigenous women who challenge their traditional gender roles of becoming mestiza and endangering the preservation of their cultures; and indigenous women sometimes refuse to

²⁵ In honour of Adelina Caal Maquín, who was killed on 1978, when the army slaughtered a group of Q'eqchi' peasants that were demonstrating against land dispossession in Panzós.

²⁶ National Association of Guatemalan Women Ixmucané.

²⁷ Association of Women Mother Earth.

consider themselves feminists because they regard it as a category that does not emerge from them (Monzón, 2004). Nevertheless, this does not mean that there are no indigenous women who call themselves feminist. As a matter of fact, organizations such as Kaqla have acquired a decolonial feminist perspective by highlighting how the different oppression are intertwined (Macleod, 2011); and a group of Guatemalan women asserted in the 5th Feminist Encounter in Latin-American and the Caribbean:

“In Guatemala (...) the triple oppression ravages the country, as indigenous women are oppressed because they are indigenous, because they are poor, and because they are women. We require a transformative feminism, where indigenous, garifuna, mestiza and creole women are not discriminated for their colour, their gender, nor their social situation” (as cited in Monzón, 2004 p. 109)²⁸.

In addition, mestiza women also recognize the importance of interrogating their ethnic hegemony (Monzón, 2004). As an interviewee declared during the interview: “First we have to fight in our spaces in order for equality to manifest between us women. Otherwise, we would not achieve a strategy of community with [mestiza feminists]”²⁹ (personal communication, July 21, 2022).

5.3. The culmination of the peace process: gender content in the Guatemalan peace accords.

As stated before, Guatemala society was, and still is, highly discriminatory: the context mostly allowed the participation of women – both mestiza and indigenous – with certain levels of accessibility and education, while the rest of the population remained immersed in exclusion, and LGBTQ+ people and non-Garifuna afro-descendants have not obtained visibility until quite recently, which meant that they were not expressly encompassed in the peace process (personal communication, July 19, 2022). Only 7 women were present in the negotiation table at different times of the peace process: Teresa Bolaños from 1991 to 1993 as an adviser, Luz Méndez from 1991 to 1996 as part of the URNG’s Political and Diplomatic Team, Arlena Cifuentes in 1992 as advisor, Aracely Conde in 1996 as advisor, Raquel Zelaya in 1996 as part of the government’s Commission for Peace, and Rosa Wantland and Judith Erazo in 1996 as URNG’s advisors (Trujillo & Camerlengo, 2017). Nonetheless, the Sector de Mujeres ensured the participation of women from diverse backgrounds in the process, making the Guatemalan peace accords unique in addressing the role of women in the society at the time, despite only having one female signatory (Agreement on a firm and lasting peace, 1996; & Luciak, 2001).

²⁸ Translated by the author.

²⁹ Translated by the author.

Sharing women's point of view and gender focus in the ASC was a difficult process. Other ASC members included the church (G. Navarro Miranda, personal communication, July 20, 2022), extreme right-wing political parties (M. Polanco, personal communication, July 6, 2022). This meant that women's requests and consensus was already somewhat censored before they reached the peace negotiation table – composed solely by the guerrilla, the army and the government, accompanied by international advisors (M. Polanco, personal communication, July 6, 2022; Personal communication, July 29, 2022). For instance, Alma Chacón, a member of Tierra Viva, stated during her interview that the topic of integral sexual education and reproductive health was very restricted from the beginning because the civil society organisations did not want to include these topics in the documents for the peace negotiation table (A. O. Chacón, personal communication, August 1, 2022). Another interviewee also specified that the issues related to violence against women were not included in the peace accords either because they believed that it was not related to the peace process (personal communication, July 29, 2022).

Nevertheless, through their participation in the ASC women were able to introduce a gender focus in most of the substantive accords (A. S. Monzón, personal communication, July 25, 2022). Women shared their point of view regarding all of the topics that were discussed during the peace process, consolidating the women's agenda (G. Lemus, personal communication, July 8, 2022). There are still some discrepancies regarding the quality of the integration of women's demands in the final text of the peace accords: while some women declared that most demands were taken into account and integrated in the peace accords, others believed that the ASC only included some lines on women and, therefore, most of their claims were left out of the peace accords.

Effectively, a content analysis of the Guatemalan Peace Accords shows that the Sector de Mujeres succeeded in embedding a gender focus in most of the accords: out of the ten accords, six contain explicit mentions to the situation of women and gender inequality. The *Agreement on the Identity and Rights of Indigenous People* and the *Agreement on Socio-Economic Aspects and the Agrarian Situation* are the ones with the most comprehensive gender content, tackling gender discrimination in diverse areas, such as culture, education, economy, health, etc. Furthermore, the *Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict*, the *Agreement on the Strengthening of Civil Power and the*

Function of the Army in a Democratic Society, the *Agreement on the Basis for Legal integration of the URNG* and the *Agreement on the Implementation, Compliance, and Verification Timetable for the Peace Agreements* also include mentions to women in the text, albeit not as broad as the previous two accords. In contrast, the remaining accords – namely the *Comprehensive Agreement on Human Rights*, the *Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence*, the *Agreement on a Definitive Ceasefire and the Agreement on Constitutional Reforms and the Electoral Regime* – do not contain any mentions to women (see ANNEX 1 for a table containing all gender measures of the peace accords).

Nonetheless, out of all the precepts about women contained throughout all the accords, most of them are mere declarative statements or vague recommendations that recognize the discrimination against women but do not incorporate any specific measures. This is the case of the *Agreement on Resettlement*, which only mentions the need to particularly protect families led by women or establishes the government's commitment to include a gender focus in its actions, but it does not ascertain which specific steps will be taken to achieve these goals. This seems to be norm in the rest of the agreements, with statements such as “we urge the media and human rights organisations to cooperate in the achievement of these objectives” (agreement on indigenous people) or “recognizing women's undervalued contributions in all spheres of economic and social activity (...) the Parties agree that there is a need to strengthen women's participation (...) on equal terms” (The Agreement on Socio-Economic Aspects and the Agrarian Situation, 1996). As a result, only four concrete compromises were added: the creation of an Office for the Defence of Indigenous Women's Rights, the creation of a women's forum, the commitment to reduce infant and maternal mortality rate by 50% by the year 2000, and to amend the penal code so as to include sexual harassment as a crime (The Agreement on the Identity and Rights of Indigenous People, 1995; & The Agreement on the Implementation, Compliance, and Verification Timetable for the Peace Agreements, 1996). However, the peace accords also bound the Guatemalan state to promote women's participation in the public administration, to disseminate the CEDAW, to revise laws in order to delete rules discriminating women, to enacting laws to protect women's rights, to set public awareness campaigns and to draw up plans of action to ensure women's participation.

The FLACSO (1995) published the complete reproduction of the consensus documents that the ASC produced for the negotiating parts of the peace process, which is very helpful to analyse

to what extent were their demands included in the final text of the peace accords (see Table 1). However, as explained before, a diversity of civil society sectors and groups participated in the ASC, some of which were not always in conformance with women’s demands. This meant that the gender content of the ASC consensus document is already filtered, as it does not include all of women’s demands. The Sector de Mujeres did publish a book, titled *Documentos Sector de Mujeres: Asamblea de la Sociedad Civil 1994-1995*³⁰, which exclusively contained their demands for the ASC and the URNG, however getting online access proved impossible.

Table 1.

ASC proposal that were not included in the peace accords v. the proposals that were included.

ASC proposals	
Not included	Included
<ol style="list-style-type: none"> 1. The acknowledgement of the historical causes of the uprooting of the indigenous population, which affected women and children more strongly and were exacerbated by the armed conflict and governmental policies. 2. The necessity of doing gender sensitive development policies that promote the transformation of gender inequalities and redefine the situation of uprooted women as a political problem, in order to construct them as active and crucial political and economic subjects. 3. The recognition of the dignity of indigenous women as human beings and as an integral component in every aspect of society, the creation of a concrete law addressing the defence and promotion of indigenous women’s rights. 4. The creation of a law that criminalizes any type of violence, harassment and sexual abuse against women, and specifically against indigenous women. 5. The demand to create concrete programs for mental health of the uprooted population, and for the physical and mental assistance to women and children who are victims of political, domestic or sexual violence. 6. The establishment of national programs on sexual and reproductive health, which include the right to access quality health services during pregnancy and after giving birth, in order to ensure a voluntary, responsible and shared procreation. 7. The creation of a law to eliminate sexual harassment on the working space, the obligation of 	<ol style="list-style-type: none"> 1. The commitment of the government to eliminating any kind of discrimination against women in the access to land, housing, loans and in their participation in development projects. 2. To create an Office for the Defence of Indigenous Women’s Rights. 3. To promote legislation that categorises sexual harassment as a crime, with the aggravating measure in the case the crime is done against indigenous women. 4. To promote the dissemination and compliance of the CEDAW. 5. To promote women’s participation in the formulation and executing of development policies. 6. To ensure the access of women to education in all education levels. 7. To guarantee women’s right to work, without discrimination and exploitation, and to enact laws to protect the rights of women who work as household employees, especially in relation to fair wages, working hours, social security and respect for their dignity. 8. To take into account women’s right to actively participate in the civilian power.

³⁰ Sector de Mujeres Documents: Civil Society Assembly 1994-1995.

<p>the Ministry of Work of controlling the application of the international conventions of maternity protection and to update the maternity leave periods.</p> <p>8. To stimulate the creation of kindergartens with community participation.</p> <p>9. The acknowledgement to the exclusion of indigenous peoples and women from development programs, creating the phenomenon known as “the feminisation of poverty” which is worsened by the refusal to respect gender equality.</p> <p>10. The demand to relax the requirements to obtain a credit, in order to ease women’s access to credit.</p> <p>11. To endorse public campaigns to raise awareness on the shared responsibilities on the household, to ensure women’s ability to participate in their social life.</p> <p>12. To do a constitutional reform that establishes the protection of working women – specially women participating in farming and informal sectors – and the recognition of their right to just salaries, appropriate working hours and equal treatment.</p> <p>13. To make CEDAW’s first article effective, the constitutional and electoral law reforms must be redacted from a gender perspective, to prevent the exclusion and invisibility of women in their content.</p>	
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Source: FLACSO, 1995.

To sum up, the Guatemalan peace accords contained a wide ranging language on social and economic areas, but many of the provision remained too vague, making them virtually unenforceable (Spence et al., ad cited in Luciak, 2001). They included many provisions to overcome the limitations of women in the access to education, health, work, economic resources and political participation, but there is no mention to sexual education or reproductive health. In a similar note, an interviewee explained that violence against women also remained excluded from the text because it was regarded as being unrelated to the peace accords (personal communication, July 29, 2022). This is attributed to the URNG’s weakness at the bargaining table, which made it impossible for them to negotiate more specific and enforceable agreements, which impeded the full application of the provisions of the accords (Luciak, 2001).

6. The implementation of the peace accords in the area of gender equality.

6.1. Advances in the implementation of the peace accords.

The war was a moment of rupture for Guatemalan history and the subsequent peace process emerged as an opportunity to transform the state, to overcome the deep inequalities of the Guatemalan society and to end structural violence (Méndez & Alvarado, 2018; Rouanet Guzmán de Núñez, 2011). The peace process certainly allowed women and indigenous peoples – groups that have been historically excluded in Guatemala – to arise as political subjects capable of mobilisation (Navarro Miranda, 2011). An interviewee stated that the peace process supposed “a great hope for changes in the country, especially in the area of women and indigenous people” (personal communication, July 21, 2022) and Giovana Lemus described the process as important for women:

“It allowed us to find a dialogue with state institutions in order to live in peace. Our motto as feminists was ‘peace in the bed, in the street, in the community and in the state’. We draw attention to violence against women in all spheres, and how the state is a predator that goes against women’s safety”³¹ (G. Lemus, personal communication, July 8, 2022).

Certainly, the incorporation of a gender and ethnic perspective in the peace accords triggered a series of state measures to mitigate gender discrimination and to advance women’s rights in Guatemala (see ANNEX 2), but it was not an easy process – Mario Polanco stated “based on negotiations, lobbying and pressure [women] have been able to encourage the approval of some laws, but based on a lot of pressure”³² (M. Polanco, personal communication, July 6, 2022). The international sphere played a key part in this process, as women’s organisations sustained their demands on international conventions and conferences (Wohlers, 2020). As Alma Chacón explained: “we used [international documents] to fight for our rights, and they were consolidated in policies and laws. Hence, I do think it was useful, although maybe not as much as we had hoped”³³ (A. O. Chacón, personal communication, August 1, 2022).

a) Enriching the institutional framework.

The Government Decrees 744-97 and 105-98 created the National Women’s Forum (from now on FNM³⁴) is the first approved mechanism that stems directly from the peace accords – 29th compromise of the Agreement of the Implementation, Compliance and Verification Timetable for the Peace Agreements. The FNM was created to gather as many women as possible in

³¹ Translated by the author.

³² Translated by the author.

³³ Translated by the author.

³⁴ From the Spanish initials: Foro Nacional de la Mujer.

order to create a multi-ethnic space where the implementation of the peace accords and the formulation of gender sensitive public policies was discussed among a diversity of women (Navarro Miranda, 2011). For that purpose, the FNM had 56 structures scattered throughout Guatemala, composed by 34 linguistic community assemblies and 22 multi-sectorial assemblies (Macleod, 2011). The FNM was key in the operationalization of the commitments of the peace accords (A. S. Monzón, personal communication, July 25, 2022). Georgina Navarro (personal communication, July 20, 2022) – co-founder of the FNM – and Giovana Lemus (personal communication, July 8, 2022) also highlighted the importance of the FNM, as it allowed women from very diverse communities to exercise their citizenship more consciously by identifying their rights and recognizing that peace entailed the transformation of all sectors of society. Alma Chacón (personal communication, August 1, 2022), in turn, also acknowledged the ability of the FNM to provide women with leadership, but believed that it was weakened by women’s inability to reach a strong political consensus. In addition, the government’s reluctance to give FNM’s results a binding character and to institutionalize its actions furthered its shortcomings (Monzón, 2004).

The creation of the Office for the Defence of Indigenous Women (from now on DEMI³⁵) through the Governmental Decree 525-99, is also a measure that arises directly from the Agreement on the Identity and Rights of Indigenous People. Its objective is to foster the defence and the full exercise of indigenous women through the proposition public policies, plans or programs for the eradication of violence and discrimination against indigenous women; the provision of legal advice, and social and psychological services to indigenous women who are victims of violence and discrimination; the reception of lawsuits; the design of educational programs to promote the rights of indigenous women; and the proposal of bills to defend the human rights of indigenous women.

A year later, the Presidential Secretary of Women (from now on SEPREM³⁶) was created through the Governmental Decree 200-2000, which constructed the SEPREM as the highest institutional body for ensuring women’s rights in Guatemala. As such, the SEPREM is in charge of several activities related to gender equality and women’s rights, such as ensuring the application of national laws and international conventions related to women; safeguarding the compliance of Guatemala’s commitments and peace agreements; creating and following the

³⁵ From the Spanish initials: Defensoria de la Mujer Indígena.

³⁶ From the Spanish initials: Secretaria Presidencial de la Mujer.

application of public policies, plans and projects aimed at women; or sponsoring research, and compile and systematize information about women's conditions in Guatemala (SEPREM, 2022). The SEPREM is widely accepted to have emanated from the peace accords as well, as shown by 9 out of the 10 interviewees, who mentioned the SEPREM when asked about the state's effort to implement the peace accords.

The National Coordination for Prevention of Violence against Family-Members and Women (from now on CONAPREVI³⁷) is a similar institutional body. It was created through the Governmental Decree 831-2000 and is responsible for coordinating and promoting public policies to reduce gender and domestic violence in Guatemala – for instance, in 2009, it worked with the Public Health Ministry in order to create a protocol for assisting women who had been victims of sexual violence; and in 2011, it directed the Protocol for the National Civilian Police in cases of gender violence (CONAPREVI, 2018).

Apart from these four instances that come from the peace accords, throughout the years, the Guatemalan state has created a rich institutional framework for ensuring gender equality: in 1998, a Defence Office for Women was created in the Attorney General's Office of Human Rights; in 2009, the Secretary Against Sexual Violence, Exploitation and Human Trafficking was created; in 2010, the Municipal Offices for Women were created, which were elevated to directorates in 2016; in 2013, the Governmental Decree 260-2013 imposed the creation of Gender Units in all ministries and government secretaries, and so on (Wohlers, 2020).

Furthermore, in 2003 the National Program for Indemnification (from now on PNR³⁸) was created due to the states obligation to compensate the victims of the armed conflict – which derives from the Comprehensive Agreement on Human Rights and the Agreement on the Basis for Legal integration of the URNG³⁹ (Méndez & Alvarado, 2018). While it is not an institution that is directly charged with promoting gender equality or eliminating violence against women,

³⁷ From the Spanish initials: Coordinadora Nacional para la Prevención de la Violencia Intrafamiliar y Contra la Mujer.

³⁸ From the Spanish initials: Programa Nacional de Resarcimiento.

³⁹ "The Parties recognize that it is a humanitarian duty to compensate and/or assist victims of human rights violations. Said compensation and/or assistance shall be effected by means of government measures and programmes of a civilian and socio-economic nature addressed, as a matter of priority, to those whose need is greatest, given their economic and social position" and "On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission".

the Executive Decree 619-2015 includes sexual violence as the crimes that deserve to be compensated through diverse reparation measures – which include economic compensation, material reparation, psycho-social reparation, dignification and cultural reparations (Rubio-Marín, 2010).

b) Approved legislation.

The Guatemalan state has been somewhat fruitful in creating laws to address gender inequality. The first effort came in 1996, with the Law to prevent, sanction and eliminate domestic violence. However, Godoy-Paiz (2008) distinguishes several shortcomings: “it fails to directly address domestic violence against women (...), gender imbalances with respect to who is likely to be a victim were systematically ignored (...), and social and historical factors that make women more vulnerable were ignored”.

In 1998, Law for dignification and integral promotion of women was approved. This is a very comprehensive law that gathers many of the peace accords’ commitments – such as equality in the access to education, promoting sexual education, the government’s commitment to advertise campaigns to challenge sexist sociocultural practices.

In 1999, the state fulfilled its obligation to eliminate any kind of discrimination against women in the access of land⁴⁰ through the Law for funds of land, which gave temporary priority in the access of land to uprooted population, with especial emphasis on single women and widows (SEPAZ, 2017).

In 2001, the Law for social development was approved, which established the state’s obligation to achieve full integration and participation of women in the economic, social, political and cultural development process and included women among the sectors that deserve special protection – in compliance with the commitments contained in the Agreement on Socio-Economic aspects and the Agrarian Situation.

A year later, the Legal Decree 57-2002 modified the Criminal Code in order to criminalize gender and ethnic discrimination. In 2008, the Law against femicide and other forms of violence against women was approved, which was milestone in women’s fight for equality. It

defined the different kinds of gender-based violence that affect women – namely physical, sexual, psychological and economic violence –, it strengthened the institutional framework to fight gender-based violence – which have contributed to the operationalization of the law and to the creating of protocols to assist the victims (Rouanet Guzmán de Núñez, 2011). And finally, the 2009's Law against sexual violence, exploitation and human trafficking, and the 2016's Law for searching disappeared women were approved to further strengthen the Law against femicide and to comply with the point 177⁴¹ of the Agreement on the Implementation, Compliance, and Verification Timetable.

Nevertheless, there are several areas of gender equality that have not been legislated yet. This is the case of sexual harassment in the workplace and schools, the establishment of quotas for equal representation in national institutions, or women's unpaid labour – which perpetuates its invisibilization (Rouanet Guzmán de Núñez, 2011; SEPAZ, 2017). Moreover, even though the Law for dignification and integral promotion of women expressly states that all legal provisions that constitute discrimination against women will automatically be abolished, there are still many laws that maintain gender distinctions (Rouanet Guzmán de Núñez, 2021).

c) Public policies and strategic plans.

In compliance with the Agreement on Socio-Economic Aspects and the Agrarian Situation – which obligates the state to taken women's specific conditions into account when developing strategies and plans – a gender focus has been included in most government general policies and a multitude of public policies for gender equality have been approved.

Right after the signature of all peace accords, the Presidential Secretary for Planning and Programing (from now on SEGEPLAN⁴²) developed the Action Plan 1996-2000 on Social Development and Peace Construction for constituting the basic areas of the social policy. The Action Plan has a chapter on women with three global objectives: to eliminate any kind of discrimination against women, in order to achieve the governmental commitments derived from the CEDAW; to ensure the equal access of women to economic and technological resources to improve their living conditions; and to guarantee women's rights to participate in decision-making processes, in equality with men (Montes Solís, 1999).

⁴¹ Which established: In accordance with the conclusions of the Commission on the Strengthening of the Justice System, sponsor and introduce in the Congress of the Republic amendments to the Penal Code that will: (...) b. Characterize sexual harassment as a crime.

⁴² From the Spanish initials: Secretaría de Planificación y Programación de la Presidencia.

In 1997, the President's Wife's Secretary for Community Welfare (from now on SOSEP⁴³) and the National Office for Women⁴⁴ - both of which were created before the peace accords, in 1991 and 1981 respectively (SVET, 2020) - coordinated with women's organizations in order to develop the first National Policy for the Promotion and Development of Women and the Plan for Equity in Opportunities (from now on PEO⁴⁵) 1999-2001 (SEPREM, 2009). This first policy was elaborated through consensus, after a series of workshops where over 10,000 women participated, with the idea of further developing the commitments related to women's inclusion in the peace accords⁴⁶ (SEPREM, 2009). After that, this policy was updated twice before realizing the importance of formulating a long-term policy that includes indicators to measure its success (Rouanet Guzmán de Núñez, 2011). That's how in 2008, after another exhaustive process based on workshops and the cooperation between public institutions – integrated by the SEPREM, the DEMI, the FNM and the CONAPREVI – and local women's organisations, the National Policy for the Promotion and Integral Development of Women (from now on PNPDIM⁴⁷) and PEO 2008-2023 were integrated (SEPREM, 2009). The participation of indigenous women was fundamental to update the PNPDIM, as they raised their concerns over the ethnic silences of the previous policies (A. S. Monzón, personal communication, July 25, 2022). As a consequence, the PNPDIM 2008-2023 gathers the contributions of the FNM and the Articulated Agenda of Maya, Xinca and Garifuna Women from Guatemala (G. Navarro, personal communication, July 20, 2022).

The PNPDIM has 12 axes (see Table 2) – which include the one on cultural identity of Maya, Xinca and Garifuna women, that was included by petition of indigenous women's groups (SEPREM, 2009). It is a very comprehensive and complete policy, that establishes several specific programs and activities, indicators to measure the implementation, goals, and timeframes and responsible institutions for the implementation each specific goal. It also obligates the government to operationalize the PNPDIM and PEO every four years, through the governmental. Many of the PNPDIM and PEO's demands resonate with the peace accords: it demands the access of women to property, land and natural resources; it strives to construct an egalitarian educational system that allows the long-term involvement of men and women; it highlights the necessity to improve women's access to health services, justice, labour and

⁴³ In Spanish: Secretaría de Obras Sociales de la Esposa del Presidente.

⁴⁴ In Spanish: Oficina Nacional de la Mujer.

⁴⁵ From the Spanish initials: Política de Equidad de Oportunidades.

⁴⁶ Such as points 12 and 13 of the Agreement on Socio-Economic Aspect and the Agrarian Situation, which recognize the necessity of having the active participation of women in development projects.

⁴⁷ From the Spanish initials: Política Nacional de Promoción y Desarrollo Integral de las Mujeres.

development projects, etc. Nevertheless, despite having an inclusive language - as it always refers to mestiza, Maya, Xinca and Garifuna women - it does not include any mention to LGBTQ+ women (SEPREM, 2009).

Table 2.

Axes of action of the PNPDIM
<ol style="list-style-type: none"> 1. Economic and productive development with equity. 2. Natural resources, land and housing. 3. Educational equality with a cultural focus. 4. Comprehensive health development with a cultural focus. 5. Eradication of violence against women. 6. Legal equity. 7. Racism and discrimination. 8. Equity and identity in cultural development. 9. Labour equality. 10. Institutional mechanisms. 11. Sociopolitical participation. 12. Maya, Xinca and Garifuna women's cultural identity.

Source: SEPREM, 2009.

In 2004, the CONAPREVI, in fulfilment of its obligation, published the National Plan for the Prevention and Elimination of Violence Against Women 2004-2014 (commonly known as Planovi), which defines violence against women as one of the biggest problems of the Guatemalan society, both in the public and private spheres (Álvarez & Lemus, 2004). The Planovi 2004-2014 integrated the existing national policies with the necessary mechanisms to advance in the eradication of violence against women (Álvarez & Lemus, 2004). The Planovi was actualized in 2020, through the Planovi 2020-2029, acquiring a more comprehensive character by including four central axes – namely intersectional prevention of violence against women, attention to victims, penalty, and dignification and transformative reparation. It also built on the previous Planovi's shortcomings by introducing a matrix of goals and indicators to measure its success and by directly mentioning the entities that have to apply its provisions (Aguilar Umaña, 2019). It also interacts with other instruments on gender equality by stating that the final evaluation of the Planovi 2020-2029 will serve as the basis for elaborating new public policies (Aguilar Umaña, 2019).

The Governmental Plan for 2008, during Álvaro Colom's presidential term, included a gender focus in many of its strategies – e. g. strengthening the plans for alphabetization, gender equality and domestic economy; decreasing infant and maternal mortality rates; or promoting women's access to economic development (Unidad Nacional de la Esperanza, 2007). The plan also has a chapter dedicated to the Women's Coordination of the elected political party, which aims at promoting gender equality inside the political party to promote women's leadership in decision-making processes (Unidad Nacional de la Esperanza, 2007). During Jimmy Morales' presidential term, the government published the Governmental General Policy 2016-2020, which identifies gender inequality and multiculturalism as presidential priorities (Gobierno de la República de Guatemala, 2016). And during Alejandro Giammattei's presidential term, the Governmental General Policy 2020-2024, also states the necessity of promoting a national strategy to prevent sexual violence and to eradicate violence against women in the public and private spheres (SEGEPLAN, 2020). However, despite Morales and Giammattei's acknowledgement of gender inequality, their policies do not include any specific measures to tackle gender inequality and they do not show a true commitment to fight the problem. Colom's plan, in turn, includes a multifaceted understanding of gender inequality that understands discrimination in its diverse dimensions, but also lacks precision and does not determine which specific actions will be carried out to tackle the problem.

In 2014, the SEGEPLAN published Guatemala's most exhaustive, thorough and long-term national plan for development: the K'atun Our Guatemala 2032⁴⁸, which includes several goals to be achieved for 2032. Following the PNPDIM and PEO's example, K'atun 2032 was formulated after a participative process held through several spaces of citizen participation, in which 13,039 people engaged in discussions regarding Guatemala's development (Aguilar Umaña, 2014). The plan includes is bound to respect Guatemala's multi-ethnic character and establishes the need of promoting policies in several dimensions to tackle gender inequality and ethnic exclusion. The importance of this plan lies in the fact that it has explicit mentions to the invisibilization of the violence against LGBTQ+ people in Guatemala and the dynamics that contribute to their exclusion (Aguilar Umaña, 2014).

And finally, even if the CEH report and the report for the Recuperation of Historical Memory (commonly called the REMHI⁴⁹ Report) are not public policies in *stricto sensu*, they included a

⁴⁸ In Spanish: K'atun Nuestra Guatemala 2032.

⁴⁹ From the Spanish initials: Recuperación de la Memoria Histórica.

gendered dimension in their analysis of the conflict violence and its impact: the CEH Report measured sexual violence and the REMHI Report dedicated an entire chapter to the consequences of sexual violence in women's lives (CEH, 1999; Oficina de Derechos Humanos del Arzobispado de Guatemala, 1998). However, the chapters on sexual violence were included at the last moment, thanks to the pressure of women who were within the research groups – concretely Teresa Rodríguez in the CEH and Yolanda Aguilar in the REHMI (Fulchiron, 2011). This encourages the belief that this aspect of conflict related violence was only introduced to quieten the demands of women's groups (Fulchiron, 2011). As a result, either report issued special recommendations to tackle the conflict's sexual violence crimes as a necessary condition for constructing a long-lasting peace (Mendia Azkue & Gúzman Orellana, 2012).

To sum up, by 2012, Guatemala had 22 transversal public policies with measures to tackle gender and ethnic inequality (Quiñones Giraldo & Díaz, 2018). However, these policies rarely contain real indicators to assist in their monitoring, complicating the creation of actual measure to tackle gender inequality, and obstructing the creation of feedback among policies (Rouanet Guzmán de Núñez, 2011). For instance, the PNPDIM is rarely operationalized by the national institutions: by 2021, the SEPREM concluded that the majority of ministries and secretaries have not created public policies for decreasing gender inequality (SEPREM, 2021). Moreover, there are still many areas that remain unproblematized: territorial public policies that reflect the ethnic specificities of women does not exist, and despite the peace accords⁵⁰ obligation to create a gender sensitive demobilization, disarmament and reinsertion policy, Weber (2021) research shows that no woman noticed any specialized assistance during the process, exposing the lack of a gender inclusive approach.

6.2. Has gender equality improved?

The epoch after the peace accords is characterized by the progress in the creation institutions, public policies and laws to decrease gender discrimination, because the peace accords facilitated the emergence of mechanisms for the promotion and defence of women's rights (Rouanet Guzmán de Núñez, 2011). However, the national indicators still show the huge disadvantage of women in relation to men. Taking this into consideration, this section will analyse statistics and indicators to create a general picture of the situation of women in Guatemala.

⁵⁰ Specifically, the point 12 of the Agreement on the Basis for Legal integration of the URNG: "The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention".

Since the Law on femicide and other forms of violence against women was created, the crimes against women have been the most reported ones. In 2020, they supposed a 47% of the total crime reports with 79,800 victims, a 42% with 89,001 victims in 2021, and a 27% with 45,996 victims in the first half of 2022 (Observatorio de Mujeres del Ministerio Público, n. d.). The prevalence of violence against women today echoes the systematic sexual violence of the internal armed conflict, which contributed to the normalization of gender violence. Moreover, the National Statistics Institute (n. d.) shows a steady decrease of the overall number of homicides in Guatemala: from 5,960 homicides in 2010, to 2,569 in 2020. Nonetheless, despite this general decrease, a look at sex disaggregated data shows that the number of murdered women has remained stable from the last 12 years. In fact, the rate of murdered women in relation to total murders has been increasing since 2010, when 11.7% of the total victims of murder were women – with 695 murdered women – to 2019, when women supposed the 15.4% of the total murders – 552 victims (Infosegura, n. d.). In 2020, the number decreased to 360, but as USAID & UNDP's report (2020) states, this decrease happened because of the Covid-19 pandemic, because the number increased to 655 again in 2021 (Mejicanos Valle, 2022). The number of victims of sexual violence is also exorbitant, with 9,312 victims in 2020 (SVET, 2020). Out of these cases, only 8.3% were judged and only 619 sexual aggressors were jailed (SVET, 2020). In general, the number of sentences issued in the cases of violence against women is minimal and there are high levels of impunity (CIDH, 2017). For instance, in 2020 out of 79,800 victims, only 16,373 obtained protection in the form of cautionary measures or condemnatory sentences against the aggressors (Observatorio de Mujeres del Ministerio Público, n. d.). On another note, the Observatory for Murdered Trans People reported 39 murders in 2014-2015, being in the top 6 of countries with higher quantity of victims (Aguilar Umaña, 2019).

In the area of socioeconomic development, women's situation is also disheartening. In 2014, the HDI for men was 0.52, while the one for women was 0.46 (below the national average) (Trujillo & Camerlengo, 2017). In 2018, men still had a higher salary than women in all economic areas; and 75.8% of the inactive population over the age of 15 are women (López de León & Yela Sayle, 2021). Moreover, the main causes of inactivity for the men are studies (33.3%) and the realization of communitarian activities (57.4%), while women remain inactive because they are in charge of domestic duties (77.9%) and just 10,6% of them who remain inactive because they are studying (López de León & Yela Sayle, 2021). In fact, in 2019, out of

the 246,579 of domestic workers, 96% were women – who have extremely low wages, do not have holidays and do not have Social Security benefits (Bermúdez & Barrueto, 2020).

Indigenous populations still have limited access to social services: in schools the classes are in Spanish because the majority of teachers are not bilingual; and the access to health and education institutions in their communities is still very limited, because the institutional and economic concentration happens in urban areas, breaching the right to education and health that was established in the peace accords⁵¹ (F. Valle, personal communication, July 27, 2022).

Only 7.8% of land property was in the hands on women in 2003, and, between 1998 and 2014, out of the 20,663 credits for acquisition of land only 2,225 were given to women (Trujillo & Camerlengo, 2017). On top of that, in practice, women’s inheritance rights are breached and they still have to overcome several barriers in their access to land (A. O. Chacón, personal communication, August 1, 2022), which produces gender discrimination and breaches the provisions of the peace accords⁵² (Trujillo & Camerlengo, 2017).

In relation to political participation, women – and especially indigenous women – have historically been excluded from national decision-making process, as illustrated by Table 3.

Table 3.

Women’s participation in decision-making bodies.

Political body	Women					Indigenous women				
	2003	2007	2011	2015	2019	2003	2007	2011	2015	2019
Congress of the Republic	13 (8.22%)	15 (9.5%)	19 (12%)	22 (13.9%)	30 (18.7%)	1 (0.63%)	4 (2.5%)	3 (1.9%)	1 (0.7%)	3 (2%)
Ministries, Executive Bodies	2 (13%)	1 (8%)	3 (21.4%)	2 (14.2%)	3 (21.4%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	
City Councils	8 (2.4%)	8 (2%)	7 (2.1%)	10 (2.9%)	10 (3%)	1 (0.4%)	0 (0.0%)	1 (0.3%)	1 (0.3%)	

Source: Vásquez Vargas, 2018.

⁵¹ Recognized in the Agreement on the Identity and Rights of Indigenous People: “In order to facilitate access by indigenous people to formal and non-formal education, the system of scholarships and student grants shall be strengthened”. And in the Agreement on Socio-Economic Aspects and the Agrarian Situation: “Ensuring that women have equal opportunities for education and training in the same conditions as men” and “giving women access to appropriate information, prevention and health care services”.

⁵² Specifically the provisions on the elimination of gender discrimination in the access to land, housing and loans contained in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, the Agreement on the Identity and Rights of Indigenous People and the Agreement on Socio-Economic Aspects and the Agrarian Situation.

After 2015 the situation did not improve: in the 2019 elections, 30 women were elected for the Congress of the Republic (18.7%) – out of which 3 are indigenous women (2%), 3 out of 14 ministers were women and 10 women were city mayors (3%) (Aguilar Umaña, 2019; Caxaj et al., 2019).

And finally, regarding the Guatemalan state's obligation to repair the victims of the armed conflict, the national budget for the PNR was cut from 242 million quetzals in 2009, to barely 50.6 million quetzals in 2010 (Caxaj et al., 2019). After that, the budget has experienced some ups and downs, but the assignation has remained under 85 million quetzals. Impunity Watch's report (2021) also claims that the PNR's reparations have solely consisted on small economic compensations to some families, as it has not approved other kinds of reparation measures. In fact, in 2018, the PNR had only conferred reparations to 2,084 women who were victims of sexual violence during the armed conflict, and in the years 2005, 2014 and 2015 no women received reparations (Méndez & Alvarado, 2018). In a similar way, from 1993 and 2018, the Guatemalan tribunals only issued 21 sentences of transitional justice condemning the crimes of the armed conflict (Gutiérrez et al., 2021). In 2022, this number increased to 25 with the Case Molina Theissen and the Case of the Massacre of Dos Erres in 2018, and Tactic Case and the Case of the Achí Women in 2022 (Móvil, 2022).

In conclusion, the peace process was succeeded in ending the internal armed conflict, and it certainly allowed the magnification of the power of women to push their demands in the public sphere (Trujillo & Camerlengo, 2017). This led to a very rich gender equality institutional framework, which is sustained in several laws that aim to eradicate gender violence. However, the objectives of peace construction were not met. More than 20 years after the signing of the peace accords, the structural conditions that generated the conflict remain unchanged: the level of violence are disproportionate, impunity reigns in Guatemala, ethnic and gender discrimination are still ingrained in the society, and poverty and exclusion are generalized (CIDH, 2017). All of the interviewees agree with these statements, as they claimed things such as: "Guatemala went through a peace process, but it is not a society that lives in peace, but a society that has a profound social fracture" (A. Villa, personal communication, July 14, 2022), "the state still owes compliance with the population's demands" (personal communication, July 19, 2022), and "we are in another type of war, and the disagreement with the state is criminalized" (G. Lemus, personal communication, July 8, 2022).

6.3. Obstacles in the implementation of the peace accords.

All of the interviewees coincide: the peace accords were implemented only for a short period of time, because the state's and the elites' lack of will provoked an early abandonment of the peace accords. This section will explain how this factor, together with the faint process of transitive justice and indemnification, the neo-colonisation of international aid and the highly discriminatory Guatemalan society have hindered the full implementation of the peace accords.

a) Faint governmental commitment.

Most of the advances in the construction of peace in Guatemala have been promoted thanks to the constant efforts of the civil society, which has been active in pushing for socioeconomic reforms (United Nations, 2018). This shows the Guatemalan state's lack of will to wholly commit to the peace accords, which is universally recognized as the principal hindrance to their implementation. The peace accords entailed profound transformations of the society for which the Guatemalan state are not ready, because the elites – who were not effectively removed by the peace process (Tarnaala, 2019) – do not want to redistribute their wealth nor guarantee people's rights (A. S. Monzón, personal communication, July 25, 2022). As a result, the Guatemalan Congress has been focused on protecting particular economic and political interests, instead of ensuring the socio-politic development of the country (Caxaj et al., 2019).

Moreover, the elites actively backed the demobilisation process of the guerrilla, not because they were concerned with improving the political, economic, social and cultural conditions of the population – transformation that are actually the core of a peace process (Trujillo & Camerlengo, 2017) – but because they were interested in creating favourable national conditions to strengthen neoliberalism in Guatemala (G. Navarro, personal communication, July 20, 2022; & Personal communication, July 29, 2022). This created a selective and patched implementation of the peace accords, based in their instrumentalization by the political class (Trujillo & Camerlengo, 2017). For instance, during his presidential term, Oscar Berger's – who was in power from 2004 to 2008 – applied a brutal development model based in extractivist projects (Navarro Miranda, 2011).

In this context, the Guatemalan state's disinterest to encourage the societal transformation that the peace process also meant disregarding gender equality. As Giovana Lemus describes it: "The patriarchal, sexist, classist and racist Guatemala state will never act for women's rights.

Women have always been the ones to pull women's right out of the state. Nothing has been easy.⁵³ (G. Lemus, personal communication, July 8, 2022). There have certainly been advances regarding women's rights in Guatemala, as the previous sections has illustrated, but the widespread believe is that these advances are a mere governmental discourse to respond to the demands of the international and the civil society, but they do not materialize in real action: the institutions for gender equality are created but they do not have clear agenda and they are never assigned enough resources to carry out their extensive mandates, turning into ghost institutions (personal communication, July 19, 2022). The institutions for gender equality are further debilitated by their isolation in the wider institutional framework and the lack of a single record for statistical information, which leads to effort duplication and a deficit of accuracy (SEPREM, 2022).

The PNPDIM monitoring report released by the SEPREM in 2021 reveals that the majority of ministries and secretaries did not operationalize the PNPDIM through public policies for gender equality. This brings into light SEPREM's biggest weakness: its mandate includes the power to accompany state institutions in the process of elaboration of public policies, but it does not have the authority to demand them. The absence of public policies on gender equality hampers the institutionalization of PNPDIM's axes, programs and indicators, and it breaches the peace accords. After the approval of the Governmental Decree 260-2013, most of the ministries have created a Gender Unit (Wohlers, 2020), but the SEPREM's report concluded that in some bodies, the incidence of the Gender Units is minimal due to the unfavorable administrative and political conditions.

The UN raised concerns on the lack of financing of the SEPREM, the DEMI and the CONAPREVI among other insitutions (United Nations, 2018). For this purpose, the SEPREM has released reports through the Tool for Budget's Gender Focus (from now on CPEG)⁵⁴ that show the state's lack of commitment to allocating sufficient budget to gender equality. In the 2020's first semester report (SEPREM, 2020), the SEPREM calculated that 1.95% of the total budget was devoted to gender equality. Moreover, the SEPREM does not only quantify the total assigned budget, it also analyses which percentage of said budget is executed – institutions execute the budget they link it to a specific program or activity. In the first semester of 2020, only 36.2% of the assigned budget was effectively executed by governmental institutions, while in the first

⁵³ Translated by the author.

⁵⁴ From the Spanish initials: Clasificador Presupuestario con Enfoque de Género.

semester of 2021 the number raised to 41% (SEPREM, 2020 & 2021b). Table 4 shows the execution percentage of each central government body in the first semester on 2021, and interestingly enough, the SEPREM is among the institutions with a lowest execution performance.

Table 4.

Percentage of executed budget linked to gender equality (first semester 2021).

Institution	Budget	
	Valid	Executed (in %)
Ministry of Agriculture, Farming and Food	24,916,261 Q	48
Ministry of Environment and Natural resources	941,282 Q	48
Ministry of Culture and Sports	32,402,727 Q	48
Ministry of Social Development	338,203,145 Q	48
Ministry of Economy	49,478,096 Q	48
Ministry of Education	13,773,369 Q	48
Ministry of Energy and Mines	2,008,835 Q	48
Ministry of Governance	3,484,227,023 Q	48
Ministry of External Action	217,716,623 Q	38
Ministry of Public Health and Social Assistance	838,824,045 Q	43
Ministry of Work	7,102,848 Q	33
General Ombudsman	1,809,539 Q	32
SOSEP	8,440,286 Q	43
Secretary for Science and Technology	2,088,998Q	4
Presidential Commission for Peace and Human Rights	5,857,555 Q	11
National Office for Civil Service	10,947,344 Q	40
Secretary for Social Wellbeing	38,403,651 Q	44
SEPREM	28,558,000 Q	28

Source: SEPREM, 2021b.

Moreover, the CPEG report for the first semester on 2021 links back to the PNPDIM, as it disaggregates the data to show which PNPDIM axes get the most financing and which get the highest execution (see Table 5). Surprisingly, the axis of racism and discrimination, and the axis on cultural identity do not get any budget assignation in both the national and territorial institutions.

Table 5.

Assigned and executed budget per PNPDIM axis in national and territorial institutions.

Axis	Budget			
	National Institutions		National Institutions	
	Valid	Executed (in %)	Valid	Executed (in %)
1. Economic and productive development with equity	87,285,833 Q	36%	160,118,583 Q	34%
2. Natural resources, land and housing.	941,282 Q	53%	56,973,464.61 Q	35%
3. Educational equality with a cultural focus.	211,492,154 Q	24%	248,379,186	24%
4. Comprehensive health development with a cultural focus.	980,358,651 Q	41%	100,600,287	40%
5. Eradication of violence against women.	3,514,239,768 Q	48%	781,525,587	41%
6. Legal equity.	0.0	0.0	1,963,175	39%
7. Racism and discrimination.	0.0	0.0	0.0	0.0
8. Equity and identity in cultural development.	14,716,028 Q	26%	51,961,328	43%
9. Labour equality.	246,020,819 Q	37%	440,479,232	37%
10. Institutional mechanisms.	50,645,092 Q	42%	0.0	0.0
11. Sociopolitical participation.	0.0	0.0	195,660,456	26%
12. Maya, Xinca and Garifuna women's cultural identity.	0.0	0.0	0.0	0.0

Source: (SEPREM, 2021b).

However, this apathy and lack of financing turned into direct attacks to peace institutions in general, and gender institutions specifically, after 2012, when Otto Pérez Molina raised to power. This marked an era of rupture in gender equality institutions that was furthered in the successive presidential terms: “one of his first actions was to suppress the mechanism for selecting the directors of the SEPREM and the DEMI⁵⁵” (A. S. Monzón, personal communication, July 25, 2022). In fact, the approval of the Governmental Decree 34-2012 meant the abolishment of the participation of women’s organisation in the selection of the SEPREM’s director, co-opting it (Trujillo & Camerlengo, 2017). The DEMI went through the same modification when the Governmental Decree 38-2013 was approved (CIDH, 2017). In 2013, the harassment against gender equality institutions claimed its first victim: the Secretary for the Peace closed the FNM. This action was described by the FNM as a presidential effort to dismantle the institutions that emerged of the peace process and dangerous deterioration in the implementation of the peace accords (FNM, 2013). In addition, after a long process of

⁵⁵ Translated by the author.

wakening, the CONAPREVI remained inoperative from 2013 to 2015, when the pressure of women's organizations – who were backed by the Inter-American Court of Human Rights – succeeded in forcing the president to reinstate it (Rouanet Guzmán de Núñez, 2011).

Alejandro Giammatei kept this process going: he successfully closed the Secretary for the Peace (Gutiérrez et al., 2021). He also tried to close the SEPREM, but the strong uproar of the civil society prevented him from doing so (personal communication, July 27, 2022). Nevertheless, the SEPREM has gone through a highly debilitating process in the form of reiterated dismissals of the directors – in fact the SEPREM did not have a director since November 2020 until June 2021 (CIDH, 2021). These impediments to the advance of women's rights are a political decision that stems from fundamentalist governments that believe in the centrality of the family and aim at punishing women who dare to step out of the traditional gender roles forced upon them (Personal communication, July 29, 2022). During one of the interviews, the Asociación AMA⁵⁶ (Personal communication, July 27, 2022) shared an interesting story that exemplifies the lack of will and the lack of awareness of institutions and their personnel: in 2020 they realized that neither the Ministry of Health or the Ministry of Education fulfilled their obligation to create a strategic plan in order to implement the PLANEA 2018-2022⁵⁷. A year later, in 2021, the Asociación AMA (Personal communication, July 27, 2022) contacted the Ministries again to express its desire to monitor the plan and analyse which indicators have been reached but their efforts are stopped by the institutions refusal to assume their responsibilities. This was described as very frustrating, because local organizations have to pressure the institutions to make them fulfil their obligations.

In conclusion, gender equality institutions have been created, but they are not fully functional (Impunity Watch, 2021), and during the last three presidential terms these institutions have been deteriorated. On the one hand, they lack effectiveness as they have to work with minimal resources. On the other hand, they have been co-opted and their personnel do not receive appropriate formations to raise their awareness on gender inequality. As Ana Silvia Monzón says: “this is a contradictory process: “more spaces are created, but with fewer resources and less personnel – who on top of everything is co-opted. Women's organizations are pushed

⁵⁶ AMA Association

⁵⁷ Plan for Prevention of Teenage Pregnancies.

away, their interaction [with the institutions] is severed. This a governmental plan⁵⁸ (A. S. Monzón, personal communication, July 25, 2022).

b) Co-optation of the justice system and impunity.

The judicial system has been unable to investigate and prosecute the crimes committed during the armed conflict, generating a high degree of impunity for these crimes and a lack of compensation to the victims (United Nations, 2018). The continuum of violence feeds on impunity and the normalization of violence, so this is most probably the cause for non-implementation of the peace accords that has the most devastating consequences for the lives of women – and it directly emanates from the government’s lack of will to implement. Trujillo & Camerlengo (2017) hold that impunity is generated by the Guatemalan governments’ refusal to apply a policy for prosecuting human rights violators – consequently breaching the peace accords⁵⁹ –, and the malfunction of a co-opted justice system that is unable of ensuring the application of the law (Trujillo & Camerlengo, 2017). This situation is aggravated by the Guatemalan elites’ denial of the crimes that happened during the armed conflict, silencing the victims and the survivors through their discourse (Gutiérrez et al., 2021).

In the case women, the delay to address sexual violence crimes during the armed conflicts also comes from the states refusal to recognize them as full subjects of law (Méndez & Alvarado, 2018). Furthermore, the impunity around these cases has silenced the discussions on the power relations – based on racism, sexism and classism – that justified the collective appropriation of women’s bodies during the war, perpetuating them in the Guatemalan post-conflict society (Fulchiron, 2011). This connects the violence of the past with the post-conflict femicide, as impunity contributes to constructing violence against women as something unimportant, unworthy of prosecution (Sanford, 2008; & Fulchiron, 2011). As a result, gender inequality and violence against women comes from Guatemala’s long history of violence that started with colonialism, and was perpetuated through a long line of dictators and several decades of armed conflict (Godoy-Paiz, 2008). As Bustamante (2018) explains:

“the methods used by the army to oppress people, the sexual abuse of women, the rape as a punishment for people who were involved in the revolutionary movement, and the people were not part of it. All of that makes femicide a plague in Guatemala today. If the army, as an institutions with politic and cultural hegemony in the country,

⁵⁸ Translated by the author.

⁵⁹ the Agreement on the Strengthening of Civil Power and the Function of the Army in a Democratic Society explicitly mentions the need to consolidate the rule of law in Guatemala, through the strengthening of the justice system

fosters the violence against women, the result is this. That is how big is the responsibility of these wretched people”.

All of the interviewees recognized these links between past and present violent. They claimed that violence in Guatemala has been normalized by the inherited colonial structures of racism and sexism. Most of them placed the origins of sexual violence against the women in the colonies, which have been perpetuated by a complicit system that refuses to issue and correctly apply real measures of compensation and dignification. Alma Chacón (A. O. Chacón, personal communication, July 27, 2022) specifically talked about a history of patriarchy that was also present in the pre-columbine American cultures, which effectively exacerbated through colonialism and the armed conflict. Nonetheless, they refused to solely see women as victims and also highlighted the continuum of resistances – as Anelí Villa (A. Villa, personal communication, July 14, 2022) called it.

Because of the multiple obstacles in the access of justice – such as the limited territorial coverage of tribunals, the lack bilingual personnel and the refusal of the system to recognize the crimes perpetrated against women during and after the armed conflict (United Nations, 2018) – there have only been four cases of transitive justice that addressed sexual violence committed by the army during the conflict: the Ixil genocide Case in 2013, the Sepur Zarco Case in 2014, the Molina Theissen Case in 2018, and the Achi Women Case in 2022. These cases have been put forward thanks to the bravery and the determination of the victims, who have tirelessly fought for justice, to keep these events from happening again (Impunity Watch, n.d.). These sentences confirmed that sexual violence was a tool used by the armed forces to perpetrate a genocide against Guatemalan indigenous groups, but the processes have been permeated by sexism – which took the form of lawyer’s ignorance of legislation dealing with sexual violence, unnecessarily long interruptions of the cases and misogynistic remarks (Méndez & Alvarado, 2018). Anelí Villa (A. Villa, personal communication, July 14, 2022) emphasized that the aspect of domestic slavery – which was also an important part of the case – of the Sepur Zarco remains largely concealed because the racist imaginaries of Guatemala assume that is the role of indigenous women.

Moreover, despite the official acknowledgement the sexual violence crimes, the Sepur Zarco women have not received any kind of compensation for it (Rosale Solano & Escobedo Escalante, 2020). In fact, if transitive justice has been utterly ignored by the Guatemalan state, the area or reparations and dignification has remained more in the shadows. The PNR was

created, but the cuts in its budgetary allocations, the refusal to create a comprehensive public policy for reparations and the delays in the conferral of reparations shows, once more, the lack of will of the Guatemalan state to commit to the consolidation of peace (Fulchiron, 2011). The PNR has prioritised economic reparations over promoting structural changes, distorting the final aim of non-repetition and reconstruction of the social fabric and producing a polarization of communities that have been divided by the armed conflict (Fulchiron, 2011; & Méndez & Alvarado, 2018). Due to the stigmatization and shame suffered by the Guatemalan women who have been victims of sexual violence, reparation measures that include a public acknowledgement of sexual crimes by the army, a public apology to Guatemalan women, the creation of comprehensive educational public policy and strategies that truly tackle post-conflict violence against women, would be more efficient to ensure the dignification of the victims of conflict related violence (Rubio-Marín, 2010).

In the face of the Guatemalan state's ineptitude to prosecute, judge and repair both conflict and post-conflict violence against women, and the judicial system's co-optation, many women's organizations have learnt that individual community processes of mutual support are also an important part of the healing process for women (int. alma). While going through a judicial process has a strong symbolic power for women – because if done correctly is an opportunity to confront their aggressors –, as Fulchiron (2018) states: “we cannot wait until the protection comes from the colonial and patriarchal national institutions nor from the masculinized communal decision-making processes, (...) what we need is a women's collective”. The author then shows the strategies taken by mam and chuj women in Guatemala, based on protecting other women by publicly denouncing the sexual aggressors and guaranteeing the non-repetition. These policies propose a view of justice that moves away from the traditional patriarchal system based on apparent neutrality, because it is constructed from love and an ethics of care. This is what allows the recognition of women's humanity and the eradication of violence (Fulchiron, 2018).

This situation has been worsened during Giammatei's presidential term by three factors. Firstly, Giammattei's attempts to enforce an amnesty for the crimes committed by the army during the armed conflict: he proposed two laws to stop the legal prosecution against human right violators during the armed conflict and to annul the transitive justice sentences (Gutiérrez et al., 2021). Secondly, the judges and prosecutors who have issued condemnatory sentences in cases of corruption and transitional justice have been harassed and attacked by

actors that seek impunity and the maintenance of the *status-quo*. Consequently, in 2022, Guatemala has 24 exiled judges – who fled the country after being on the receiving end of threats (EFE, 2022). And thirdly, the worrying closure of spaces for civil society’s political participation (Gutiérrez et al., 2021) the extreme criminalization of Human Rights defenders⁶⁰ in Guatemala – specially indigenous activist women who are harassed by state actors, stigmatized, imprisoned and repressed through the use of gender violence (United Nations, 2018). The interviewees observe this with concern: “some people do not want to talk anymore. I feel that repression has been reinstated and people are starting to be afraid again” (G. Navarro, personal communication, July 20, 2022), “the [feminist] movement is going through a very harsh period. There is a lot of prosecution and harassment. The majority of Human Rights organizations have been raided (...). There has been a rise on violence, and not only on daily violence, on directed political violence too” (A. Villa, personal communication, July 14, 2022).

c) The interference of international cooperation.

While the impact of the international feminist movement in the peace process is slightly contested, the majority of the interviewees recognized its influence during the era of implementation. Women used the CEDAW and the Beijing Platform for Action to reinforce the peace accords in their fight for the creation of an institutional framework for gender equality. Moreover, after the peace process, international aid vigorously entered Guatemala, contributing to the strengthening and consolidation of the women’s rights movement (Villa Avendaño, 2021). This has been an oasis for women’s organizations in a context of scarcity of national financing opportunities provided by the Guatemalan state. However, it has generated economic dependency on external actors, being partially responsible for the demobilization and co-optation of the women’s rights movement (Monzón, 2005; & (Villa Avendaño, 2021). Considering that women’s activism has been the driving force behind the implementation of the gender content of the peace accord, and for the construction of a rich – albeit essentially ineffective – legal and institutional framework, the international society is another hindering factor in the implementation of the peace accords.

The interviewees also recognized that the international community has sometimes interfered with their functioning by trying influence their decision-making process and imposing its

⁶⁰ For this reason, the Mesoamerican Initiative of Female Human Rights Defenders keeps a record on the criminalization of Human Rights Defenders in central-America per country. Available at: <https://im-defensoras.org/categoria/acciones/alertadefensoras/>

agendas – which are disconnected from the local processes. In the face of this, they understood the importance standing their ground, and defending their local processes and dynamics (personal communication, July 27, 2022; (Personal communication, July 29, 2022). For this purpose, Georgina Navarro (G. Navarro, personal communication, July 20, 2022) highlighted the importance of having local people working in the international agencies' programs:

“I always insisted on doing what people needs, not what [the international cooperation] imposes. The people who are working on this must understand the context, and it is even better if they have previously participated in the movement, so they understand how things are done”⁶¹.

As part of agenda imposition, international aid has imposed the obligation to build wide platforms of interaction between several organisations (A. Villa, personal communication, July 14, 2022). This wears indigenous women out, because it forces them to attend a copious number of meetings that usually do not lead to anything. Indigenous women prefer to focus on their internal and segregated processes of organisation, because local work has proved to be more productive to them (A. Villa, personal communication, July 14, 2022).

International aid has also been accused of provoking competences between women's organizations for their financing and of deepening the ruptures of the movement (A. O. Chacón, personal communication, July 27, 2022). International aid tends to reproduce the predominance of gender over other forms of discrimination – such as ethnicity, culture or class – and depoliticizes the movement (Villa Avendaño, 2021). Moreover, the women's movement dynamism has been neutralized by international aid's funding through the process of NGOization: the institutionalisation of the organisations is set as a prerequisite for obtaining international financing, generating a gender technocracy and professionalizing feminism (Monzón, 2005). For Anelí Villa (A. Villa, personal communication, July 14, 2022) this has provoked a kind of neo-colonisation that infantilizes women's organizations and has hampered processes of self-management. This process has not been accidental for her, the co-optation of women's movement comes from a deliberate strategy that has rendered the women's movement ineffective and highly dependent on external economic aid.

d) Colonial afterlives in the Guatemalan society.

The Guatemalan society has been recognized as racist, sexist, classist and discriminatory, imbued with structural violence and oppressed by a state that shares the same characteristics by the totality of the interviewees. As Monzón (2004) holds: “Guatemala is a society historically pierced with multiple exclusions, which are based in the concentration of economic power in a few people, in authoritarian state control, in racism and in a hierarchical gender order.” (p. 79). In this way, a persistent pattern of discrimination has been established in Guatemala, which is shaped by the structures of power relations that limit women’s participation in all spheres of society (England, 2013). Society is therefore an obstacle to the effectiveness of the gender equality legal and institutional framework, positioning itself as a hindrance to the full implementation of the peace accords.

In this context, acknowledging the deep roots of gender inequality means that the mechanisms which have been created to fight gender inequality need to be questioned: approving laws to condemn violence against women certainly is a symbolic victory, but laws alone are unable to alter the social practices that generate the subordination of women to men’s authority (Rouanet Guzmán de Núñez, 2011). Especially, when the flawed judicial system denies justice to a substantial quantity of women, rendering law’s alleged transformative power ineffective (Fulchiron, 2018). As Godoy-Paiz (2008) suggest: “addressing violence towards women does not imply addressing only women’s lives, but the conditions of the relations between individuals, and between individuals and their communities”. Effectively, the Guatemalan state has given up to women’s demands and has created many instances to promote gender equality, but they have taken no effort to transform society’s racist and patriarchal ideas. In the best of cases, this renders the institutional and legal advances useless, but in the worst the patriarchal biases of institutions’ personnel results in institutional violence and in the negation of women’s experiences – as the section on impunity has revealed.

Another distinct characteristic of the Guatemalan society is its high racism and the profound division between indigenous and non-indigenous population (Montes Solís, 1999). On the one hand, women’s political agenda has been ruled by western concepts, and the consequent public policies do not usually take into consideration indigenous women’s specific necessities (Vásquez Vargas, 2018). Despite this, indigenous women have a very rich movement, with a multiplicity of organisations that develop identitarian processes to deal with their victimization and cultural belonging (A. Villa, personal communication, July 14, 2022). On the other hand, a

high part of the post-conflict state violence targets indigenous community leaders that oppose to extractivist projects in their ancestral lands (CIDH, 2017). The re-militarization of their lands is the rawest example of the continuum of violence and colonialism that devastates the country. The neoliberal economic structures merge with the colonial afterlives, connecting the system of dominance of the past with current violence in Guatemala (Caxaj et al., 2019). The logics of the armed conflict are once again present in the lands of the Guatemalan indigenous people, which, as Tarnaala (2019) shows, materialize in the systemic violations of human rights, and in the resettlement of targeted sexual violence against indigenous women to punish the communities' participation in social activism.

And finally, the AMA Association also identified religion as a strong element that hinders their activities (personal communication, July 27, 2022). One of their project's is a community radio program, where they talk about sexual education and gender equality in Spanish and in Mayan languages. Ironically, they did this radio program in the local church's station, with whom they did not have any problems for years. This radio program allowed them to reach remote communities, where other kinds of media platforms are not prevalent. However, after 2019 they started to experience difficulties, as the church tried to censor their scripts and halted them for months. Inside the communities, a lot of parents are opposed to allowing their daughters to get an integral sexuality education based on their religious beliefs (personal communication, July 27, 2022).

As Navarro Miranda (2011) asserts, the implementation of the peace accords has been remarkably complicated, as it took place in a tense environment of interaction between the dominant conservative elites and a state with deep authoritarian, patriarchal, racist and discriminatory roots, which have consolidated the transition to democracy influenced by the neoliberal globalisation dynamics. The government's failure to allocate enough budget for the correct functioning of the gender equality institutions and the perpetuation of judicial system with colonial roots that is unable to protect women produces an institutional collapse that allows the persistence of femicide (Fulchiron, 2011). This intertwines with a discriminatory society that has normalized the existence of violence, generating a continuation of the historical dynamics that gave rise to the internal armed conflict. The structural conditions have not changed: the criminalization of human right defenders, judges, lawyers and the violence exerted against indigenous activists are a blatant extension of the conflict's counterinsurgent strategies. Mere legal remedies, and a top-down strategy based on the creation of

dysfunctional institutions and on un-operationalized policies are not enough to tackle this. As Georgina explained: “the society has to go through profound changes, and I think that the [Sector de Mujeres’s] proposal of creating a new concept of democracy could help.” (G. Navarro, personal communication, July 20, 2022). For that purpose, the different sectors of the Guatemalan society have to promote coalition-building strategies, in order to collectively work to dismantle the network of colonial, patriarchal and racist imaginaries.

7. Discussion and conclusion.

In this context, this project has analysed the participation of mestiza and Maya women in the peace process through the Sector de Mujeres, the impact of the measures taken by the Guatemalan state to implement the gender commitments acquired through the peace accords and the phenomena that hindered their total implementation. A brief overview of the historical context of Guatemalan history shows that its society has been characterized by unequal power relations, and therefore the dynamics that caused the internal armed conflict are rooted in the Spanish colonization, as it laid down a highly hierarchical structure of economic, social and cultural power relations based on racism and exclusion (CEH, 1999). These economic and racial structures remained unchallenged after perpetuating the normalization of the use of violence as a legitimate state mechanism to suppress the social unrest caused by the deep structural inequalities (Rostica, 2015).

The peace process started in the 1990 with the Basic Accord for the Search of Peace Through Political Means, and ended in 1996. The ASC provided the civil society with a unique opportunity to participate in the peace process, including the voices of traditionally marginalized groups, such as women and indigenous populations who were active. The conflict concluded with over 200,000 victims of diverse crimes, which include genocide and the systematic use of gender violence, showing how the continuum of violence persists and reinforces colonial dynamics.

Even though women had to fight for their inclusion in the ASC, they were able to set up the Sector de Mujeres that allowed them to include their demands in the peace accords. In this context, the relationship between feminist organisations and indigenous women has been hectic, but they were able to work together in the Sector de Mujeres to build a collective peace agenda. The result was the inclusion of gender in six peace accords – especially in the Agreement on Socio-Economic Aspects and the Agrarian Situation. However, as the project has

already explained, due to the composition of the ASC, some of the women's demands were left out from the proposal to the negotiations table.

The incorporation of a gender and ethnic perspective in the peace accords triggered a series of state measures to mitigate gender discrimination and to advance women's rights in Guatemala: the institutional framework to fight violence against women and gender equality was strengthened through the creation of the FNM, the DEMI and the SEPREM, which stemmed directly from the peace accords; several laws were approved, Law for dignification and integral promotion of women was approved – which provided a framework for the action of gender institutions – or the Law against femicide and other forms of violence against women – which was a huge step forward in the defence of women; and the creation of the PNPDIM and PEO 2008-2023 is one of the few policies for gender equality that introduced indicators, goals and timeframes to measure its implementation. As Quiñones Giraldo & Díaz (2018) claim, by 2012 Guatemala already had 22 transversal public policies with measures to tackle gender and ethnic inequality.

However, gender equality has barely improved in Guatemala. As statistical overview shows that the number of victims for the crimes contained in the Law on femicide and other forms of violence against women has been increasing – from 79,800 reports in 2020, to 89,001 reports in 2021. This is paired with the worrying level of impunity for these crimes, and the exclusion of women – and especially indigenous and rural women – from the socioeconomic activities and decision-making processes shows that gender inequality is still rampant in Guatemala. The Guatemalan state has also been deficient in the area of transitional justice and reparations for human rights violations during the armed conflict: only 25 sentences have been issued condemning the crimes of the armed conflict, and the budget on the PNR has been steadily decreasing since 2010. Consequently, the peace process was successful in ending the internal armed conflict, and it certainly allowed the magnification of the power of women to push for their demands, but it has been unable to dismantle the structures of racial, sexual and economic domination that were installed by Spanish colonialism, perpetuation the continuum of violence against women.

The research has also illustrated the four main obstacles for the full implementation of the peace accords in the gender area. Firstly, the government has showed a lack of will to transform the violent dynamics of oppression of the Guatemalan society, because the

powerful economic elites supported the peace process as a way to fully impose neoliberalism in Guatemala. Consequently, the state has surrendered women's demands and has created a very rich institutional and legal framework that remains extremely weakened by the lack of personnel and budget, limiting their work. Moreover, a steady deterioration started when Otto Pérez Molina took the role of president – who altered the selection process for the directors of the DEMI and the SEPREM, and closed the FNM and the CONAPREVI. This process has kept on going during the presidencies of Jimmy Morales and Alejandro Giammattei, who kept on attacking the institutions for gender equality.

Secondly, the impunity generated by the lack of prosecution of the crimes committed during the armed conflict has fed the continuum of violence, having devastating consequences for the lives of women. This trend is further deepened by the prosecution and harassment of judges, prosecutors and lawyers, and by the elites' denial of the human rights violations committed by the army during the internal conflict. In the face of this, many women have started individual community processes of mutual support to heal their bodies and souls, and to protect fellow women from the continuum of violence.

Thirdly, even though international cooperation has been a source of financing for Guatemalan institutions and women's organizations, it has also been criticized for generating economic dependency through a process of NGOization that hampers women's processes of self-management. This has also generated division in the women's movement, as they compete against each for the international funding.

And fourthly, the racist, sexist, classist and discriminatory structures that emerged during the colonial domination have persisted until nowadays. Approving rules to condemn violence against women is certainly a symbolic victory, but gender inequality has deep roots that laws alone are unable to tackle. In this context, neoliberal economic structures merge coloniality, connecting the system of dominance of the past with current violence in Guatemala. As a result, targeted sexual violence against indigenous women to punish their communities' participation in dissidence and social activism have been reinstated, illustrating the continuum of violence.

This analysis has shown the deficiencies of state-centred peacebuilding, because the effort of the civil society to participate in the peace process through a bottom-up process have been

severely constrained by an unwilling state dominated by powerful economic elites that work for the maintenance of the colonial structures. Indeed, the Guatemalan nation-state has its origins in the colony, and as such it has proven to be invested in maintaining the oppressive dynamics that benefit a small sector of society, and damage the rest. Consequently, a human rights approach to addressing violence against will tend to ignore the particularities of the local context, and therefore an emphasis of individual victims does not capture the multi-layered experiences of women in Guatemala (Godoy-Paiz, 2008). Therefore, the legal system in Guatemala has historically been guided by racist, classist and sexist ideologies, laws and institutions have reinforces existing social inequalities (Godoy-Paiz, 2008). In this context, the postcolonial and decolonial feminism's suggestions to decolonize peacebuilding become fundamental: a successful peace process must stress the importance of understanding the way different cultures create different wartime experiences for men and women, and how identities overlap to augment gender violence through class and ethnic discrimination (Cockburn, 2004). Moreover, focusing on the everyday lives of local actors must be an integral part of peace processes, because peace is not solely achieved with the absence of violence, but by transforming the colonial and patriarchal structures of domination in order to ensure the full citizenship of marginalized populations (Castillo Herrera & Vílchez, 2014; Hudson, 2016).

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Annex 1:

Gender content in Guatemala's peace accords and implementation

(Source: SEPAZ, 2017)

The Comprehensive Agreement on Human Rights, signed on 29 March 1994	
Explicit mentions to women & gender	
None	

The Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, signed on 17 June 1994	
Explicit mentions to women & gender	Implementation
Chapter II - Guarantees for the resettlement of uprooted groups. Point 2: Particularly emphasize the protection of families led by women, and of widows and orphaned children, who have been the most affected sectors.	Unfulfilled.
Chapter III – Productive integration of uprooted populations and development of the resettlement areas. Point 8: The government is committed to eliminating any kind of discrimination against women in the access to land, housing, loans and participation in development projects. The gender focus will be incorporated to the policies, programmes and activities of the global development strategy.	Partially fulfilled. Law for funds of land (1999), art. 47, which during a 10 years period gives priority to uprooted population, with particular emphasis on families lead by single and widowed women.

The Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence, signed on 23 June 1994	
Explicit mentions to women & gender	
None	

The Agreement on the Identity and Rights of Indigenous People, signed on 3 March 1995	
Explicit mentions to women & gender	Implementation
Chapter II – Fight against discrimination. Section B. Rights of indigenous women. Point 1: We recognize the specific vulnerability and defencelessness of indigenous women in the face of their double discrimination as women and as indigenous, with the aggravating factor of their situation of poverty and exploitation. The government is committed to take the following measures: a. To promote legislation that categorises sexual harassment as a	Point 1. a. Partially fulfilled. In 2009 the Law against sexual violence, exploitation and human trafficking criminalized sexual harassment. The aggravating measure for crimes against indigenous women was not included. Point 1. b. Fulfilled. The Governmental Decree 525-99 created the Office for the Defence of Indigenous Women.

<p>crime, with the aggravating measure in the case the crime is done against indigenous women;</p> <p>b. To create an Office for the Defence of Indigenous Women's Rights, which will include legal advice and social services for indigenous women; and</p> <p>c. To promote the dissemination and compliance of the CEDAW.</p> <p>Point 2: We urge the media and human rights organisations to cooperate in the achievement of these objectives.</p>	<p>Point 1. c. Fulfilled.</p> <p>Several institutions were created, which were in charge of promoting a disseminating the CEDAW.</p>
<p>Chapter III – Cultural rights.</p> <p>Section G. Educational reform.</p> <p>Point 4: In order to facilitate access by indigenous people to formal and non-formal education, the system of scholarships and student grants shall be strengthened. Teaching materials containing cultural and gender stereotypes shall also be revised.</p>	<p>Partially fulfilled.</p> <p>The Ministry of Education has a General Direction on Curriculum, which formulates, disseminates and updated the scholar curriculum to achieve the standards on multiculturalism, bilingual education and gender equality.</p> <p>In 2010, the SEPREM and the Ministry of Education signed an accord to operationalize the PNPDIM and PEO, to facilitate the access of mestizo, Maya, Xinca and Garifuna women to education.</p>
<p>Chapter IV – Civil, political, social and economic rights.</p> <p>Section F. Right to the access of land by indigenous populations.</p> <p>Point 9.g) The government is committed to eliminate any kind of discrimination against women in the access to land, housing, loans and in their participation in development projects.</p>	<p>See Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, point 8</p>

The Agreement on Socio-Economic Aspects and the Agrarian Situation, signed on 6 May 1996	
Explicit mentions to women & gender	Implementation
<p>Chapter I – Democratizations and participative development.</p> <p>Section B. Participation of women in the economic and social development.</p> <p>Point 11: The active participation of women is essential for Guatemala's economic and social development, and the State has a duty to promote the elimination of all forms of discrimination against women.</p>	<p>Point 11. Partially fulfilled.</p> <p>DEMI, SEPREM and the CONAPREVI were created to involve women in development. Several laws were created to eliminate all forms of discrimination against women, but the level of gender inequality still remains.</p> <p>Points 12 and 13. Partially fulfilled.</p> <p>The PNPDIM & PEO 2008-2023 was created,</p>

<p>Point 12: Recognizing women’s undervalued contributions in all spheres of economic and social activity, and particularly their efforts towards community improvement, the Parties agree that there is a need to strengthen women’s participation in economic and social development on equal terms.</p> <p>Point 13: To this end, the Government undertakes to take the specific economic and social situation of women into account in its development strategies, plans and programmes, and to train civil servants in analysis and planning based on this approach. This undertaking includes the following:</p> <ul style="list-style-type: none"> a. Recognizing the equal rights of women and men in the home, in the workplace, in the production sector and in social and political life, and ensuring that women have the same opportunities as men, particularly with regard to access to credit, land ownership and other productive and technological resources; b. Ensuring that women have equal opportunities for education and training in the same conditions as men, and that any form of discrimination against women that may be found in school curricula is eliminated; c. Ensuring that women have equal access to housing of their own by eliminating the obstacles and impediments that affect women in relation to rental property, credit and construction; d. Implementing nationwide comprehensive health programmes for women, which involves giving women access to appropriate information, prevention and health care services; e. Guaranteeing women’s right to work, which requires: <ul style="list-style-type: none"> i) Using various means to encourage vocational training for women; ii) Revising labour legislation to guarantee equality of rights and opportunities between men and women; iii) In rural areas, recognizing women as agricultural workers 	<p>which promote the operationalization of the Peace Accords.</p> <p>Point 13. a. Unfulfilled.</p> <p>Point 13. b. Unfulfilled.</p> <p>Point 13. c. Unfulfilled.</p> <p>Point 13. d. Partially fulfilled. The Ministry of Health has adopted several policies to increase the network of assistance and to reduce maternal mortality.</p> <p>Point 13. e.i) Partially fulfilled. The Ministry of Work has trained 291 people in 2015 (71% were women).</p> <p>Point 13. e. ii) Unfulfilled.</p> <p>Point 13. e. iii) Unfulfilled.</p> <p>Point 13. e. iv) Unfulfilled.</p> <p>Point 13. f. Unfulfilled.</p> <p>Point 13. g. Partially fulfilled.</p> <p>Point 13. h. Partially Fulfilled. Fontierras was created and the Criminal Code was updated.</p>
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<p>to ensure that their work is valued and remunerated;</p> <p>iv) Enacting laws to protect the rights of women who work as household employees, especially in relation to fair wages, working hours, social security and respect for their dignity;</p> <p>f. Guaranteeing women's right to organize and their participation, on the same term as men, at the senior decision-making levels of local, regional and national institutions;</p> <p>g. Promoting women's participation in public administration, especially in the formulation, execution and supervision of government plans and policies;</p> <p>h. Revising national legislation and regulations to eliminate all forms of discrimination against women in terms of economic, social, cultural and political participation, and to give effect to the government commitments deriving from the ratification of the CEDAW.</p>	
<p>Chapter II – Social development.</p> <p>Section A) Education and capacitation.</p> <p>Point 21, b) To avoid the perpetuation of poverty and of social, ethnic, sexual and geographical forms of discrimination, particularly those which arise from the divide between urban and rural society.</p> <p>Section B) Health.</p> <p>Point 23, g) The system would encourage active participation of municipalities, communities and social organizations (including groups of women, indigenous people, trade unions and civic and humanitarian associations) in the planning, execution and monitoring of the administration of health services and programmes, through local health systems and urban and rural development councils.</p> <p>Section E) Work.</p> <p>Point 26, d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by</p>	<p>Point 21. b. Unfulfilled.</p> <p>Point 23. g. Partially fulfilled. The Health Code (Decreet 90-97) established the promotion of social and community participation in the management and evaluation of health services</p> <p>Point 26. d. Partially fulfilled. There are labour inspection services, but they are unable to deal with the high intake of reports.</p>

<p>Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation.</p>	
<p>Chapter III – Agrarian situation and rural development.</p> <p>Section A) Participation.</p> <p>Point 33: The capacity of all actors involved in the agricultural sector must be mobilized to make proposals and to take action, including indigenous peoples’ organizations, producers’ associations, business associations, rural workers’ trade unions, rural and women’s organizations or universities and research centres in Guatemala. To that end, in addition to the provisions of other chapters of this Agreement, the Government undertakes to:</p> <p>a. Strengthen the capacity of rural organizations such as associative rural enterprises, cooperatives, small farmers’ associations, mixed enterprises and self-managed and family businesses to participate fully in decisions on all matters concerning them and to establish or strengthen State institutions, especially those of the State agricultural sector, involved in rural development so that they can promote such participation, particularly the full participation of women in the decision-making process. That will strengthen the effectiveness of State action and ensure that it responds to the needs of rural areas. In particular, participation in development councils will be promoted as a framework for the joint formulation of development and land use plans;</p> <p>b. Strengthen and expand the participation of tenant farmers’ organizations, rural women, indigenous organizations, cooperatives, producers’ trade unions and non-governmental organizations in the National Agricultural Development Council as the main mechanism for consultation, coordination and social participation in the decision-making process for rural</p>	<p>Point 33. a. Partially fulfilled.</p> <p>The Ministry of Agriculture, Farming and Food created a Gender Unit in 2011. The SEPREM approved the PNPDIM and PEO, which includes programs to promote the participation of women.</p> <p>Point 33. b. Partially fulfilled. Same implementation measure.</p>

development, and in particular for the implementation of this chapter.	
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The Agreement on the Strengthening of Civil Power and the Function of the Army in a Democratic Society, signed on 19 September 1996	
Explicit mentions to women & gender	Implementation
<p>Chapter VI – The role of women participation in strengthening civilian power.</p> <p>Point 59: In order to increase opportunities for women to participate in the exercise of civilian power, the Government undertakes to:</p> <ul style="list-style-type: none"> a. Set up nationwide public awareness campaigns and educational programmes with a view to increasing public awareness of women’s right to participate actively and decisively, both in rural areas and in the cities, in the process of strengthening civilian power, fully and equally and without and discrimination; b. Ensure that social and political organizations adopt specific policies to enhance and promote the role of women in the process of strengthening civilian power; c. Respect, promote, support and institutionalize women’s organizations in rural areas and in the cities; d. Ensure that at all times in the exercise of power, women, whether organized or not, are provided with and guaranteed opportunities to participate. <p>Point 60: The Parties appreciate the work undertaken at the national level by the various women’s organizations and encourage them to work together to make their contribution to the process of implementing the agreements on a firm and lasting peace, especially those undertakings most directly related to women.</p>	<p>Point 59. a.</p> <p>Point 59. b. Partially fulfilled.</p> <p>The Governmental Decree 260-2013 imposed the creation of Gender Units in all ministries and government secretaries.</p> <p>Point 59. c. Partially fulfilled.</p> <p>The FNM was a body to gather the participation of organised and unorganised women through the territory, and PNPDIM and PEO was drafted based on the collaboration between public and private organizations. But there are no specific measures to promote, support and institutionalize women’s organizations.</p> <p>Point 59. d. Unfulfilled.</p>

The Agreement on a Definitive Ceasefire, signed on 4 December 1996	
Explicit mentions to women & gender	
None	

The Agreement on Constitutional Reforms and the Electoral Regime, signed on 7 December 1996	
Explicit mentions to women & gender	
None	

The Agreement on the Basis for Legal integration of the URNG, signed on 12 December 1996	
Explicit mentions to women & gender	Implementation
Chapter II – Objectives and principles. Point 12: The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.	Unfulfilled.

The Agreement on the Implementation, Compliance, and Verification Timetable for the Peace Agreements, signed on 29 December 1996	
Explicit mentions to women & gender	Implementation
Chapter II – Timetable for 90 days from 15 January 1997. Section on Expansion of the National Agricultural Development Council. Point 22: Strengthen and expand the participation of small farmers' organizations, rural women, indigenous organizations, cooperatives, producers' associations and non-governmental organizations in the National Agricultural Development Council (CONADEA), as the main mechanism for consultation, coordination and participation in the decision-making process for rural development. Point 29: Promote the convening of a women's forum on the commitments concerning women's rights and participation set out in the Peace Agreements.	Point 22. Partially fulfilled. The Ministry of Agriculture, Farming and Food created a Gender Unit in 2011. Point 29. Fulfilled. The Government Decrees 744-97 and 105-98 created the National Women's Forum.
Chapter III – Timetable from 15 April to 31 December 1997. Point 85: Set up an Office for the Defence of Indigenous Women's Rights, with the participation of such women, to provide, inter alia, legal advisory services and social services. Point 88: Taking into account the results of the forum envisaged in paragraph 29 of this Agreement, follow up the commitments concerning women set out in the Peace Agreements.	Point 85. Fulfilled. See Agreement on the Identity and Rights of Indigenous People, Chapter II, point 1. b. Point 88. Partially fulfilled. The SEPREM is in charge of monitoring the implementation of the commitments on gender equality of the Peace accords.
Chapter IV – Timetable for 1998, 1999 and 2000. Point 151: By the year 2000, reduce infant and maternal mortality to 50 per cent of the 1995 rate.	Point 151. Unfulfilled. Infant mortality rate: 51 per 1,000 living children in 1995 vs. 41.38 per 1,000 living children in 2000. Maternal mortality rate: estimated of 200

<p>Point 177: In accordance with the conclusions of the Commission on the Strengthening of the Justice System, sponsor and introduce in the Congress of the Republic amendments to the Penal Code that will:</p> <p style="padding-left: 40px;">b. Characterize sexual harassment as a crime.</p> <p>Point 178: Evaluate the progress made in women's participation and, on this basis, draw up the corresponding plan of action.</p>	<p>deaths per 100,000 births in 1995 vs. 153 death per 100,000 births in 2000.</p> <p>Point 177. Fulfilled. In 2009 Law against sexual violence, exploitation and human trafficking was approved.</p> <p>Point 178. Partially fulfilled. The SEPREM is in charge of creating policies to promote the participation of women.</p>
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Annex 2:

Timelines of measures for gender equality.

(Sources: Rouanet Guzmán de Núñez, 2011; & Wohlers, 2020)

1981	Creation of the National Office for Women.
1986	Approval of the National Policy for the development of women and the family (1986-1990).
1991	Creation of the President's Wife's Secretary for Community Welfare.
1991	Creation of Women's Commission in the Congress of the Republic.
1996	Approval of the Law to prevent, sanction and eliminate domestic violence.
1997	Creation of the FNM.
1998	Approval of the National Policy for the promotion and development of Guatemalan women and PEO (1998-2001).
1998	Creation of the Defence Office of the Attorney's General Office for Human Rights.
1999	Approval of the Law for dignification and integral promotion of women.
1999	Creation of the DEMI.
2000	Approval of the Program for Prevention and Eradication of Violence .
2000	Creation of SEPREM.
2000	Creation of CONAPREVI.
2001	Approval of the Law for integral development.
2001	National Policy for the promotion and development of Guatemalan women and PEO (2001-2006).
2002	Ratification of the Optional Protocol to the CEDAW.
2004	Approval of PLANOVI (2004-2014).
2005	Approval of the Law for the compliance with the peace accords.
2006	Creation of the Unit for Women and Gender Analysis of the Judicial Power.
2008	Approval of the Law against femicide and other types of violence against women.
2008	Approval of PNPDIM and PEO (2008-2023).
2009	Approval of the Law against sexual violence, exploitation and human trafficking.
2009	Creation of the Secretary for sexual violence, exploitation and human trafficking.

2010	Approval of the Decree 22-2010 for modifying the Municipal Code. This created the Municipal Offices for Women.
2010	Approval of the Law for a healthy motherhood.
2011	Creation of the National System of Information on Violence Against Women by the National Statistics Institute.
2011	Creation of the Public Prosecutor's Office for Women in the Public Ministry.
2012	Approval of the Governmental Decree 264-2012 for the creation of the Special Cabinet for Women.
2012	Elevating the Unit for Women and Gender Analysis of the Judicial Power to a secretary.
2013	Approval of the Governmental Decree 260-2013 for the creation of Gender Units in all ministries and government secretaries.
2014	Approval of K'atun Our Guatemala 2032.
2016	Approval of the Law for searching disappeared women.
2016	Approval of the Decree 39-2016 for modifying the Municipal Code. This elevated the Municipal Offices for Women to Directories.
2016	Approval of the strategy for integral health assistance to trans people (2016-2030).
2017	Reform to the Civil Code to increase the minimum age to consent to marriage to 18 years old.
2017	Approval of the strategic agenda for the Human Rights of women with disabilities 2017-2023.
2018	Approval of the National Plan to prevent teenage pregnancies PLANEA (2018-2022).
2019	Approval PLANOVI (2020-2029).
2019	Approval of the Public Policy against sexual violence (2019-2029)

**Annex 3:
Interview guide⁶².**

- Did the peace accords coincide with women's demands? Did the negotiations table actually take into account the Sector de Mujeres demands, or was it a mere performative inclusion? Which topics were left behind?
- Does this change in the case of indigenous women? Did they have specific priorities and were they integrated in the same way?
- How did the rest of the participants of the ASC react to the inclusion of women? How was the process of consensus building?
- How would you assess the measures taken by the state to ensure the implementation of the gender content of the peace accords? Which have been the biggest obstacles?
- An international women's movements emerged in the 90s, and UN's ideas of peacebuilding and liberal peace took force (which are based in the Western's experience). Which did the international community have during and after the peace process for the inclusion of women? Is there a conflict between international and local agendas?
- The idea of the continuum of violence has been a central part of many reflections on gender inequality in Guatemala. Moreover, Maria Lugones theorized about the coloniality of gender and the universalization of European gender relations. Do you think there is a continuity between colonial, conflict and post-conflict violence against women in Guatemala? In contrast, do you think a continuum of resistance exists as well?
- -There have very few sentences that recognise the perpetration of sexual violence during the armed conflict, but have reparations been approved?
- Can reparation measures actually come from a state that is actively imposing impunity? What can women do in the face of this?
- How do feminist collectives live their relationship with the state and with the peace nowadays? How is the feminist movement organising?
- Public policies and strategies on gender equality rarely mention LGBTQ+ people. How does the movement for trans-women's rights interact with the feminist movement?
- The intersections between gender and ethnicity in Guatemala.

⁶² I have attached an English translation of the in interview guide, but all the interviews were carried completely in Spanish.