



THEY TOOK EVERYTHING FROM US, EXCEPT OUR DIGNITY

Study on the status and opportunities for reparations
for survivors of conflict-related sexual violence

GUATEMALA



GLOBAL REPARATIONS STUDY



Cover: Traditional weaving by a female survivor, March 2024, Guatemala. © Andrea Bolaños Vargas



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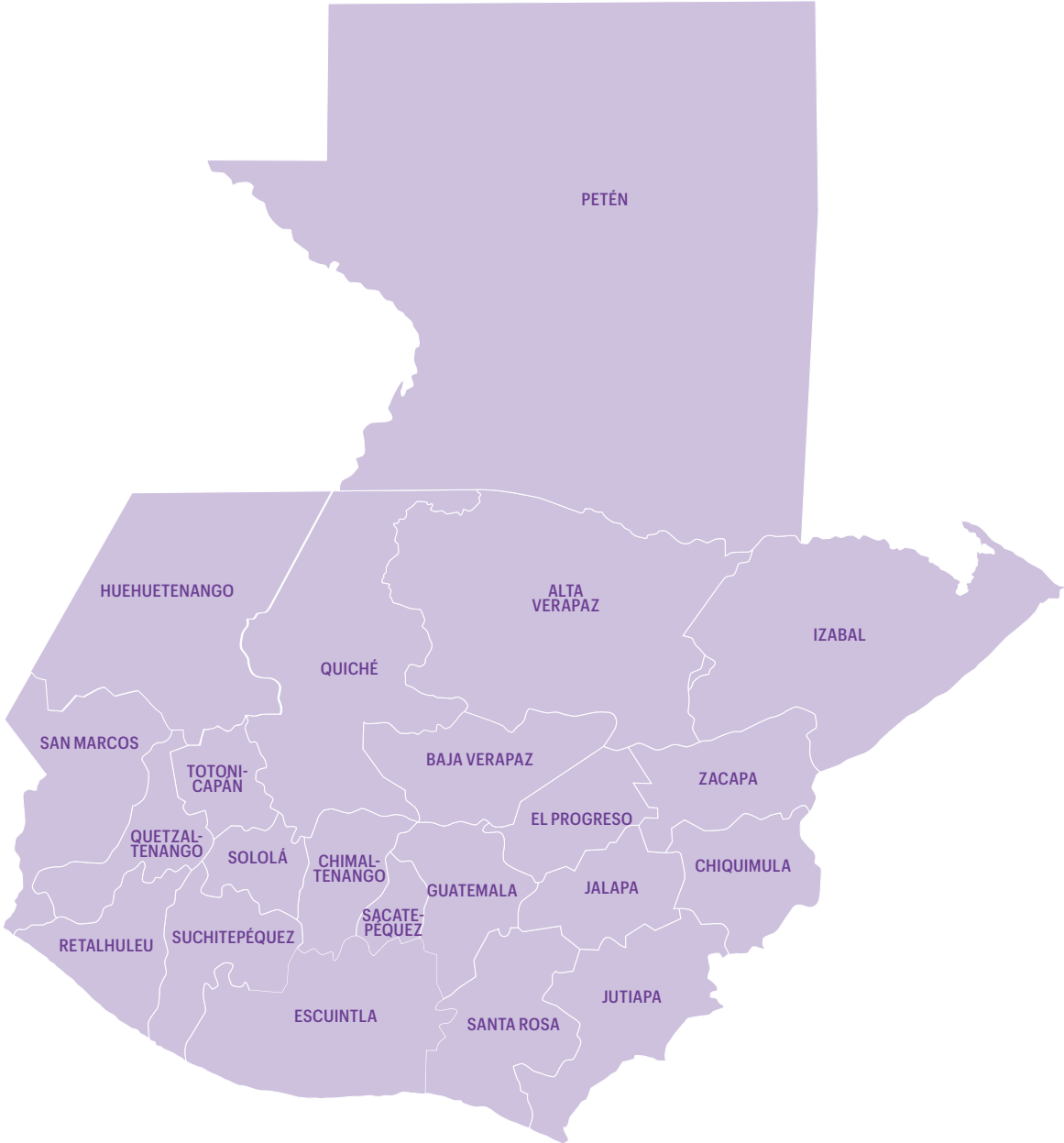
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MAP OF GUATEMALA





EXECUTIVE SUMMARY

The internal armed conflict in Guatemala, which lasted from 1960 to 1996, was triggered by adverse social, political and economic conditions that deteriorated significantly following the US intervention and the overthrow of President Jacobo Árbenz in 1954. This created a strong opposition from social and political movements to the military regimes that successively held power from 1954 to 1986. From the 1960s onwards, these political and social movements gave rise to the formation of four guerrilla groups, which later united under the banner of the Guatemalan National Revolutionary Unity (*Unidad Revolucionaria Nacional Guatemalteca*, URNG), and fought against growing economic inequality, state repression and political exclusion. In 1986, a civilian assumed the presidency for the first time and initiated a negotiation process that culminated in the signing of the Peace Accords in December 1996.

In response to the growth of social, popular and sectoral organisation, and to the proliferation of insurgent movements, the state implemented the “National Security Doctrine”, employing tactics of terror and repression directed particularly against Indigenous communities. Between 1979 and 1984, acts of genocide and systematic human rights violations were committed, resulting in approximately 200,000 killings and 50,000 disappearances, with a particular impact on Indigenous populations across various territories, including the Maya K’iche’, Ixil, Mam, Q’eqchi, Achí, Kaqchikel, Tz’utujil and K’anjob’al communities, among others. The state’s actions not only resulted in a high number of victims but also left a legacy of trauma and suffering that persists to this day.

Gender-based violence and racism played a crucial role in the dynamics of the conflict. Women, particularly Indigenous women, were subjected to systematic sexual violence as a strategy of control and domination, perpetrated mainly by state armed forces and paramilitary groups, and characterised by its widespread nature. Reports by the Commission for Historical Clarification (*Comisión para el Esclarecimiento Histórico*, CEH) indicate that 89% of the victims of rape during the conflict were of Maya origin. The consequences of this violence have been devastating, affecting not only the direct victims but also their families and communities, perpetuating cycles of poverty and vulnerability and fostering a deep emotional disconnection from prospects for the future.

This study examines the perceptions and needs of survivors of conflict-related sexual violence in Guatemala, highlighting the profound physical and emotional scars left by these abuses at both the individual and community levels.

Survivors participating in this research emphasised the state’s duty to provide reparations comprehensively, in line with the worldview of Indigenous peoples where relevant. Their demands include material restitution, financial compensation, economic development programmes, ancestral medicinal practices to address trauma, public recognition, and psychosocial care, among other measures.

In the pursuit of justice and reparation, victims have encountered numerous obstacles, including a lack of political will and the state’s failure to comply with court rulings. Although there have been significant judicial victories, such as the landmark Sepur Zarco case in the department of Izabal, in eastern Guatemala, the state’s implementation of reparation measures remains insufficient. In response to this gap, civil society organisations have played a key role in promoting victims’ rights, facilitating psychosocial support and the recovery of historical memory.

In addition to including the voices of survivors from across the country, this study incorporates an often-overlooked experience: the sexual violence faced by the LGBTQIA+ community during the conflict, which suffered double invisibility and repression, complicating efforts to obtain recognition and reparation. The findings indicate that the community’s reparation priorities include access to healthcare services, awareness-raising campaigns, and monuments that honour their struggles, thereby contributing to a cultural shift that respects and protects their rights.

Finally, the study examines the current opportunities and threats to fulfilling the mandate of reparations for victims of conflict-related sexual violence – a commitment that remains relevant despite the years that have passed since the signing of the Peace Accords. It also identifies the relevant institutions for this work, which must necessarily be carried out in collaboration with civil society organisations and Indigenous communities. The current administration has shown a willingness to address issues of social justice, signalling possible progress in reparations and dignity efforts. However, the absence of a legal framework to ensure the continuity of progress or policies on reparations and transitional justice, the lack of resources, the weakening of peace institutions, political resistance and denialist narratives, and the co-optation of the justice system continue to hinder reparations efforts. To transform these threats into opportunities, it is essential to strengthen partnerships between civil society and international partners, promote inclusive dialogues that include the voices of survivors, and establish monitoring mechanisms to ensure the implementation of reparations.



ACRONYMS

ACHR	American Convention on Human Rights	INTECAP	Technical Institute for Training and Productivity (<i>Instituto Técnico de Capacitación y Productividad</i>)
CACIF	Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (<i>Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras</i>)	LGBTIQA+	Lesbian, gay, bisexual, transgender, intersex, queer, asexual, and other diverse identities
CAFCA	Centre for Forensic Anthropology and Applied Science (<i>Centro de Antropología Forense y Ciencias Aplicadas</i>)	MIDES	Ministry of Social Development (<i>Ministerio de Desarrollo Social</i>)
CALDH	Centre for Human Rights Legal Action (<i>Centro para la Acción Legal en Derechos Humanos</i>)	MTM	Women Transforming the World (<i>Mujeres Transformando el Mundo</i>)
CEH	Commission for Historical Clarification (<i>Comisión de Esclarecimiento Histórico</i>)	OAS	Organization of American States
CERJ	Renujel Junam Ethnic Communities (<i>Comunidades Étnicas Renujel Junam</i>)	ODHAG	Human Rights Office of the Archdiocese of Guatemala (<i>Oficina de Derechos Humanos del Arzobispado de Guatemala</i>)
CODISRA	Presidential Commission against Discrimination and Racism (<i>Comisión Presidencial contra la Discriminación y el Racismo</i>)	PAC	Civil Self-Defence Patrols (<i>Patrullas de Autodefensa Civil</i>)
COPADEH	Presidential Commission for Peace and Human Rights (<i>Comisión Presidencial por la Paz y los Derechos Humanos</i>)	PNDR	National Plan for Dignification and Reparation (<i>Plan Nacional de Dignificación y Reparación</i>)
CONAVIGUA	National Coordinator of Widows of Guatemala (<i>Coordinadora Nacional de Viudas de Guatemala</i>)	PNOVCAI	National Platform of Organisations of Victims of the Internal Armed Conflict (<i>Plataforma Nacional de Organizaciones de Víctimas del Conflicto Armado Interno</i>)
DEMI	Office of the Ombudsperson for Indigenous Women (<i>Defensoría de la Mujer Indígena</i>)	PNR	National Reparations Programme (<i>Programa Nacional de Resarcimiento</i>)
ECAP	Community Studies and Psychosocial Action Team (<i>Equipo de Estudios Comunitarios y Acción Psicosocial</i>)	REMHI	Interdiocesan Project for Recovery of Historical Memory (<i>Proyecto Interdiocesano de Recuperación de la Memoria Histórica</i>)
FAFG	Forensic Anthropology Foundation of Guatemala (<i>Fundación de Antropología Forense de Guatemala</i>)	SEPAZ	Secretariat for Peace (<i>Secretaría de la Paz</i>)
FODES	Social Development Fund (<i>Fondo de Desarrollo Social</i>)	SEPREM	Presidential Secretariat for Women (<i>Secretaría Presidencial de la Mujer</i>)
GAM	Mutual Support Group (<i>Grupo de Apoyo Mutuo</i>)	PTSD	Post-Traumatic Stress Disorder (<i>Trastorno de Estrés Protraumático</i>)
GSF	Global Survivors Fund	UN	United Nations
IACHR	Inter-American Commission on Human Rights	UNAMG	National Union of Guatemala Women (<i>Unión Nacional de Mujeres Guatemaltecas</i>)
Inter-American Court	Inter-American Court of Human Rights	URNNG	Guatemala National Revolutionary Unit (<i>Unidad Revolucionaria Nacional Guatemalteca</i>)
		HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome



Women participants in the research process using arts-based methodologies for the Guatemala study, September 2023, Guatemala. © Andrea Bolaños Vargas



1. BACKGROUND AND METHODOLOGY

1.1. About the project, partner organisations, authors and acknowledgements

1.1.1. About the project

As part of the Global Study on Reparations, the Global Survivors Fund (GSF), in collaboration with the Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), the Centro para la Acción Legal en Derechos Humanos (CALDH), the Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA) and UN Women in Guatemala, has conducted a study to identify the reparations needs of survivors of conflict-related sexual violence in Guatemala, as well as the opportunities for delivering reparations to survivors through judicial and administrative processes.

The Guatemala study forms part of the Global Reparations Study, launched by GSF in 2020, which focuses on the status and opportunities for reparations for survivors of conflict-related sexual violence in over 20 countries. The Global Reparations Study is a multi-actor effort led by GSF in collaboration with more than 40 national and international organisations, including survivor networks and groups. The study makes recommendations for further action based on the needs and aspirations of survivors of conflict-related sexual violence around the world.

1.1.2. About the project partners

Centro para la Acción Legal en Derechos Humanos (CALDH) is a human rights organisation that engages in autonomous political action by valuing, constructing and integrating the knowledge, struggles and memories of Maya peoples and communities, women and youth. In alliance, it promotes and accompanies processes of rebellion and resistance for emancipation from racist, class-based and patriarchal oppression, for historical justice, the recovery of memory, the reinterpretation of history and the defence of the body-land-territory, building lives free of violence. Its areas of work include strategic litigation; the exchange of knowledge for emancipatory political action; and legal, political and organisational support and strengthening for liberatory actions. For more information visit <https://caldh.org.gt/>.

Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA) is a Maya women's organisation that emerged in 1985, made up primarily of widows of the internal armed conflict and genocide in Guatemala, as

well as members of the various Indigenous peoples and territories affected by the repressive actions of the Guatemalan army. It was legally constituted in 1988 during its first National Assembly. Its mission is to fight against exclusion, discrimination, poverty, militarisation and human rights violations, while promoting the rights of Maya women and the Indigenous peoples of Guatemala. For more information visit <https://conavigua.org.gt/es/>.

Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP) undertakes processes of accompaniment and psychosocial action with victims of political violence due to the internal armed conflict and serious human rights violations in the country's past and present. In addition, the association carries out its mission within the framework of education, training and knowledge production, citizen participation and violence prevention, and the promotion of gender equality. Psychosocial support includes preventing and addressing violence, mainly against women, young people, Indigenous peoples, human rights defenders and marginalised groups, with an ethical approach and respect for cultural diversity. For more information visit <https://ecapguatemala.org.gt/>.

Global Survivors Fund (GSF) works with survivors, local partners, technical experts and government stakeholders to enhance access to reparations for and with survivors of conflict-related sexual violence. GSF acts to provide interim reparative measures when the responsible parties are unable or unwilling to provide reparation. It advocates at the international level for the implementation of reparation programmes, and guides states and civil society by providing expertise and technical support for designing programmes. GSF's approach, that puts co-creation at the centre, aims to return agency and autonomy to those that have been stripped of it and ensures that actions are relevant, impactful, and driven by the aspirations of survivors. For more information visit www.globalsurvivorsfund.org.

UN Women, Guatemala The United Nations Entity for Gender Equality and the Empowerment of Women, UN Women, drawing on the vision of equality enshrined in the Charter of the United Nations, works to eliminate discrimination against women and girls; promote the empowerment of women; and achieve equality between women and men as partners and beneficiaries of development, human rights, humanitarian action, peace and security. By placing women's rights at the heart of its work, it leads and coordinates the efforts of the UN system

to ensure that commitments to gender equality and gender mainstreaming are translated into action around the world. At the same time, it exercises effective and coherent leadership to support the priorities and efforts of Member States, building effective partnerships with governments, civil society and other relevant actors. For more information visit <https://lac.unwomen.org/es/donde-estamos/guatemala>.

1.1.3. About the authors

Andrea Bolaños Vargas is a Latin American political scientist born in Colombia, with a Master's degree in Interdisciplinary Intervention in Gender-Based Violence (Spain), specialising in international human rights law with postgraduate qualifications in International Humanitarian Law (Colombia); Human Rights and Transitional Justice (Chile); Advanced Studies in Advocacy and International Affairs (Switzerland); and continuing professional development courses in Human Rights, Gender and Alterity (Switzerland). She has over 20 years' experience in social research related to human rights violations. For more than 15 years, she has worked alongside rights defenders, women's organisations and Indigenous women's organisations across Latin America.

Olga Alicia Paz Bailey is a psychologist with a PhD in Sociology from the Benemérita Universidad Autónoma de Puebla and a Master's degree in Social Psychology from the Universidad San Carlos de Guatemala. She has 15 years' experience providing psychological care to women survivors of sexual violence in the departments of Chimaltenango, Huehuetenango, Izabal, and Guatemala City. Her research focuses on the effects of violence against women, state violence and HIV. She has also served as an expert witness in cases before the Inter-American Court of Human Rights.

1.1.4. Acknowledgements

GSF, the researchers, and partner organisations extend their deepest gratitude to all survivors for their courage and determination in participating in this study. Their contributions have ensured that the report's findings are meaningful and accurately reflect the lived realities of those affected by conflict-related sexual violence. We offer special thanks to all the individuals and collectives involved, including women from Chimaltenango; Santa Lucía Cotzumalguapa; Sepur Zarco and the *Colectiva Jalok U*; women and collectives from the Ixil region, including *Hijas y Nietas de Sobrevivientes*, *Flor de Maguey*, *Mujeres Valientes*, *Asociación para la Justicia y la Reconciliación AJR TX'UMUIL*; survivors of the Ixil Lucas García Genocide

case; the Achí women; survivors of the Diario Militar case and the Zona Militar N°21 (Creompaz) case; the women of the Molina Theissen case; and LGBTQIA+ individuals and organisations. Finally, we extend our sincere appreciation to all those from local, national and international organisations, as well as public institutions, who volunteered to participate in this research, enriching the findings and strengthening its content.

We would also like to extend our gratitude to those involved in the review of this report, particularly Maya Alvarado Chávez, a gender and women's human rights specialist and member of the Alliance who accompanied the Sepur Zarco case, and Berta Fernández Rosón, Senior Project Officer at GSF, who coordinated this process. Finally, we sincerely thank the GSF team for their contributions to this effort, especially Delia Sánchez del Ángel, Global Reparations Study Lead at GSF, and Cristián Correa, Senior Technical Advisor at GSF. We also thank Glenda García García, professor and researcher at the University of San Carlos de Guatemala, for her collaboration with the team at the outset of the research process.

1.2. Methodology of the study

1.2.1. Objectives

The Guatemala Reparations Study aims to identify the existing avenues for survivors of conflict-related sexual violence to access reparations in Guatemala, examine the gaps that exist between access to reparations and the needs of survivors, and explore measures to help bridge those gaps. Specific objectives include:

1. Document, to the extent possible, the scope and extent of sexual violence committed during the period of the conflict or in connection with the conflict;
2. Identify and assess existing judicial and administrative remedies to grant reparation to survivors;
3. Identify and analyse survivors' perspectives, needs and expectations in relation to reparation and potential interim reparative measures;
4. Identify gaps between current access to reparation and the needs of survivors, and determine opportunities and possible challenges for access to reparation in Guatemala;
5. Provide recommendations specific to the Guatemalan context to ensure that both reparations and interim reparative measures are provided.

1.2.2. Methods

This research was carried out using qualitative methods and included a participatory approach with survivors, survivor networks and civil society organisations working on reparations issues in Guatemala.

The research began with an extensive documentary review, including sources such as the Report of the Commission for Historical Clarification (*Comisión para el Esclarecimiento Histórico*, CEH), the Report of the Inter-Diocesan Project 'Recovery of Historical Memory, Guatemala: Never Again', relevant publications and research on the National Reparations Programme (*Programa Nacional de Resarcimiento*, PNR), and other related studies, including analyses of cases and judgements.

In-depth interviews and focus groups were conducted with three identified groups: first, survivors; second, key actors working in the fields of law, memory, psychosocial care, human rights and women's rights; and third, government officials who work or have worked in institutions and entities related to peace, justice and reparation.

Work with survivors began with a meeting in Nebaj in February 2023, organised in coordination with CALDH and ECAP, with the participation of more than 60 women representing different groups and communities, including Achí, Ixil, Kaqchikel, K'iche', Poqomchi', Q'eqchi, and mestizo groups.¹ Between September and November 2023, more targeted on-the-ground research was carried out. During those months, individual interviews were conducted with women from Sepur Zarco,² from the Ixil genocide case,³ from Chimaltenango,⁴ and from Santa Lucía Cotzumalguapa living in exile in Canada,⁵ as well as individual cases in Guatemala City. Among those interviewed were women who, as girls, were subjected to sexual violence and torture and who suffered the disappearance of loved ones. Through the diversity of profiles, the research sought to ensure representation of victims who received some form of

administrative reparation through the National Reparations Programme; of victims who received reparations through the courts as a result of landmark national judgements; and of victims who have not yet been able to access any form of reparation.

For the key informant interviews, several human rights organisations that have supported women survivors of sexual violence at different times were interviewed. These included CALDH, the Bufete de Derechos Humanos de Rabinal, the Bufete de Derechos Humanos en Guatemala, ECAP, and Mujeres Transformando el Mundo (MTM). Representatives from feminist organisations such as the Unión Nacional de Mujeres Guatemaltecas (UNAMG), organisations working on healing processes, such as Actoras de Cambio, and research and accompaniment organisations, such as Impunity Watch, were also interviewed. Additionally, interviews were conducted with expert witnesses from national courts and the Inter-American Court of Human Rights, as well as UN experts on reparations in Guatemala.

In total, 13 individual interviews were conducted with survivors, including five people who were children at the time of the violence. Additionally, three focus groups with survivors were held, involving between nine and ten participants, with interpretation from Maya languages into Spanish. Furthermore, 26 interviews were conducted with experts on the subject. Both the interviews and the focus groups were transcribed and analysed according to the defined variables. The names of those interviewed or who participated in the focus groups, including both survivors and other actors, have been removed to protect their identities. Any names that appear in reference to their interviews are pseudonyms.

Additionally, part of the research focused on identifying patterns of sexual violence committed against members of the LGBTQIA+ community during the armed conflict, as this violence has been less documented to date. This aspect of the study was conducted primarily through consultations

1 Participants in this meeting included women from Sepur Zarco; the Ixil region, including *Hijas y Nietas de Sobrevivientes*, *Flor de Maguey*, *Mujeres Valientes*, *Asociación para la Justicia y la Reconciliación AJR TX'UMUJL*; the Ixil Lucas García Genocide case; the Achí women; the Diario Militar case; the Zona Militar N°21 (Creompaz) case; and the Molina Theissen case.

2 Sepur Zarco is a community in the department of Izabal, in eastern Guatemala, where repression initially targeted Indigenous men, who were forcibly disappeared after filing land-title claims. Women were subsequently taken to the local military detachment, where they were forced into sexual and domestic slavery by the army. The case later became a landmark precedent following a national court ruling in the survivors' favour.

3 The Ixil Genocide case is another of the country's landmark trials, concerning the genocide of the Ixil Maya by the armed forces. Between 1978 and 1982, the Guatemalan Army carried out intense military repression and attacks against Ixil Maya communities as part of its counter-insurgency policy. Massacres, enforced disappearances, torture, and sexual violence were committed.

4 The women of Chimaltenango suffered repression, targeted sexual violence, and the loss of material goods; some also endured the murder or disappearance of their husbands. They have not pursued legal action but have organised themselves into self-support groups since 2006.

5 Santa Lucía Cotzumalguapa is a municipality in the department of Escuintla, home to most of the country's sugar mills and sugar cane farms [CEH, *Guatemala, memoria del silencio* (UNOPS 1999), Case No. 13. Caso ilustrativo No. 13. Persecución y desintegración de la familia Bautista Escobar, torturas de menores y embarazadas, violación de menores y desapariciones forzadas, p. 298]. In the late 1970s, trade unions demanded labour rights [CEH, *Guatemala, memoria del silencio* (UNOPS 1999), Caso ilustrativo No. 109. Desaparición forzada de miembros del Sindicato Azucarero del Ingenio Pantaleón, p. 320].

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with individuals who work or have worked in sexual diversity advocacy in Guatemala, particularly within the country's oldest organisations, which themselves suffered political violence at the hands of state security forces. As a result of these enquiries, the team was able to interview five additional members of the LGBTQIA+ community.

The on-the-ground research was carried out in partnership with national organisations with extensive experience in psychosocial counselling, which currently support the people in the cases identified. Each focus group and interview was conducted in coordination with ECAP, an organisation that has been accompanying survivors for more than ten years, providing specialised psychosocial care and facilitating self-support groups. The methodology incorporated four important aspects:

1. A cultural approach, recognising that participants belong to Indigenous communities with a history of resistance and defence of their rights, territory and identity;

2. A psychosocial approach, based on Gender-Sensitive Therapy,⁶ which acknowledges the structural oppression of women in a sexist and patriarchal society, as well as the gendered nature of violence during the war, where women were victims;

3. A survivor-centred approach, aimed at empowering survivors with knowledge of their rights and the means to enforce them in response to the grave violations of which they were victims;⁷

4. A human rights approach, emphasising the responsibility of the Guatemalan State as guarantor of access to justice, comprehensive, dignified and transformative reparation, and guarantees of non-repetition for survivors of sexual violence.

The study also included a feedback and validation workshop in March 2024, where survivors were able to share their perspectives and assess the research findings.

PARTICIPATION IN THE STUDY



13

SURVIVORS
INTERVIEWED



3

FOCUS GROUP
DISCUSSIONS WITH
SURVIVORS



5

LGBTQIA+
COMMUNITY
MEMBERS
INTERVIEWED



26

INTERVIEWS
WITH EXPERTS



60

WOMEN
PARTICIPATED IN
THE COLLECTIVE
MEETING IN NEBAJ

6 Gioconda Batres Méndez, *Del Ultraje a la Esperanza. Tratamiento de las Secuelas del Incesto* (ILANUD 1997).

7 Brisna Caxaj Álvarez and others, 'Cambiando el rostro de la justicia. Las claves del litigio estratégico en el caso Sepur Zarco' (Impunity Watch and Alianza Rompiendo el Silencio y la Impunidad, 2017).



2. INTRODUCTION

Sexual violence was systematically used in Guatemala during the years of internal armed conflict, primarily affecting Indigenous women. Nearly three decades after the signing of the Peace Accords, most survivors still have not received adequate and effective reparation, despite certain achievements and progress.

This study aims to examine the current status and opportunities for reparation for those who suffered sexual violence during the conflict. A qualitative methodology was employed, consisting of in-depth interviews and focus groups with survivors from different parts of the territory and with organisations and experts in justice and reparation.

This report is divided into several sections. It begins by outlining the historical context of racism, misogyny and homophobia that underpinned sexual violence. It then examines the patterns and forms this violence took. It also identifies trends in the profiles of the victims, most of whom were women from poor Indigenous communities, and examines the perpetrators, who were primarily members of a state-funded army, often staffed by soldiers from the Indigenous communities themselves.

The study then presents the voices and testimonies of survivors, reflecting the repercussions of sexual violence, how they interpret their losses, and how they have been redefining what happened to their bodies, families and life projects. Their testimonies also convey their perceptions and demands for reparation, not only from an individual perspective but also from a collective standpoint that integrates the well-being of their communities. Among the most common demands for reparation are economic compensation; the restitution of land, as a historical demand; the right to housing and education; the dignification of their collectives; and the creation of houses of memory in their localities, where they can remember and come together.

Among the survivors' voices, the report takes a closer look at the women of Sepur Zarco, analysing how, years after a landmark ruling, many are still fighting for the implementation of promised reparations. The study also examines the LGBTQIA+ collective, highlighting how part of the violence during the conflict specifically targeted sexual dissidents. The research shows how individuals who defied heteronormative gender and sexual norms were detained, beaten and humiliated. Interviewees from the LGBTQIA+ community demand recognition of their historical resistance and insist that responsibility for the violence against them lies with the State, the Church, the Police, the justice system and society as a whole. They expect the State to compensate these generations and create conditions that allow young people to live their sexuality freely.

Although one of the objectives of this study was to document the experiences of men who suffered sexual violence during the conflict, it was not possible to directly identify survivors willing to participate in the research, due to silence, homophobia and persistent stigma. Instead, information on this issue was gathered through interviews with researchers who have worked on the subject.

Following the testimonies of survivors and their perspectives on reparation, the report also examines the initiatives that have existed in relation to reparation in Guatemala, both those led by civil society – through support and reparative initiatives – and those established by the State, at the judicial and administrative levels. The study examines not only the normative and institutional frameworks for reparation, but also its practical implementation and the barriers survivors have encountered in accessing it.

The final sections explore the opportunities and challenges survivors of conflict-related sexual violence in Guatemala face in accessing reparation today. The report concludes with recommendations aimed at ensuring the implementation of reparation measures, while taking into account the needs of victims and the dignity of communities.



Photograph exhibition in the public square of Nebaj during the National Day for the Dignification of Victims of the Armed Conflict, February 2023, Guatemala. © Berta Fernández Rosón / GSF



3. SEXUAL VIOLENCE DURING GUATEMALA'S INTERNAL ARMED CONFLICT

3.1. Historical context and approaches

3.1.1. Internal armed conflict, state terrorism and genocide

The Guatemalan armed conflict lasted 36 years, from 1960 to 1996. As early as the 1950s, following the overthrow of President Jacobo Árbenz in 1954, various social and political movements emerged in opposition to military rule. These groups sought to restore democracy and expand popular participation, but successive military governments responded with repression and violence. This marked the beginning of the armed conflict.

The insurgent guerrilla groups that emerged at the start of the conflict decided to unite in the 1980s, forming the Guatemalan National Revolutionary Unity (URNG).⁸ These groups mobilised in response to the lack of institutional political channels that allowed for the participation of opposition parties, protesting economic exclusion, inequality, and lack of access to and control over land – one of the main drivers of conflict.⁹

At the time, communist ideologies and proposals were a major influence on the global stage, shaping the values and actions of the resistance movements. This ideological influence contributed to the rise of key actors in the Guatemalan armed conflict. From an anti-communist stance, several governments, including Guatemala, adopted the so-called National Security Doctrine, which aimed not only to combat subversion but also to control and repress social and community organisation based on the notion of the 'internal enemy'.¹⁰

This repression intensified over time, and by the 1970s and 1980s, it escalated to the point of genocide:

“the most violent period of this conflict was between 1978 and 1983, when the military operations focused on the regions of Quiché, Huehuetenango, Chimaltenango, Alta and Baja Verapaz, the southern coast and Guatemala City. During these years, counterinsurgency policy in Guatemala was characterized by ‘military actions geared toward destruction of groups and communities as well as forced geographic displacement of indigenous communities when they were considered potential supporters of the guerrilla forces.’”¹¹

During the period of greatest political repression (1979 to 1984), 11,598 cases of torture, 23,671 arbitrary executions, 61,648 enforced disappearances, and 1,465 cases of rape were documented. Children accounted for 18% of all recorded human rights violations.¹² Regarding the gender distribution of these crimes, it appears that women were victims in 23% of arbitrary executions and torture cases, 12% of enforced disappearances, 99% of sexual violence cases, and 51% of forced displacement cases.¹³ The number of conflict victims is high and is likely to be even higher, due to the under-reporting in truth-commission reports, as no specific instruments were available to analyse in detail what had happened to women during the conflict.

Between 1981 and 1983 alone, the governments of Generals Romeo Lucas and Efraín Ríos Montt, within the framework of the counterinsurgency struggle, implemented strategies to destroy the population. This resulted in a tragic toll of 200,000 deaths, 50,000 disappearances and between half a million and one and a half million displaced persons.¹⁴ The use of terror and extreme forms of violent repression formed part of a complex process aimed at annihilating the guerrilla movement and instilling terror among the population

8 The URNG was founded as a guerrilla group on 7 February 1982, after the coordination of the four most important guerrilla groups: the Guerrilla Army of the Poor (*Ejército Guerrillero de los Pobres* – EGP), the Organisation of the People in Arms (*Organización de Pueblo en Armas* – ORPA), the Rebel Armed Forces (*Fuerzas Armadas Rebeldes* – FAR), and the Guatemalan Labour Party (*Partido Guatemalteco del Trabajo* – PGT).

9 Roddy Brett and Lina Malagón, 'Realising victims' rights to reparation, truth and justice in Guatemala, in the midst of a zero-sum game' (Reparations, Responsibility & Victimhood, Queen's University Belfast, 2020).

10 The so-called "National Security Doctrine" was a product of Cold War thinking, which kept the world divided into two antagonistic camps. It was conceived by successive United States governments and put into practice by training various Latin American armies at the School of the Americas. [School of the Americas Watch, 'Memoria y Resistencia: Close the School of the Americas', <https://soaw.org/inicio>, accessed 17 September 2024].

11 Inter-American Court, *Plan de Sánchez Massacre v. Guatemala* (Merits), Series C No. 105 (29 April 2004), para. 42.5.

12 CEH, *Guatemala Memoria del Silencio*, Volume III. Las violaciones de los derechos humanos y los hechos de violencia (UNOPS 1999), paras. 1935, 2037, 2194 and 2388.

13 The percentages were calculated in relation to the total number of victims of human rights violations with known sex. See *Ibid.*, para. 2376.

14 *Ibid.*, para. 4194.

to prevent further demands for social change. Through emergency decrees, local, municipal and national authorities, along with all state entities, were placed under the control and domination of the army, with military commanders exercising coordinating functions over state institutions.¹⁵

The war practices implemented included military and paramilitary strategies and practices regarded as crimes against humanity and genocide. The civilian population suffered disproportionately from this violence, as it was the target of attacks by different armed groups. These acts of violence aimed to instil terror and dismantle the social fabric. Women's bodies were used as a battleground, and sexual violence was wielded as a weapon of war – not only to dehumanise women but also to destroy the fabric of families, communities and social trust. In this context, sexual violence, along with torture and enforced disappearance, served as instruments to repress diversity, plurality and unity, rather than being ends in themselves.¹⁶ The classification of these acts as genocide was confirmed by Guatemalan courts in 2013 and ratified in 2018 in the genocide case against General Efraín Ríos Montt and José Mauricio Rodríguez Sánchez.¹⁷

3.1.2. Racism and gender

Although several dimensions characterised the violence during the Guatemalan armed conflict, this report will focus on two in particular. Firstly, the ethnic dimension, which includes racism and human rights violations against Indigenous communities, such as the Maya K'iche', Maya Ixil, Maya Q'anjob'al, Achí and Kaqchikel, among others. Secondly, the gender dimension, which exacerbated human rights violations against women and LGBTQIA+ people.

3.1.2.1. Racism

During the armed conflict, racism formed the ideological basis for genocide, serving to justify the exploitation of

Indigenous peoples and to uphold the economic and political privileges of the oligarchy.¹⁸ Racism was reflected in discourses that labelled Indigenous people as "Indian", "lazy" or "dirty", dismissed their rites and ceremonies as witchcraft, and depicted native peoples as the "natural" allies of the guerrillas.¹⁹ As stated by the CEH:

*"[T]he undeniable existence of racism expressed repeatedly by the State as a doctrine of superiority, is a basic explanatory factor for the indiscriminate nature and particular brutality with which military operations were carried out against hundreds of Mayan communities in the west and north-west of the country [...]."*²⁰

Indeed, 83.3% of the victims of human rights violations and acts of violence recorded by the CEH belonged to a Maya ethnic group, while 16.5% were Ladino and 0.2% belonged to other groups.²¹ This racism was also evident in the patterns of sexual violence committed against Indigenous populations.²²

As anthropologist Irma Alicia Velázquez points out, the violations suffered by Indigenous women cannot be understood outside the framework of racism. These mechanisms of oppression have existed in the country since 1524, were institutionalised at the time of independence in 1821 and strengthened during the liberal era in 1871. From then until the present day, they continue to be reproduced in an overt or subtle manner.²³

3.1.2.2. Gender

During the armed conflict, sexual violence against women was a normalised practice and an expression of the hegemony of patriarchal power. It was both a consequence and the most brutal manifestation of the social pact forged between men over women's bodies,

15 Olga Paz Bailey, *Memoria, Violencia Sexual y Masculinidades: Women and Genocide in Guatemala* (Benemérita Universidad Autónoma de Puebla, PhD Thesis, 2015).

16 Achí women's case. Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente, Group A. C-15002-2014-00315 of. 3, 2022 p. 405.

17 Caso genocidio Ixil, Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente. C-01076-2011-00015, 2018.

18 Racism can be understood as "the generalised and definitive valuation of biological or cultural differences, real or imagined, to the advantage of one group to the detriment of another, with the aim of justifying aggression and a system of domination. These attitudes can be expressed as racist behaviours, imaginaries, practices, or ideologies that as such spread throughout the social field and form part of the collective imaginary". [Marta Casaús Arzú, 'El Genocidio: la máxima expresión del racismo en Guatemala: una interpretación histórica y una reflexión' (2009) *Nuevo Mundo mundos nuevos*]. "Racism is inserted into the dominant class structure (constituting) a justifying element... to ensure its cohesion as a class and justify its domination over the Indigenous" [Amandine Fulchirone, Olga Alicia Paz and Angélica López, *Tejidos que lleva el alma. Memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado* (ECAP, UNAMG 2009) p. 146].

19 Olga Alicia Paz Bailey and Carlos Figueroa Ibarra, 'Masculinidad, violencia sexual y género en el genocidio en Guatemala durante el conflicto armado' 3 (2014) *Revista Historia y Justicia*.

20 CEH, *Guatemala Memory of Silence, Conclusions and Recommendations* (UNOPS 1999) p. 24, para. 33.

21 *Ibid.* para. 1745.

22 *Ibid.* para. 2390.

23 Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente, C-01076-2012-00021 of.2º (26 February 2016).

reinforced by the racist pact established by the Creoles and Ladinos over Indigenous peoples.²⁴

Although sexual violence was predominantly perpetrated against women and girls, men, boys, and adolescents were also victims, as were members of the LGBTQIA+ community, albeit with less documented cases. These forms of violence, which will be examined in greater depth in section 2.2.4 on victim profiling, were also gendered. In some cases, sexual violence against men was intended to humiliate them by feminising them, and thereby degrading their bodies, reflecting the social devaluation of femininity. Sexual violence against members of the LGBTQIA+ community was frequently carried out as a “corrective” measure, intended to “redirect” what some sectors of the population perceived – and, in many cases, still perceive – as “deviations” from sexual and/or gender normativity.

3.2. Nature and scope of sexual violence

3.2.1. Sexual violence as a weapon of war in Guatemala

In analysing the objectives for which rape was used in the context of the armed conflict, the Interdiocesan Project for Recovery of Historical Memory (*Proyecto Interdiocesano de Recuperación de la Memoria Histórica*, REMHI) identified five main purposes: (1) as a demonstration of power, intended to establish who dominated and who was to be subordinated; (2) as an expression of victory over opponents – constituting not only an act of domination over enemy bodies, but also a political tactic to harm others; (3) as a bargaining tool, used when victims had no alternative but to survive or protect their children; (4) as a reward or compensation for soldiers for their participation in the war, treating women’s bodies as spoils of war; and finally, (5) as a form of extreme sexual torture.²⁵

What has been proven is the systematic and widespread nature of sexual violence, which was embedded in military strategies:

“Testimonies provided by members of the army confirm that rape was a habitual and even systematic practice, as it was ordered by the high-ranking commanders prior to the entry into communities, with precise instructions on how it was to be carried out”.²⁶

To these objectives, social anthropologist and expert witness in the Sepur Zarco case, Rita Segato, adds the objective of reinforcing the patriarchal pact of military silence and male fraternity among members of the troops, through collective rapes committed by soldiers during training or in the course of military operations.²⁷

The organised nature of sexual violence within military schemes is also evident in its use against sex workers as part of military training. The CEH documented cases in which prostitutes were brought in “to accustom the soldier to this practice”.²⁸

“The army brought whores to their soldiers and first the second lieutenant would go, and then all the soldiers over the course of a week, some went as many as ten times. Every three months, [the women] would be replaced.”²⁹

As REMHI notes, in some cases, the sexual violence also served as a form of entertainment for the troops. This was the case in the military detachment built in the community of Sepur Zarco, which, as the court ruling states, was designated as “an area for rest, recuperation and even ‘recreation for the soldier’”.³⁰ These practices were conveniently ignored by superiors, who were aware of the abuse and took no action to prevent it.

24 Amandine Fulchirone, Olga Alicia Paz and Angélica López, *Tejidos que lleva el alma. Memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado* (ECAP, UNAMG 2009) p. 197.

25 Oficina de Derechos Humanos del Arzobispado de Guatemala, *Guatemala Nunca Más* (ODHAG 1998) Tomo I. Impactos de violencia, pp. 212-215. Impactos de la violencia, pp. 212-215.

26 Sandino Asturias Valenzuela, ‘Pruebas Periciales’ in Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 68.

27 Rita Segato, ‘Peritaje Antropológico de Género. Causa del Caso Sepur Zarco, municipio de El Estor, departamento de Izabal’ p. 12.

28 CEH, *Guatemala Memoria del Silencio* (UNOPS 1999), Volume III. Las violaciones de los derechos humanos y los hechos de violencia, para. 2397.

29 Ibid.

30 Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente. C-01076-2012-00021 of.2°. (26-February 2016) p. 55.

Soldiers were assigned turns based on their military rank, and a birth control strategy was implemented: women were forced to take contraceptive pills or were given contraceptive injections when they went to the detachment.³¹

This violence posed a serious threat to life and exposed victims to severe physical, social and psychological harm. As a result, victims suffered grave consequences, including unwanted pregnancies and loss of reproductive capacity, as well as orphanhood, loss of material possessions, disruption of family and community ties, post-traumatic stress disorder, widowhood, exile and isolation.³²

3.2.2. Patterns

Sexual violence during the armed conflict was used as a weapon of war in both urban and rural areas. However, truth-seeking reports and various investigations have shown that the characteristics and motives differed depending on the context.

3.2.2.1. In urban areas

In urban areas, state repression was selective, marked by enforced disappearances and illegal detentions in military and police facilities, as well as in clandestine prisons – often targeting social and student leaders suspected of sympathising with the insurgency. Torture was commonly used in these detentions as a method of extracting information, and one of the forms of violence employed was rape and other acts of sexual violence.

Numerous survivors have recounted that sexual violence was an integral part of the detention process, which began with their capture by the police or military. They describe being blindfolded and transported to an unknown location, where interrogations would begin. They were stripped naked, beaten and burned with cigarettes. In some cases, they were hooded with coverings soaked in *gamezan*³³ or placed in rooms with blood, corpses or other tortured people – all with the aim of instilling terror and extracting information.³⁴ Victims were typically accused of participating in or collaborating with insurgent groups, and the perpetrators were often members of military intelligence.

In urban areas, sexual violence was also carried out during raids on the homes of people accused of being insurgents, with the aim of obtaining information and as a means of punishment. In these cases, the perpetrators were members of the national police, intelligence or military commissioners.³⁵

3.2.2.2. In rural areas

In rural areas, sexual violence was carried out as a direct, widespread and indiscriminate attack against the Maya population.³⁶ These acts occurred in a variety of settings, including military detachments, where women were summoned, interrogated, tortured and subjected to various forms of sexual violence. Intimate spaces such as their homes were sites of violence: patrolmen would sometimes enter homes in search of the women's husbands and, when they did not find them, they would rape the women as a form of punishment. Sexual violence was generally committed by army officers and soldiers, civilian self-defence patrol members and military commissioners.

During illegal detentions in military centres or detachments.

In rural areas, women were frequently detained illegally – captured in their homes, on community roads, or when they approached military sites to inquire about relatives who had been disappeared or detained by the army.³⁷ The conditions of detentions were degrading, not only for the women themselves but also for their children when they were present. This is reflected in the testimony of a woman who was detained in Rabinal, Baja Verapaz, in 1983:

“The two soldiers took me to a part that was a bit behind the detachment and said to me when I got to a small room: ‘Go in there, this is the court of justice’. This so-called court of justice was a very small, narrow room with two latrines. The place was filthy and reeked. A cloud of flies swarmed as I entered. The stench was overwhelming, everything was nauseating, and it was because the walls were splattered and dripping with blood, fresh blood and dried blood. [...] At night, the soldiers would come into the room and that man would also try to touch me, and the soldiers would come in, and I would put my little boy to one side to protect him and to

31 Luz Méndez Gutiérrez and Amanda Carrera Guerra, *Mujeres indígenas: Clamor por la justicia. Violencia sexual, conflicto armado y despojo violento de tierras* (ECAP 2014) pp. 47-51.

32 CEH, *Guatemala Memoria del Silencio* (UNOPS 1999), Volume III. Las violaciones de los derechos humanos y los hechos de violencia, p. 29.

33 *Gamezan* is a toxic substance used as an insecticide.

34 Olga Paz Bailey, *Memoria. Violencia Sexual y Masculinidades: Women and Genocide in Guatemala* (Benemérita Universidad Autónoma de Puebla, PhD Thesis, 2015)

35 Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 26.

36 *Ibid.*

37 *Ibid.* p. 27.

*protect myself. But every time the soldiers came to rape me, they were annoyed that I had my baby there, and many of them would say to me: "Throw that shit over there!" But if he cried, they would say: "Figure out what to do with that piece of shit of yours so he shuts up, because if he doesn't, I'll slam him so he stops fucking around!"*³⁸

In some cases, the detention of men was followed by acts of violence against their women. After the men were abducted, the women were summoned to the military detachment, where they were subjected to numerous humiliations over the course of days or months. In this way, a system of control and violence was established around military detachments, rooted in counter-insurgency logic.³⁹

During raids. In this context of widespread violence, some men chose not to stay in their homes out of fear of being detained, tortured or killed, while women and children remained behind.⁴⁰ When the army raided homes and did not find the men, they raped the women and girls as a form of revenge and an exemplary message to the male heads of household.

During and/or after the massacres. The CEH report reveals the frequent commission of sexual violence during massacres carried out by the army against Indigenous communities. In their words, *"in almost all the cases referring to massacres committed by the army, the declarants stated that the military raped the women."*⁴¹

*"At about two o'clock in the afternoon they began to take the women out in groups of ten and twenty, some escaped to their houses, where they were raped and burned alive next to the houses [...]"*⁴²

*"In Yalambojoch they stayed for four days, forced the people to participate in several meetings to organise the patrol. The next day they dug a hole and planted bombs, exploding them, many women fled with the children from the community and were raped and executed a short distance away. About 200 soldiers headed towards Yaltoyá and found the women, raped and killed them."*⁴³

In public spaces or in front of family members and/or community members. Rape in public was a common act, often carried out in front of family members or members of the community. It served as a means of demonstrating the army's dominance over the community and of publicly punishing individuals, social organisation and Indigenous communities. One victim describes it as follows:

*"The army set up checkpoints at the exit of the village [...] A group of 18 women and their children left the village with donkeys, baskets and bags. As they were returning through Rio Seco, they were intercepted and captured by a patrol of soldiers. The soldiers took their donkeys and the items they had purchased. They took the women and children to a nearby location: the women were stripped naked, tortured and left hanging with sticks inserted in their genitals so people could see them. The children had their heads smashed."*⁴⁴

During displacement. Following attacks on their communities, the surviving population tried to seek refuge by fleeing into the mountains. State security forces, Civil Self-Defence Patrols and military commissioners pursued those who fled. Eventually, when they intercepted women were, they raped them – justifying their actions by claiming that they were the wives or girlfriends of guerrilla fighters.⁴⁵

3.2.3. Forms

The CEH investigated sexual violence during the armed conflict. However, the interchangeable use of the terms 'sexual violence' and 'rape' complicates the identification and assessment of different forms of sexual violence. While some forms – such as rape – were more visible and better documented, others, though systematic, remain less visible. Nevertheless, the CEH chapter on sexual violence against women demonstrates that multiple forms were used systematically, beyond rape. These include:

38 Olga Paz Bailey, *Torture, effects and coping. Psychosocial study* (ECAP 2004) p. 76.

39 Luz Méndez Gutiérrez and Amanda Carrera Guerra, *Mujeres indígenas: Clamor por la justicia. Violencia sexual, conflicto armado y despojo violento de tierras* (ECAP 2014) p. 51.

40 Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 27.

41 CEH, *Guatemala Memoria del Silencio* (UNOPS 1999), Volume III. Las violaciones de los derechos humanos y los hechos de violencia, para. 2402.

42 Ibid. para. 3537. Testimony collected by the CEH.

43 Ibid. para. 3538.

44 Ibid. para. 3140.

45 Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 28.



A candle arrangement prepared by women during the research process for the Guatemala study, September 2023, Guatemala.
© Andrea Bolaños Vargas

Sexual slavery. In the Polochic region, soldiers established military posts where they illegally detained girls and women who had survived violence in their communities – especially widows – and held them in sexual and/or domestic slavery. This form of slavery involved the exploitation of both their bodies and labour. The women were forced to perform assigned tasks and required to bring their own supplies (e.g. soap, corn for cooking), often at the expense of the food intended for themselves and their families. This type of slavery was accompanied by the sexual violence they suffered while in captivity.

One case that illustrates this practice is that of Sepur Zarco, mentioned previously. Another emblematic case is Playa Grande, in Quiché, documented by the CEH:

“For ten years following the enforced disappearances, the widows [...] were enslaved [...] by the military commissioners and the Development Committee, who worked with the army. The widows were forced to work in the fields and to organise activities such as celebrations, under orders from the Playa Grande military detachment.”⁴⁶

Forced unions. During the conflict, Indigenous women and widows were forced to “unite” with patrolmen or military commissioners, and numerous girls were forced to live with members of the army – constituting yet another form of sexual slavery. As the CEH explains:

“Many widows were held in these camps, there were cases in which they were forced to join with the patrolmen, or, if not, they were forced to hand over their daughters to a patrolman’s son.”⁴⁷

In other cases, women saw no other way to survive and protect the lives of their children than to enter into forced “unions” with members of the armed forces, patrolmen or police officers. According to the CEH, in many instances these “unions” took place under coercion and were often preceded by acts of sexual violence.⁴⁸

Forced nudity.⁴⁹ One of the most terrifying experiences for victims was being forced to undress publicly – especially in Indigenous communities. In urban areas, forced nudity was also used as a form of psychological torture and intimidation. In the words of one victim of the conflict: *“They took my father and my brother, stripped them naked and kicked them, saying: ‘if you are a good guerrilla, take it.’”⁵⁰*

Genital mutilation. Another form of sexual violence documented in the Guatemalan context was genital mutilation or the dismemberment of sexual organs, including nipples. In some cases, mutilation was accompanied by other forms of sexual violence, as shown in the following CEH testimony:

“On 15 September 1982 we were returning with my father from the Rabinal market... We were stopped by soldiers near the detachment and they locked us up separately... they tore off my clothes, they all got on, the captain first, eight other soldiers... the others were touching me, treating me terribly and among themselves they told the one on top to hurry up, they told me to move and they hit me so that I would move... suddenly I saw that I was being beaten. the others touched me, they treated me very badly and among themselves they told the one who was on top to hurry up, they told me to move, and they hit me to make me move... Suddenly, I saw them bring in my father, he was badly beaten, and two of them were holding him up. I was naked on a table, and the captain told my father that if he didn't talk he was going to have a bad time. Then he made the men he had there start raping me again. My father watched and cried, the men said things to him, he didn't speak, I was tired, I didn't scream anymore, I think I also fainted, I thought I was going to die, I didn't understand anything. I don't think my dad was a guerrilla fighter, I don't know what they wanted. Suddenly the captain asked for a machete and cut off my dad's penis and stuck it between my legs. My father was bleeding to death, he suffered a lot, then they took him away. They gave me clothes, other clothes, from I don't know what woman, and told me to leave.”⁵¹

46 CEH, *Guatemala Memoria del Silencio* (UNOPS 1999) Volume III. Human rights violations and acts of violence, para. 2452.

47 Ibid. para. 2462.

48 Ibid. para. 2463.

49 According to the Istanbul Protocol, “[s]exual torture begins with forced nudity, which in many countries is a constant factor in torture situations. An individual is never as vulnerable as when naked and helpless. Nudity enhances the psychological terror of every aspect of torture, as there is always the threat of potential sexual torture or illtreatment.” [Istanbul Protocol. *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OHCHR 2022) para. 455].

50 Oficina de Derechos Humanos del Arzobispado de Guatemala, *Guatemala Nunca Más* (ODHAG 1998) Tomo II. Los mecanismos del horror, p. 6 <https://www.odhag.org.gt/publicaciones/rembi-guatemala-nunca-mas/> accessed 17 September 2024.

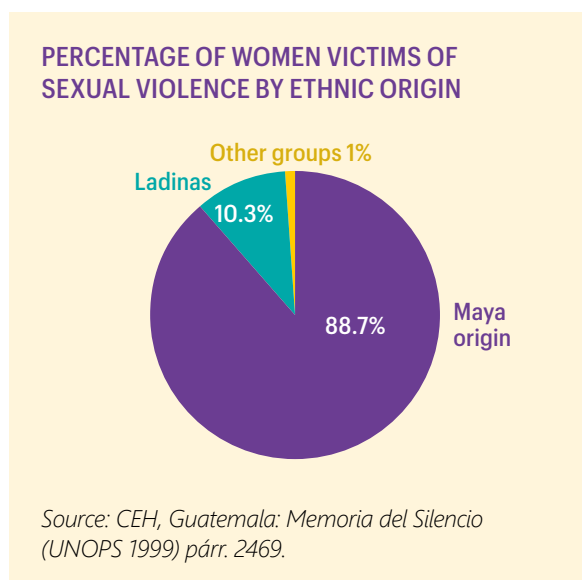
51 CEH, *Guatemala Memoria del Silencio* (UNOPS 1999), Volume III. Las violaciones de los derechos humanos y los hechos de violencia, para. 2470.

3.2.4. Profile of victims

3.2.4.1. Sexual violence against Indigenous women

Indigenous women were particularly affected by the sexual violence perpetrated during the war. In fact, of all the women identified by the CEH as victims of rape during the conflict, 88.7% were of Maya origin, 10.3% were Ladinas, and 1% identified themselves as belonging to other groups.⁵²

The CEH recorded instances of sexual violence in 16 of the country's 22 administrative departments. The most affected departments were El Quiché, with 55%; Huehuetenango, with 25%; Alta Verapaz, with 7%; and Chimaltenango and Baja Verapaz, each with 3%.⁵³



3.2.4.2. Sexual violence against children

Regarding the ages of the victims of rape identified by the CEH, 62% were adult women (between 18 and 60 years old), 35% were girls (between 0 and 17 years old), and 3% were elderly women.⁵⁴ The percentage of underage victims is quite significant and shows how this form of violence marked the lives or brought death to many girls. The CEH found that “sexual abuse of girls accounted

for nearly one-third (27%) of all reported cases of sexual violence. Of these, 8% were committed against girls between 0 months and 5 years old; 22% between 6 and 12 years old; and 70% between 13 and 17 years old.”⁵⁵

3.2.4.3. Sexual violence against men

While various investigations into the armed conflict in Guatemala agree that sexual violence was primarily directed against Indigenous women, cases of sexual violence perpetrated against men have also been identified.

Although fewer in number, the CEH received testimonies from men. However, none of the truth-seeking reports addressed this issue in depth. One of the cases documented by the CEH described the events as follows:

“Four soldiers grabbed him by the legs and arms, then the commander took a razor blade and cut him horizontally on the back while shouting ‘you are a wretched dog’. He then raped him. The rest of the soldiers cut and raped him in the same way, while forcing his cousin to watch what they were doing. Once they were done with him, they lifted him up naked, tied him to a ceiba tree, and forced him to witness the same scene being carried out on his cousin. Amid screams, both begged for mercy, however, but the group of soldiers carried out their feast.”⁵⁶

Sexual violence against men sought to undermine their “manhood” by feminising, humiliating and degrading them, and was often carried out in the context of arbitrary detention as a form of torture. In some cases, it took the form of forced nudity:

“The second time, I was interrogated [...] they only held me for an hour, and they questioned me about the work I was doing. And there was no shortage of insults about my manhood. That time, I was beaten terribly – beaten in a wooden area. They grabbed me here in the centre and took me there [...], they gave me a terrible beating and left me tied up over there. It was the 10th of December, it was cold and they left me with no clothes.”⁵⁷

52 Ibid. para. 2390 and Graph 3 at p. 24. A slight discrepancy can be observed in the figures contained in Graph 3: Percentages of rape of identified women, according to ethnicity. Guatemala (1962-1996). The graph shows that 89.39% of the women victims identified were of Maya origin, 10.02% were Ladino and 0.59% were identified as belonging to other groups.

53 Ibid. para. 2392 and p. 24, Graph 5: Percentages of rapes, by department (top 5 most frequent).

54 Ibid. para. 2391.

55 Ibid. para. 2508.

56 CEH, *Guatemala Memoria del Silencio*, Volume III. Las violaciones de los derechos humanos y los hechos de violencia (UNOPS 1999), p. 68, para. 2510 (Testimony collected by the CEH).

57 Interview 10-Civil Society, 18 September 2023, Guatemala.

However, sexual violence against men was generally sealed in silence, kept private or confined to personal memory. This silence was rooted in underlying gender dynamics, whereby men feared that disclosing rape would expose them to ridicule and lead to their bodies being perceived as feminine.

3.2.4.4. Sexual violence against LGBTQIA+ people

In the case of LGBTQIA+ individuals, sexual violence was also an expression of gender and patriarchal dynamics. It was inflicted as a 'corrective' measure intended to 'punish' behaviour that deviated from social norms and challenged assigned gender roles and stereotypes. Unfortunately, neither of the two truth-seeking reports contained sufficient information to document the violence against this group. Several factors contributed to this gap, including the historical and social context in which the reports were written – at a time when identifying publicly as gay or lesbian was largely confined to private spaces, as a protective measure against potential violence and discrimination. As one person interviewed for this study stated:

"[...] the tone of clandestinity surrounded the topic of sexuality and other sexualities, and I think that's an important context because, at that time, talking about sexuality in Guatemala meant talking about dangerous things –at the same time as the war."⁵⁸

3.2.5. Profile of perpetrators

According to data from the CEH, the perpetrators of sexual violence were members of the military, responsible for 89% of all documented cases; members of the Civil Self-Defence Patrols, for 15.5%; military commissioners, for 11.9%; and other security forces, for 5.7%.⁵⁹ It is important to note that the total exceeds 100%, since, in some cases, sexual violence was committed by mixed groups

composed of military personnel, Civil Self-Defence Patrols and military commissioners, as in the Tululché case.⁶⁰

Regarding other human rights violations committed during the conflict, the CEH concluded that 93% were carried out by state forces; 3% were attributable to guerrilla organisations; and the remaining 4% were attributed to other unidentified actors.⁶¹

3.2.5.1. State forces: army, Civil Self-Defence Patrols and military operations

The Guatemalan army, funded and trained by the United States since 1954, evolved into a strongly anti-communist apparatus with full control of the state, defending both national and foreign economic interests.⁶² During the internal armed conflict, its rigid hierarchy and strict implementation of plans and orders resulted in widespread human rights violations throughout the country.⁶³ Military intelligence also played a key role in the repression, coordinating military operations that included massacres, enforced disappearances and torture, as documented in detail by the REMHI report. The Kaibiles special forces, created in 1974, were actively involved in counter-insurgency operations, often carrying out illegal actions such as arbitrary executions and disposing of bodies by throwing them into the ocean.⁶⁴

Guatemala's military strategy also involved the civilian population in repression. The army engaged in forced recruitment – primarily targeting Indigenous youth – and created the Civil Self-Defence Patrols (*Patrullas de Autodefensa Civil*, PACs) and Military Commissioners in 1982, coercing civilians into organising as paramilitary forces. The PACs supported internal and external surveillance, supplemented military patrols and took part in repressive actions.⁶⁵ Following the peace accords, the army demobilised thousands of these commissioners and patrol members, marking the end of their direct participation in repressive operations.⁶⁶

58 Interview 11-Civil Society, 19 September 2023, Guatemala.

59 CEH, *Guatemala Memoria del Silencio* (UNOPS 1999) para. 2393.

60 In 1982, on the Tululché estate, Chiché, in the department of Quiché, the Indigenous community suffered massacres, enforced disappearances, torture and rape led by military commissioner Cándido Noriega Montes. The judicial process against Noriega began in 1992, supported by the Confederation of Religious of Guatemala (*Confederación de Religiosos de Guatemala* – CONFREGUA) and local witnesses, and went through multiple trials between 1997 and 1999, until he was finally sentenced in November 1999 to 220 years in prison for murder and manslaughter, although he was acquitted on other charges. [Collective testimony of women from Tululché: María Chitic, Dolores Nix Nix, Sebastiana Lucas Chitic and Josefa Tzoc Tzoc in *Tejedoras de Paz. Testimonios de mujeres en Guatemala*, Asociación Política de Mujeres Mayas, CONAVIGUA and Instituto de Estudios Comparados en Ciencias Penales de Guatemala 2010, pp. 76-85].

61 CEH, *Guatemala Memory of Silence*, Conclusions and Recommendations (UNOPS 1999) p. 86.

62 Jennifer Schirmer, *Intimididades del proyecto político de los militares* (Second Edition, FLACSO Guatemala 2001) p. 44.

63 Sandino Asturias Valenzuela, 'Pruebas Periciales' in Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 63.

64 Oficina de Derechos Humanos del Arzobispado de Guatemala, *Guatemala Nunca Más* (ODHAG 1998) Tomo I. Impacts of violence p. 59.

65 CEH, *Guatemala Memoria del Silencio*, Vol. II (UNOPS 1999) para. 644.

66 Sandino Asturias Valenzuela, 'Pruebas Periciales' in Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) pp. 66-67.

3.2.5.2. Members of insurgent forces

Sexual violence was also committed by members of insurgent forces in Guatemala, albeit to a lesser extent. During the *Tribunal of Conscience Against the Sexual Violence Committed Against Women During the Internal Armed Conflict*,⁶⁷ some women shared their experiences:

“This happened mainly in the Huehuetenango region. Some women reported being raped by guerrilla fighters, who usually arrived at their homes alone, dressed in military uniforms and carrying weapons, under the pretext of asking for water or food. Exploiting the wartime context, the terror experienced by communities that had survived the army-led massacres, the fact that the women were alone, and using both psychological and physical violence, they sexually abused them.”⁶⁸

According to information gathered during this study, sexual violence was also perpetrated within insurgent forces and organised student groups, targeting women, including lesbian women:

“Sexual violence was very, very common within the organised spaces, along with this whole narrative like: ‘oh, well, you need a man to make you feel like a woman’. That kind of discourse was present – women into everything – as a way to exert power and control over women [...] we met and shared struggles with several women who experienced sexual violence within the student movement. Some even left the movement to avoid continuing to experience sexual violence.”⁶⁹

67 In 2010, the *Tribunal of Conscience Against the Sexual Violence Committed Against Women During the Internal Armed Conflict* was held, a key symbolic event in the fight against impunity. This Tribunal was the result of years of effort by Guatemalan women’s organisations, focused on justice and reparation for gender-based crimes committed during that period.

68 Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 28.

69 Interview 11-Civil Society, 19 September 2023, Guatemala.



4. REPERCUSSIONS, PERCEPTIONS AND DEMANDS OF SURVIVORS OF SEXUAL VIOLENCE

“I was left feeling sad, without a sense of purpose. The group gives me strength and I’m no longer afraid.”⁷⁰

This section presents findings from the research activities aimed at capturing the voices of survivors, most of whom are Maya women. They shared their testimonies through interviews and participation in focus groups. Drawing on their accounts, this section seeks to document their experiences, bring visibility to their stories and the harms they endured, and convey their demands for reparations.

4.1. Impact on victims, their families and communities

During the armed conflict, the core of the harm lay in the persistent presence of death, destruction and violence in all areas of life. People faced the constant risk of being detained, raped, tortured, exiled, or killed. Over the 36 years of conflict, victims have experienced cumulative violations and losses: of rights, livelihoods, peace of mind, family stability, loved ones, and the ability to make decisions about their own lives, among others. Sexual violence, in particular, left wounds that endure to this day – individually, within families and across communities.

4.1.1. Individual-level impacts

Sexual violence constituted a violation of survivors’ autonomy, dignity and emotional well-being, leaving deep scars that continue to affect their bodies, emotions and social relationships. The violence generated chronic fear, social rejection and shame – feelings intensified by a pervasive atmosphere of threat. Individually, women speak of chronic gynaecological and heart-related illnesses, diabetes, leg pain and swelling. Even now, they experience shame, guilt, depression, fear and anxiety.

In the words of Doña Eugenia, from the department of Quiché:

“The violence took that love away from us, like a great wire that left a knot over us. It affected me because we grew up so humble, so simple... When we had already grown up, when we had meaning, the violence came and took away that love, that meaning, that peace we held in our hearts. That is the worst harm they did to us... the violence came and placed that thick wire, that great knot between us – within our family, our mother, our brothers and sisters. It left us very affected.”⁷¹

4.1.1.1. Psychological and psychosocial effects

The violence left deep psychological and psychosocial scars, affecting survivors’ social, family and community ties, emotions, thoughts and behaviours. Among the participants in this report, the most common lasting effects include complicated grief, chronic fear, stigma and guilt – impacts that have persisted over time due to the lack of attention from state institutions.⁷²

Sadness

Survivors expressed sadness over the loss of loved ones and the harm to their bodies. This sadness permeates their lives, making it difficult to envision or plan for the future. As one woman put it: *“I was left feeling sad, without a sense of purpose in life.”⁷³*

70 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

71 Interview 4-Survivor, 12 September 2023.

72 As Van Der Kolk explains, trauma affects all dimensions of the human being, the body, the emotions, the relationship to one’s closest ties and thinking about the future [Bessel Van der Kolk, *The Body Keeps the Score. Brain, mind and body in overcoming trauma* (Eleftheria 2015)].

73 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.



A woman participant during the research process for the Guatemala study, September 2023, Guatemala. © Andrea Bolaños Vargas

“There is no one for us. What we do is cry – we meet with our fellow survivors and we cry.”⁷⁴

Manuela, an Ixil participant who was 16 years old when she was a victim of sexual violence, explained:

“It left me with headache, fear, sadness and also heart ache and pain in my feet. Sometimes I can’t walk much, I get tired quickly when I walk.”⁷⁵

Fear and ‘susto’

Participants frequently referred to ‘susto’, a culturally specific expression of trauma. According to existing literature, a frightening or shocking experience can lead to the loss of one’s vital essence or life force – sometimes identified as the soul.⁷⁶ This condition can be debilitating, disrupting survivors’ social relationships and provoking a profound fear that the event could recur.

“I was left with susto, when there are words, noise, anything, even a rocket scares me. Even a bolo yelling frightens me. I have no strength left, no noise. If there is a problem on the other side, with the neighbour..., I get scared. I was left with so much susto... Nervous illness. And it spread through my whole head, my hands, my feet... I can’t walk much anymore because of the pain. I think the pain came from the nerves. It hit me all at once. It’s a strong illness.”⁷⁷

They call it “nervous illness”. In some cases, *susto* can be so severe that it leads to death. Its symptoms manifest physically and neurologically, underscoring the deep connection between emotional trauma and physical health – further complicating the already difficult challenge of carrying on with daily life.

“Susto... my heart feels like it’s burning, I sweat at night. When I hear a sound, I hear bombs. I hear some trouble that people were making... I got scared and fainted right away.”⁷⁸

Post Traumatic Stress Disorder (PTSD)

Among the most common psychological effects reported by participants is Post Traumatic Stress Disorder (PTSD), which manifests through symptoms such as flashbacks and intense psychological distress triggered by stimuli associated with the violence they endured.⁷⁹ The survivors describe how intrusive memories provoke aggressive physical defence reactions – sometimes even against their own daughters – and how a deep-seated anger persists as an automatic response to the gaze of others. These PTSD symptoms reflect not only an internal struggle to regain stability but also the difficulty of engaging with the outside world, which reinforces isolation and ongoing suffering.

“When my daughters come to knock [on the door] ... I wake up like I’ve lost my mind, lashing out with my arms or kicking – it’s a terrible fright. I tell my daughters not to speak to me, not to wake me up, so I don’t hurt them. I feel like I’ve gone mad – I don’t even know what’s wrong with me... I lash out with my arms, and if they don’t move away, I hit them. I’m in bed – otherwise, I’d be kicking too. Who knows what it means? I’m defending myself. My poor children, sometimes I hit them. That’s why they call to me from far away, from a distance.”⁸⁰

Another symptom of PTSD is prolonged psychological distress in response to people, objects or situations that symbolise or evoke aspects of the trauma.

“Yes, I get very angry – less so now, I try to control it. I get angry with anyone who looks at me... sometimes they stare at my foot because I limp, and I say, ‘What business is it of yours’ Then they lower their heads.”⁸¹

Shame

Survivors also experience a great amount of shame. Their testimonies reflect a sense of lost control over their lives, a lack of trust in others, and feelings of guilt and shame are evident, with a corresponding impact on their bodies and sexualities. Carmela, a survivor, explains:

74 Ibid.

75 Interview 1-Survivor, 12 September 2023.

76 Arthur J. Rubel and others, *Susto. Una enfermedad popular* (Fondo de Cultura Económica, 1995).

77 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

78 Interview 6-Survivor, 11 September 2023, Guatemala.

79 Post-traumatic stress disorder falls under trauma-related disorders and stressors according to the *Diagnostic and Statistical Manual of Mental Disorders*, DSM-5, American Psychiatric Association (2014).

80 Interview 3-Survivor, 12 September 2023.

81 Ibid.

“Things were never the same again because I was always filled with shame, sadness and pain... So, it affected me because I wasn’t the same, I didn’t do things with the same joy as before. With all the people who shared with me, I felt embarrassed, because I felt that everyone knew about it, although it wasn’t like that. Only the priest and the people closest to me, the family I lived with, knew, but whenever people looked at me, it felt like they could see what had happened to me. Personally, what I felt was shame. Feeling that the whole world was looking at me, I felt ashamed of myself for what I had been through.”⁸²

This shame has been key in the silencing of victims, and in accentuating the impact of the violence. In the words of Kenneth Hardy:

“In the repertoire of emotions nothing is as debilitating as shame, this is a feeling that cannot be shown to others, because it is very debilitating, where there is shame there is silence and secrecy. It is there that people cannot talk about what is happening to them. By silencing themselves, the victims carry the pain in their bodies.”⁸³

Physical impacts

Sexual violence had serious impacts on survivor’s bodies, including the risk of contracting sexually transmitted infections or urinary tract infections.⁸⁴ The analysis of the testimonies reveals long-term health consequences and conditions that eventually become chronic, sometimes as an expression or somatisation of the emotional trauma. All those interviewed referred to physical ailments related to sexual violence. Some require medical intervention.

The survivors shared that they have suffered from illnesses ever since, and that this causes them deep sorrow. They connect their physical ailments with the pain they carry in their hearts. The effects include chronic pain, such as in the case of one survivor who suffered a spinal fracture and can no longer perform everyday activities without experiencing pain:

“She has a fracture in her spine, she can’t sleep on her back, she sleeps on her side. She can’t walk or sleep well. She can’t work and she can’t lift heavy things. When she was raped, she was thrown, she landed on her back, that’s why she is always in pain.”⁸⁵

Other survivors experience constant urinary tract infections:

“Sometimes when I go to urinate, it feels like chili. I go to the bathroom and it always leaves that burning feeling like chili.”⁸⁶

“What the sexual violence left her with were urinary infections, all the time her clothes are wet; yellow and white, also sometimes with blood on them.”⁸⁷

The cause-and-effect relationship between physical ailments and sexual violence underscores the urgent need for access to specialised and long-term medical treatment for survivors.

“My health situation... One of us has lost her sight, another has irritable bowel syndrome... These illnesses are chronic, and we need resources to get full medical examinations and proper treatment.”⁸⁸

Impact on reproductive capacity and miscarriages

The physical consequences of sexual violence go beyond the visible ailments and include the deep anguish caused by fears of not being able to have children, as well as the physical and emotional suffering linked to pregnancy loss. Concerns about reproductive capacity and complications associated with miscarriages touch a deeply sensitive and ingrained nerve regarding what a woman ‘should be’, also highlighting the burden of pre-assigned roles placed upon them.

82 Interview 8-Survivors, 9 September 2023, online.

83 Kenneth V. Hardy and Tracey A. Laszloffy, *Teens Who Hurt*. Hardy and Tracey A. Laszloffy, *Teens Who Hurt. Clinical Interventions to Break the Cycle of Adolescent Violence* (Guilford Publications 2006).

84 These may include gonorrhoea, chlamydia, syphilis, HIV, hepatitis B and C, herpes simplex and Condyloma acuminatum (venereal warts), vulvovaginitis associated with sexual abuse, such as trichomonas, Moniliasis vaginitis, Gardenarella vaginitis and Enterobius vermicularis (roundworm). See *Istanbul Protocol. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OHCHR 2004) p. 82.

85 Interview 1-Survivor, 12 September 2023, Guatemala.

86 Interview 5-Survivor, 12 September 2023, Guatemala.

87 Interview 2-Survivor, 12 September 2023, Guatemala.

88 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

"I was thinking about all the illnesses I have, headaches, heart pain, stomach pain. And I can only imagine what if they had damaged our wombs and we had never been able to have children... Why are we sick? Because they raped us and left us with so many illnesses."⁸⁹

The women interviewed spoke of suffering miscarriages after the sexual violence. They shared that they felt "damaged and hurt", and that as a consequence, their bodies expelled the babies.

"I had many miscarriages, around eight ... if you don't get a curettage, it keeps growing inside you, and you can die."⁹⁰

Diabetes and rheumatism

In addition to the previously mentioned issues, survivors also suffer from chronic diseases such as diabetes and rheumatism. While these conditions cannot be attributed solely to sexual violence, they appear frequently among survivors and are experienced as reminders of past suffering. This connection may be explained by the apparent relationship between trauma, chronic stress and the onset of diabetes, as research in this field shows.⁹¹

"Diabetes, rheumatism, kidney stones. Six years ago, they were preparing to bury me, but my daughter healed me and that's why I'm still alive. She paid for me, she took me to Quiché, and brought me to the health centre in Nebaj [...]."⁹²

Material losses

The participants' testimonies reveal a systematic destruction and theft of material goods during the conflict – including houses, land, crops and animals – which resulted in an immediate loss of property and economic self-sufficiency. For example, the destruction of the *milpa* (cornfields), which sustains not only food security but also cultural identity and traditions, left a profound void, affecting both food sovereignty and the ability to generate income.

This stripping away of material goods, animals and land must be understood through the concept of the 'web of life', a central idea in the Maya cosmivision that refers to the interconnection between human beings, nature and the community – where each element is essential to holistic well-being. The health, happiness and spirituality of individuals and communities are deeply connected to the land they inhabit. Every loss represents not just a personal hardship but a deep rupture in the identity and social fabric of the people and their worldview.

The women shared how the army seized their lands, destroyed their plots and crops, killed or stole their animals, and destroyed their clothing and work tools. Some fled to the mountains without clothes, without food, and upon returning, the state neither compensated them nor returned what was taken. This devastation left impoverished families, affecting even their children, who were unable to pursue education and have professional careers.

"They burned the granaries, the corns, all the animals (horses, pigs, goats), they burned the house. All that happened. They hacked down the cornfields. We lost everything."⁹³

Doña Manuela was forced to flee, losing her home, land and animals. She ended up in a camp called Santa Rosa. They walked for a long time to reach it, along with many other displaced people. This experience greatly deepened the hardships of daily life. One thing she remembers is how they had to cook without salt, something that had been so fundamental for them.⁹⁴

"They lost their house, their belongings, everything inside. They also lost their land [...] The animals we loved, our chickens, pigs."⁹⁵

89 Interview 1-Survivor, 12 September 2023.

90 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

91 Kapil Sharma et al, "Stress-Induced Diabetes: A Review" (13 September 2022) 14(9) Cureus <https://www.cureus.com/articles/112924-stress-induced-diabetes-a-review/#/> accessed 18 September 2024.

92 Interview 3-Survivor, 12 September 2023.

93 Ibid.

94 Focus Group 1 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

95 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

Other survivors, like Manuela, expressed it this way:

“We were left without clothes, without food, without shoes, without jackets. They burned our house and our maize.”⁹⁶

Beyond its devastating physical impact, destruction by fire holds profound symbolic meaning for Indigenous communities. It represents the burning of their ways of life and life projects. Communities lost not only their homes, crops, material and family possessions, but also their social and cultural reference points, due to the abrupt changes in their social environment. As a result of the theft and destruction of their land and property, survivors were denied access or could not access basic resources, which deteriorated their quality of life and prevented their children from accessing education and opportunities for personal and professional growth. This violent dispossession not only stole their past and present – it also compromised their future. Without material and economic resources, women were forced to depend on others, often male relatives or community members, for survival.

Material losses have also represented a symbolic and cultural loss, as many of these objects carried deep familiar, cultural and historical significance: the stone used to grind maize, the *milpa* (cornfield) as a source of sustenance, candles for ceremonies, and handwoven garments embodying the teachings of grandmothers. The land they cultivated was not just an economic asset but also a spiritual one, containing cardinal points and serving as the resting place of their ancestors.

The seizure of *trajes* and traditional garments

In Chimaltenango, for example, women were forced to hide their traditional *trajes* during the conflict:⁹⁷ *“they forced us to take off our traditional attire, and now it’s important to have it again, but it’s expensive because of the amount of work it takes, and it is difficult to have access to the clothing.”⁹⁸*

“There are many people who no longer wear *traje* because if you were wearing it, you would be killed. Many of our *compañeros* took refuge in other countries or here in the capital so they could live without being easily identified by their *traje*. That’s why now, it’s the time for us to respect and preserve our *traje*. We must value it.”⁹⁹

In this context, the use and significance of the traditional Indigenous *traje* in Guatemala transcends mere aesthetics; it becomes a profound symbol of identity, history, resistance and cultural cosmivision. For women, wearing their *trajes* is not only an expression of pride in their heritage but also an act of resistance against the systemic racism and discrimination they have endured. It stands as an affirmation of their right to exist, a manifesto that challenges the loss of identity and the processes of marginalisation they have been subjected to.¹⁰⁰

Poverty

The theft and destruction of property deepened poverty, exacerbated further by forced displacement and the abandonment of all belongings, with no support or protection from the state.

“During the war, there was no food. The army destroyed all the food: the potatoes, the sweet potato, the maize.”¹⁰¹

The women interviewed have not been able to escape poverty. Over the years, their situation has worsened. As they have aged, many can no longer weave because of impaired vision, leaving them fully dependent on their children. As one woman from Chimaltenango explained:

96 Interview 1-Survivor, 12 September 2023.

97 *Trajes* (traditional attire/garments) or *indumentarias* refer to traditional Indigenous clothing, which holds great cultural and symbolic value for Indigenous peoples.

98 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

99 Validation focus group with women survivors, 20 March 2024, Guatemala.

100 UN Women – Latin America and the Caribbean, ‘Desde mi perspectiva: “El simple hecho de vestir nuestra ropa tradicional es una expresión de resistencia”’ (20 April 2019).

101 Focus group with Ixil Survivors, 11 September 2023, Guatemala.

“The cost of basic goods has risen so much, as has transportation [...] Because they are elderly women, they no longer have access to jobs [...] They depend entirely on their children now. Many live with their children, it has been difficult ever since the violence and the disappearance of their husbands.”¹⁰²

4.1.2. Impact on children victims of sexual violence

Rape and torture inflicted on children during the conflict have left indelible marks on their lives, including impacts on their physical and mental health, the loss of family members, and forced displacement – all experienced without a framework through which to understand what was happening to them because they were so young.¹⁰³ Sexual violence in childhood disrupts normal development, creating destructive psychological patterns and somatic illnesses that require specialised care and attention.

The traumatic consequences extend throughout the lives of those who were once child victims, altering their sense of security and their understanding of the world. This profound impact is reflected in the testimony of Ana, who was nine years old when she suffered sexual violence at the hands of the army:

“It affected me a lot, it gave me a stomach-ache above my vagina. I have some pains... I feel like they’re like chibolas,¹⁰⁴ in my back, in my spine. I feel a bump that goes up... My leg hurts, my head hurts... and there’s a tremendous noise in my ear, why? Because of the bombs in the mountains, the bombs did it. When I was raped by the army, I was about 9 years old... I got sick; I fainted from fear. I saw a lot of white discharge, and then the blood came.”¹⁰⁵

In addition to suffering sexual violence, Ana experienced the murder of her mother and was displaced along with her grandmother, forced to flee time and again from the army. The inability to settle in a safe place left her in a permanent state of fear, anxiety and hypervigilance. As she herself says: *“It’s a miracle that I’m alive, I don’t know where I got so much strength to live and to be here.”¹⁰⁶* This account illustrates how children’s vulnerability is

intensified in the absence of parents able to protect, feed and shelter them, while also revealing their resilience and will to survive. Another testimony is that of Matilde, who survived by dissociating from the traumatic event. . Years later, she began her journey of healing:

“I think that, having lived through the time of war and armed conflict, my way of surviving – and I’m quite clear about this now – was dissociation, in the sense that to keep surviving, I had to set aside the story of the pain and what it had meant in my life. So, I locked it away in a little glass box, forgotten... and I forgot it.”¹⁰⁷

Children born of war

The complex issues of children born of conflict-related sexual violence are compounded by the stigma they face within their communities. In addition, children live with resentment against the armed forces, and with frustration at the absence of a father and community discrimination. This triggers negative emotions and self-destructive behaviours, such as alcoholism, which aggravate the already precarious relationship with their mothers.

Sexual violence has also led to an intergenerational transmission of trauma, with children suffering the emotional and physical consequences of their mothers’ pain. Testimonies speak of children who have “nursed sadness” and who develop psychological and physical disorders, behavioural problems, and health issues, all of which are worsened by the lack of access to economic resources.

Women from Chimaltenango, for example, shared that children born of sexual violence present a challenge for them. They are young people who grew up without a father’s surname, who have strained relationships with their mothers, and who are discriminated against within their communities.

This issue is widespread across various regions and is compounded by social pressure on women to abandon their daughters and sons. For example, in the Kaqchikel area:

102 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

103 Studies on rape against adolescents confirm that abuse and rape are, in themselves, constrictive situations that curtail their freedom. The effects of prolonged sexual abuse, captivity, and torture lead to chronic trauma. During adolescence, this often manifests in self-destructive and socially stigmatised behaviours such as high-risk sexual activity, substance misuse, suicide attempts, running away from home, and persistent anger. The most visible consequences among adolescent girls are depression and suicide attempts. [Gioconda Batres Méndez, *Del Ultraje a la Esperanza. Tratamiento de las Secuelas del Incesto* (ILANUD 1997). p.14].

104 The word *chibola* refers to balls, marbles, or small spheres.

105 Interview 6-Survivor, 11 September 2023, Guatemala.

106 Focus Group 1 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

107 Interview 9-Survivor, 27 July 2023, online.

“The children born of rape are seen as living proof of betrayal against the group. To erase the humiliation, some communities have interfered in women’s decisions about whether to keep their children. Kaqchikel survivors recount the pressure they faced from their communities to make these disappear, even to kill them. ‘Since my pregnancy wasn’t from my husband, I found comfort in God. Some people told me to give the child away or to kill him. How can I give him away if he is my son?’”¹⁰⁸

4.1.3. Effects on families and communities

Sexual violence has also left wounds in the fabric of families and communities, generating impacts that extend beyond the direct victims. Many of the survivors interviewed continue to face serious problems within their families and communities. Even though decades have passed since the violence and they are now elderly, some do not receive support from their children.¹⁰⁹

4.1.3.1. Community impact

Sexual violence sparked tensions and rejection within communities, weakening solidarity networks and community cohesion. Communities discriminated against women for having been victims of rape, as if the violence they endured was somehow different from other human rights violations. As one survivor said: *“We cannot talk about sexual violence, they say we let it happen.”*¹¹⁰ Women from Sepur Zarco also shared how, before the court ruling, they were seen as ‘easy women’ and blamed for what had happened to them.¹¹¹

This community perception, rooted in patriarchal systems, intensified during the war. The impact deepened when communities associated victims of sexual violence with armed groups, accusing them of being *“guerrilleras”*, which created even more conflict and division within communities.

“At the community level... there is a lot of division, fights. Even today there are evictions and houses are being set on fire. There is mistreatment, they accuse women of having been guerrilleras, and community conflicts continue.”¹¹²

Many survivors shared how they felt criticised and singled out, labelled with stigmas that marginalised them, or accused of running away with men or practicing witchcraft. Some survivors left their communities out of shame and to avoid the burden of these judgements: *“Her sister, based on what she heard, might be living near the community, but she is not sure.”*¹¹³

For many, these judgements persist even today:

“Maybe the community will hear... I went to a meeting in Nebaj, and someone said: ‘Oh the lady must be up to something bad, she probably has a man, maybe she’s doing witchcraft, bad things.’ They were mocking me..., they don’t respect me. They speak ill of me.”¹¹⁴

4.1.3.2. Multiple violations

In addition to the disruption of family and social structures caused by sexual violence, survivors also faced the impact of other serious human rights violations. Sexual violence was not committed as an isolated act; it occurred within a broader context of widespread violence against entire communities. Many survivors recount how sexual violence was accompanied by the murder and enforced disappearance of their husbands and other relatives, creating major gaps in community leadership and security. This, in turn, deepened the suffering they carried.

108 Amandine Fulchirone, Olga Alicia Paz and Angélica López, *Tejidos que lleva el alma. Memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado* (ECAP, UNAMG 2009), p. 255.

109 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

110 Ibid.

111 Focus Group 1 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

112 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

113 Focus Group 1 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

114 Interview 6-Survivor, 11 September 2023, Guatemala.



A woman participant during the research process for the Guatemala study, September 2023, Guatemala. © Andrea Bolaños Vargas

With the disappearance of their husbands, many women were forced to take on the role of heads of household, becoming responsible for both the economic support and emotional care of their children. In the case of Sepur Zarco, the disappearance of the men – as a result of their land and territorial claims – left women with enduring pain rooted in uncertainty about the fate of their loved ones, resulting in ongoing anguish and anxiety.

“When the soldiers came to our communities, they took our husbands – they took my husband. To this day, I have never found out where they left him, where they dumped his body. And we are doing everything we can, hoping that one day we will find them, but so far, there is nothing. It was hard, it is painful to speak about the past, but it’s as if the soldiers came to destroy everything, everything was destroyed when they arrived. Now, we can’t say that we are living like before, it has cost us our lives, it has cost us to survive. Every day we are trying to find ways to survive...”¹¹⁵

Some survivors lost all members of their immediate family during the conflict, resulting in unresolved grief and wounds that persist to this day. This is the case of sisters Carmela and Rita, whose entire family was subjected to enforced disappearance after they themselves suffered sexual violence:

“At the time, you don’t even have a chance to mourn properly. The only thing I wanted was to hug my mother. Afterwards, maybe what would have helped would have been the chance to grieve – but you can’t, because you know your family has been kidnapped. That’s why we are still searching for the disappeared, because that chapter hasn’t closed... it would be so healing if we could at least give them a proper burial.”¹¹⁶

4.1.3.3. Effects on the second generation

A survivor from the Ixil area shared how she was forced to flee to the southern coast to protect her life and the lives of her children, after which one of her children died. She believes this happened because he had *“nursed the sadness, the fear [susto].”* In her words:

*“There are children who, having nursed sadness and fear [susto], still suffer from *susto* to this day. Anything upsets them, it unsettles their nerves, and it is a consequence of all the harm they lived through and which has been nursed by them.”¹¹⁷*

Other survivors recount similar experiences:

“Everyone got sick – the kids too. My eldest daughter was born with a kind of pain in her heart. This makes me sad; it makes me sad because what can I do? There’s no money, we can’t afford anything to help our girl. The girl has stomach pain, and pain in her head and in her mind. She doesn’t hear as well anymore, almost.”¹¹⁸

Another factor contributing to the transmission of harm to future generations is silence. All the women interviewed spoke of a period of silence during which they were unable to express themselves. This silence stemmed from the lack of ways to give expression to what had happened, the absence of people willing to listen, the impossibility of naming the horror they had lived through or accepting human cruelty, the belief that by staying silent they could protect their sons and daughters, and the threats and fear caused by enforced disappearances.

4.1.3.4. Separation of families and exile

Another recurring effect has been the separation of families, particularly due to displacement caused by sexual violence, but also intensified by the deaths and disappearances that occurred during the conflict. This is illustrated by the case of the López sisters. Their family lost ten direct relatives, without recovering the bodies of the disappeared, without holding farewell rituals, and without receiving social or community support during the mourning process. The two daughters, Carmela and Rita, suffered torture and rape – one while in prison and the other as a child, in front of her younger siblings.

115 Focus Group 2 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

116 Interview 8-Survivors, 9 September 2023, online

117 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

118 Interview 6-Survivor, 11 September 2023, Guatemala.

Both moved to Canada in order to survive, but since then have been unable to reunite with their family members who remained between Guatemala and Mexico:

“It affected me with my family, I was separated from my siblings. It was difficult to see them, they were just two children... but it took me a long time to reunite with them again, supposedly trying to recover a bit, both from the physical and mental harm, to be able to see them again, which was not possible because it didn't happen soon.”¹¹⁹

4.2. Perceptions and demands for reparation

The list of needs at both the individual and community levels is broad and diverse. It includes support for housing, productive projects, economic compensation, access to basic services, education for their sons, daughters, grandsons, and granddaughters, opportunities for development, training in ancestral medicine, and the establishment of professional health centres. The demands for reparation expressed by survivors reflect not only a search for ways to alleviate past suffering, but also an aspiration for a future in which their autonomy is restored and their ancestral culture and worldview are valued and preserved.

As mentioned above, the participants in this study include both survivors who have received some form of reparation or justice through judicial rulings, as well as those who have yet to receive any recognition or measures of support. Nevertheless, all of them express dissatisfaction with the effectiveness of the reparations they have received.

In the case of Sepur Zarco, for instance, the analysis of the testimonies highlights the gap between the measures ordered by the court and their effective implementation. The women, who achieved an important legal victory, feel a profound void as they confront the lack of fulfilment of the ordered reparations – preventing them from fully closing the cycles of suffering and rebuilding their lives. While certain measures, such as community-level scholarships, have been implemented, the lack of recognition from their own community and the absence of direct, tangible benefits for the survivors themselves have deepened their frustration. As one survivor put it:

“For example, [...] it hurts me a lot that when we won the ruling, people said that we received support, but that's not true. The support we managed was at the community level, it's the scholarships. But it doesn't make sense what I did... It's a benefit for the community, those who are receiving it now don't remember us. They are happy with the money, while we receive nothing. It hurts me a lot because I know it was part of my fight. At the same time, I feel happy because I feel it's something for the children, but sadly, at the community level they don't recognise that it was part of our fight.”¹²⁰

4.2.1. What does reparation mean for women?

4.2.1.1. Reparations in a context of historical exclusion and discrimination: the urgency of an intersectional approach

In the context of structural exclusion faced by historically marginalised groups, such as Indigenous peoples in Guatemala, it is crucial to understand the interconnection between reparation and the guarantee of fundamental rights. In this sense, reparation measures must be seen as an integral part of a broader approach that aims at breaking the cycle of exclusion. This requires advocating not only for reparation measures, but also for public policies that ensure the realisation of fundamental rights for these peoples, within an intersectional framework.

This includes, for example, the right to education, which calls for more than reparation – it demands an intersectional perspective that ensures cultural relevance, availability in Maya languages, and accessibility across different age groups. The same applies to the rights to health and land ownership. These matters go beyond the scope of reparation for past harms and emerge as broader state responsibilities when approached from an intersectional perspective. Intersecting factors such as being a woman, Indigenous, rural, monolingual and living in poverty not only shape each survivor's individual experience, but also define collective realities that require structural responses beyond reparation.

¹¹⁹ Interview 8-Survivors, 9 September 2023, online.

¹²⁰ Focus Group 1 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

Even so, many participants have referred to these fundamental rights as part of their demands for reparation. These demands show that, in contexts of vulnerability, racism, and marginalisation, access to fundamental rights can be perceived as a form of reparation. At the same time, they reflect the relevance of guaranteeing rights from which survivors were historically – and intensely during the armed conflict – excluded. Reparation thus becomes not only a response to harm but also a platform for advocacy that reinforces the State’s responsibility to promote the collective well-being of all citizens.

4.2.1.2. Access to justice as both a reparation measure and a path to reparation

Participants in this study emphasised the importance of justice in achieving full reparation, sharing how the absence of judicial responses, sanctions and reparations has prevented healing and reinforced social isolation. In the absence of public recognition of the crimes committed – illustrated and reproduced through ongoing evictions from their lands –, and in the context of stigma, survivors feel excluded from society.

Ixil and Chimaltenango women insist that justice should not be understood only in punitive terms, but also as a way to reclaim their voices and dignity. Giving testimony in a courtroom – or as they say, “going to the palace to declare” – symbolises a demand for their rights to be recognised and an opportunity for society to hear and validate their experiences.

“There is something they want and consider a right: to go and speak, to give testimony at the palace. They want to go to the palace and declare so that their voices are heard. Now they are older and understand their rights, and they want justice. They also want the government to return everything it has taken from them.”¹²¹

Manuela clearly expresses the need for justice. She was 16 years old when she was a victim of sexual violence at the hands of armed groups:

“They forced me, and if I hadn’t complied, they would have killed me because they had weapons, they were shooting, and my house was full of soldiers at midnight, when they raped me – and it wasn’t the first time, it was the second. So I’m very afraid of them. I was forced to do it, and it’s not fair for it to just be forgotten. The authorities need to know what happened. That’s why justice is important. We want to see justice.”¹²²

Mariana echoes this sentiment:

“Justice is what we’re looking for – that’s why we’re here. It’s important because we have been suffering. What do we get out of someone being locked up in prison if justice is never done. Look at us now – we’re older women [...] We want justice, and still nothing. Like we said, we don’t know how long we’ll live – maybe a year, maybe two, or maybe not at all. So in the end, we might never see justice... That’s what we want, that’s why we’re fighting.”¹²³

For Manuela and Mariana, it is evident that beyond punishing those responsible, they seek a judicial process that will acknowledge the injustice they suffered, make the facts visible and provide social and official recognition of the harm caused. As Manuela puts it:

“Reparation means justice for everything we’ve lived through. Why? Because we’ve spent years demanding justice, and I feel like no one hears us. We’re calling for justice so that everything we went through is acknowledged – because what we went through was incredibly difficult. It’s not a lie.”¹²⁴

121 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

122 Interview 1-Survivor, 12 September 2023, Guatemala.

123 Interview 7-Survivor, 11 September 2023, Guatemala.

124 Interview 1-Survivor, 12 September 2023, Guatemala.

And yet, survivors often face entrenched impunity within the State, which produces adverse rulings that prevent justice from being achieved, thereby prolonging the effects of state violence.¹²⁵ As Cabrera explains:

“Judicial processes can be a way to confront the trauma caused by violence; in this sense, they become a form of active, collective resistance. But the impunity woven to block justice turns this fight for life into a continuation of the violence and, therefore, a re-experiencing of the original trauma.”¹²⁶

4.2.1.3. Healing as a form of reparation

Throughout the study, survivors expressed the need to “find relief” or to “put the pieces back together,” revealing an understanding of reparation as a process of healing. For the López sisters, reparation means:

“To build something, something that is broken. To look for those little pieces. I see it as a jigsaw puzzle, putting the pieces together until it becomes whole again.”¹²⁷

And for one of the women of Chimaltenango:

“To rebuild or repair something – as much as possible – from the harm that was done. I was talking about the sexual violence... Reparation would just be a kind of relief for everything that happened. You can’t fully repair or fix it. But they also understand that some measures are important to bring some form of relief.”¹²⁸

“Relief” does not imply a cure. Survivors insist that sexual violence cannot be cured; rather, they refer to emotional relief, relief in the body, and relief in the grief carried by the family. In this sense, reparation becomes a process of reclaiming narrative and community, in which each step towards healing constitutes an act of resistance to violence and accumulated suffering.

4.2.2. Individual and material measures

4.2.2.1. Land restitution, adequate housing and land to cultivate

When it comes to material reparation, participants prioritised access to land and owning an adequate home. Many currently live with their children or grandchildren, and they expressed the desire to have something of their own to feel secure. In addition to housing, they emphasised the need for access to electricity, clean drinking water, drainage systems, roofing materials (such as metal sheets) and water tanks. They also highlighted the importance of household furnishings and equipment – wardrobes, refrigerators, stoves and personal items.¹²⁹

Some survivors expressed it this way:

“Land and our little house are important. Men don’t believe we’re really ill... What will we do as we grow older? Maybe we can’t be cured, but we want our own little house so we don’t have to depend on men.”¹³⁰

“Now my roofing sheets are broken, my roof and my house are falling apart, and I don’t have the money to replace them. They’re just being patched up – nothing more. I would have liked to have some better roofing sheets to avoid the leaks when it rains. The truth is, we survive on the daily labour my family does. For example, they earn a little and we spend it that same day. Then tomorrow they go out to work again. So where would the money come from for a proper roof? I would have liked a new, better roof, but that’s not how it is. The conditions are really bad.”¹³¹

“Homes should be repaired with material items and the things we lost. We lost our maize, our coffee, we lost our farms. We want our lands restored.”¹³²

125 It is worth noting that the justice system officials who did listen to them are now facing persecution, have been criminalised, or are in exile. For example, Judge Miguel Ángel Gálvez of High-Risk Court “B” (*Tribunal de Mayor Riesgo “B”*), who heard the women of Sepur Zarco at their initial statement hearing, is currently in exile.

126 Luisa Cabrera, “Efectos de la impunidad en el sentido de justicia” 23 (2001) *Psicología Política* pp. 37-58.

127 Interview 8-Survivors, 9 September 2023, online.

128 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

129 Validation focus group with women survivors, 20 March 2024, Guatemala.

130 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

131 Interview 2-Survivor, 12 September 2023, Guatemala.

132 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

They also expressed the need for land or garden plots to grow vegetables or raise animals:

“We still grow some vegetables, because we never just sit around at home – we’re always doing something. The problem is where we can do it. We need a large piece of land to grow our vegetables, to raise our animals. These are things we can still do, but if we don’t have land, we can’t do anything. And even if we have land, if we don’t have money, how can we support ourselves?”¹³³

The demand for land ownership is a long-standing one, which calls for a historical review of land tenure and the unjust dispossession and appropriation that occurred across different periods in history.¹³⁴

4.2.2.2. Financial or material support for productive projects

Survivors repeatedly emphasised the need for financial or material support for income-generating activities– what some called “seed capital.” These funds would allow them to acquire tools and work materials, such as sewing machines, thread and looms. As women with a weaving tradition, they stressed the need to “revive and strengthen this craft – many no longer know how to weave – for our daughters and granddaughters.”¹³⁵

They also mentioned wanting access to items that would help them start small businesses for themselves or their daughters. Examples included stoves for tortilla-making businesses, refrigerators for small shops, wire fencing for plots or chicken coops, and spaces to run small eateries and sell their products. Other ideas included gardens with native seeds and nixtamal mills.

As a form of financial support, the women also mentioned food assistance – for example, basic food baskets containing essential items such as rice, beans, corn, oil, sugar, and other staples that help sustain a household’s daily nutrition.

4.2.2.3. Education and access to training programmes

All survivors interviewed emphasised the need for education through the establishment of schools, technical institutes and training centres to ensure that their children and grandchildren can access dignified employment. They also expressed the importance of vocational training in areas such as weaving, tailoring, vegetable gardening and animal care – so that their daughters and granddaughters can become independent and generate their own income.

4.2.2.4. Health care with cultural relevance

Although health is a fundamental right that should be guaranteed by the State, all of the women interviewed identified access to healthcare as a central element of reparation for the violence they endured. They mentioned the need for specialised medical services that are culturally appropriate – services that are sensitive to their experiences, that integrate the work of *comadronas* (midwives) and *Ajq’ij* (Maya spiritual guides), and that recognise the value of ancestral and holistic medicine.

This is essential for them to feel safe and understood. The women described how, in community health services, they often lack the trust needed to speak about what they have lived through and to receive the care they need. This lack of trust has led to the chronic worsening of health conditions stemming from sexual violence. As Manuela explained:

“To repair all the harm... there should be a special fund to help me heal, because the healing has to be specialised. You can’t just go to a health centre and say you were raped and expect them to do a Papanicolaou.¹³⁶ It’s not the same kind of care. When she had the Pap smear, they explained what it was and told the doctor how she needed to be treated. That’s when she felt safe. But you can’t go to a centre with a nurse who doesn’t know you and doesn’t know your history of sexual violence. It’s not easy.”¹³⁷

133 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

134 Laura Hurtado Paz y Paz, *Estudio histórico sobre la propiedad agraria y situación socioeconómica de la Comunidad Sepur Zarco y comunidades vecinas* (Alianza Rompiendo el Silencio 2012); Laura Hurtado Paz y Paz, *La histórica disputa de las tierras del valle del Polochic. Study on agrarian property* (Serviprensa 2014).

135 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

136 A medical test used to detect abnormal cells in the cervix, helping to prevent or identify cervical cancer. It is commonly called a Pap smear or Pap test, or a cervical smear test or cervical screening test. The test typically involves collecting a small sample of cells from the cervix using a swab or brush during a pelvic examination.

137 Interview 1-Survivor, 12 September 2023, Guatemala.

Accessing existing health centres is often difficult or too expensive. For example, the women of Sepur Zarco emphasised the need for medical personnel to travel to their communities:

“Many times, when the rivers rise, you’re stuck – risking your life. Many women are dying because we don’t have a doctor or nurse in our communities.”¹³⁸

Other women spoke of healing and care in broader terms. As Julia said:

“What I need is for God to heal me. I ask God to take me. I’m not getting better. I can’t go on [weeping]. I like to work, I chop firewood... I may look fine, but inside I’m no good anymore. I’m not even good for spare parts.”¹³⁹

In Spanish, the verb *curar* – used by survivors when speaking about healing – does not refer to a medical cure, but to care and attention. In this sense, healing is understood as being cared for rather than being cured.¹⁴⁰ This understanding is reflected in how survivors speak of the need to *aliviarse* (to find relief) and *curarse* (to be cared for / to receive care and attention).

4.2.2.5. Measures for families

Some survivors expressed the need to be reunited with their families. As a result of the violence, many families were displaced, and some now live in exile where obtaining visas is nearly impossible.

One example is the López sisters, whose father was forcibly disappeared by the army and whose mother was killed. They fled Guatemala after experiencing torture and sexual violence, first taking refuge in Mexico and then resettling in Canada, where they currently live. Although they survived, they were forced to separate from their siblings. The few times they have reunited have required significant effort.

As a form of reparation, survivors living in exile demand family reunification, which would require the Guatemalan State to request visas that would allow survivors to finally live together with their families.

4.2.3. Community and symbolic measures

As previously mentioned, sexual violence during the conflict did not occur in isolation but took place in a broader context of multiple violations against both individuals and communities. An intersectional approach – one that accounts for the broader context of violence and structural discrimination – demands collective measures, moving beyond restrictive perspectives that require proving direct causality or isolating each violation. For this reason, the survivors called for collective and symbolic measures that are responsive to their lived realities and that acknowledge and validate their familial and community contexts.

4.2.3.1. Recovering their traditional clothing

“They’re not going to wear their *trajes* anymore, because wearing them will get them killed.”¹⁴¹

As mentioned above, the *traje* worn by Maya women made them targets of violence, with perpetrators viewing these woven garments as symbols of cultural resistance and therefore as a threat to be dismantled within broader efforts to destroy Indigenous communities.¹⁴²

Against this background, the Maya *traje* holds deep symbolic weight within the framework of reparation. The women stressed the need to recover their traditional clothing, to learn from one another’s techniques, and to pass on weaving skills to younger generations to ensure this ancestral knowledge is not lost. By reclaiming and continuing to wear their *trajes*, Maya women not only keep their cultural heritage alive, but also reassert it as a symbol of resistance and collective healing – revaluing and making visible an identity that has long been marginalised and subjected to attempts at destruction.¹⁴³

138 Validation focus group with women survivors, 20 March 2024, Guatemala.

139 Interview 3-Survivor, 12 September 2023, Guatemala.

140 Lydia Feito, ‘Vulnerabilidad’ Vol. 30 suppl. 3 (2007) *Anales Sis San Navarra*.

141 Validation focus group with women survivors, 20 March 2024, Guatemala.

142 Rody Brett, *Una guerra sin batallas. Del odio la violencia y el miedo en el ixcan y el ixil 1972-1983*, (F&G Editores 2007).

143 UN Women – Latin America and the Caribbean, ‘Desde mi perspectiva: “El simple hecho de vestir nuestra ropa tradicional es una expresión de resistencia”’ (20 April 2019).

4.2.3.2. Recognition of their work

Ixil women explained that many of them are *comadronas* (traditional midwives), but they have never been formally recognised by the Guatemalan State. As a result, they have been denied professional status and are not allowed to accompany patients into hospitals.

“Most of the women we work with are comadronas, and they are not recognised by the state. So what they say is, ‘encourage our work and let us go into the hospitals with our patients. They don’t really take us into account, they just leave us out, as if our work is over’. ‘Stay there, now it’s the nurses and doctors who are in the hospitals’. So there our work is not valued.”¹⁴⁴

4.2.3.3. Construction of monuments

For many years, survivors have had to remember in small, confined spaces. They have called for the construction of monuments that dignify and honour their experiences and for the provision of places where they can gather and meet, to build a shared history and a new narrative for future generations.

4.2.3.4. Community radio stations

The women consistently emphasised the importance of memory in preventing recurrence. They proposed the creation of community radio stations that would broadcast memory programmes and violence prevention initiatives. These stations could be housed within what survivors referred to as “memory houses”, community-based spaces dedicated to remembrance and collective reflection, which they also requested (see below).

4.2.3.5. Memory houses

In interviews, survivors stressed the need for safe spaces where they can speak about their experiences without fear or stigma – and where they can preserve and share the truth of what happened with their communities. They expressed that having a “memory house” in their region would provide a space for gathering, shelter, remembrance and healing – serving as a form of reparation.

“It’s important to create a space – I don’t know if in all three municipalities – for historical memory. Because there’s a memory space here, yes, and we recognise that it’s in the city. But we can’t bring our children all the way there to tell them our stories. We are travelling there but we lived our stories in our own communities.”¹⁴⁵

4.2.3.6. Training centres

The women also showed concern for future generations and a desire to preserve the culture and way of life of their grandparents. They called for the establishment of training centres for young people:

“They also said they need a training centre so we can teach our grandchildren how to weave and farm – so that [knowledge] isn’t lost.”¹⁴⁶

4.2.3.7. Community-based psychosocial support

A consistent demand among survivors was for community-based psychosocial support – for themselves and for other women who have not yet been able to speak up – in a way that is culturally appropriate. They shared how the psychosocial support received so far has helped build bonds of listening and solidarity, making them feel stronger as a group. These experiences could serve as a foundation to extend such support across the country, giving it restorative meaning and a rehabilitative component.

“I had that space with ECAP, to do individual and group work. We did exercises on how to talk about what we lived through, how to say things. I was able to express everything I felt, and I lost my fear. I forgot my sadness a bit, I was able to speak. Before, I couldn’t talk, not a word. They’d tell me ‘talk,’ but I stayed silent because I couldn’t express it. But now I can express it. Now I can say what is happening to me.”¹⁴⁷

They also expressed the need for psychosocial support for their children, to help them express themselves and cope with the effects of the violence their mothers endured. This includes children who are unaware of the trauma their parents experienced, as well as those born of rape.

144 Validation focus group with women survivors, 20 March 2024, Guatemala.

145 Ibid.

146 Ibid.

147 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

4.2.3.8. Spiritual ceremonies and healing processes

The spiritual dimension of reparation, closely tied to Maya identity, was also emphasised by many survivors. They expressed the need to create spaces and processes for horizontal, communal and holistic healing:

“In a country like Guatemala, we can’t forget reparation, and not just institutional reparation, but spiritual. I’m talking about lighting candles, healing wounds, creating safe spaces, and the Maya ceremonies that bring healing to communities – ceremonies that even many ladino and mestizo people are now turning to for healing. So it has to be holistic. Maybe mechanisms can be created – I don’t know how exactly – but for me, it must come from the people.”¹⁴⁸

4.2.3.9. Truth, community awareness and guarantees of non-repetition

The survivors also stressed the importance of truth-telling – that what happened be known and discussed within their communities – and that such atrocities never happen again.

“So that it doesn’t happen again. We want to find justice, and we want the truth to be known in the communities.”¹⁴⁹

4.2.3.10. Building a new national project

For women like Matilde, reparation also involves the construction of a broader national project – one that is multicultural, intergenerational and transgenerational, bringing together Indigenous, ladino and mestizo people:

“For me, reparation is a national project. It is a project of a more collective integration. I believe the struggles of women and the struggles of the peoples should no longer be separate, right? I think the struggles of survivor women and their granddaughters should come together in dialogue, for example. We’re living in a time when dialogue feels very healing and reparative.”¹⁵⁰

4.2.3.11. Search for missing persons and exhumations

Many survivors experienced multiple violations of their rights, including the murder or disappearance of their loved ones. The pain of prolonged searches and the impossibility of mourning have deepened the impact of sexual violence. Many survivors expressed the need for exhumations as a form of reparation.

The climate of terror and impunity that prevailed during the conflict often prevented survivors from burying the dead with the presence of family and community, or from carrying out traditional rituals to accompany the passage from life to death. This lack of closure has had deep emotional repercussions and has made it difficult to rebuild social life.¹⁵¹ As a result, exhumations have become a reparation measure – helping to uncover the truth and enabling the reconstruction of communities.

This was reflected in the words of one survivor, who a few years ago was able to exhume her father in Chiul. She sees finding him as part of her struggle, something that brought relief to her and her family. However, many remain missing. The women reiterated that many people died in the mountains during Air Force bombings under Ríos Montt’s rule, and their bodies were never recovered.¹⁵²

4.3. Risks of receiving reparation

When asked about the possible risks they might face when receiving or after having received reparations, the survivors identified potential threats such as robbery or extortion, as well as gossip or rumours within their communities. The most worrying risk, however, involved threats from within their own families – from partners, children, or relatives who might see the survivors as a source of personal gain.

They also expressed fear of being criticised by their families and communities, especially if their personal histories were made public after receiving reparations. Many have already faced suspicion and stigma for leaving their communities or speaking up about their rights, making them feel that they are “bad women.”

148 Interview 9-Survivor, 9 September 2023.

149 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

150 Interview 9-Survivor, 27 July 2023, online.

151 Maurice Eisenbruch, “Cross-cultural aspects of bereavement II: Ethnic and cultural variations in the development practices” *Culture*, 8 (1984) *Medicine and Psychiatry*. See also: “In addition to accompanying the deceased person in their passage to other states, rituals also serve, of course, other intrapsychic, social, and community functions: (1) helping family members to accept the reality of the loss; (2) allowing public expressions of grief and the strengthening of bonds of friendship and kinship; (3) marking the officially declared period of mourning; (4) presenting to the community the family members’ new social role (and associated status); and (5) fostering expressions of solidarity.” [Pau Pérez Sales, *Trauma y Resistencia* (Escosura Producciones 2004) p. 47].

152 Focus Group with Ixil Survivors, 11 September 2023, Guatemala.

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“There are always criticisms. Since participating in the group, people say they’re bad women for learning about their rights. They don’t let others abuse them – they push back. People say they live badly, they question why they go to events and leave their husbands or families at home. Others influence their husbands: ‘Why do you let her leave? Maybe she’s in a hotel with another man.’”¹⁵³

“People might say, ‘Ah yes, something really did happen to Manuela.’ But people talk when we go out and they say we’re getting a lot of money. That’s not true. These spaces have helped us unload everything we carry, but people still talk.”¹⁵⁴

That is why survivors stressed the importance of incorporating protective measures, the preservation of anonymity, or the establishment of confidentiality mechanisms where needed.



Memory House “KAji Tulam”, March 2024, Guatemala. © Andrea Bolaños Vargas

153 Focus group with Chimaltenango Survivors, 21 November 2023, Guatemala.

154 Interview 1-Survivor, 12 September 2023, Guatemala.



5. THE SEPUR ZARCO CASE: THE WOMEN'S STRUGGLE FOR A PROMISED BUT UNFULFILLED REPARATION

5.1. Context of the case and judicial decision

The case of Sepur Zarco, in the municipality of El Estor, department of Izabal, is widely known as the first time a Guatemalan court convicted perpetrators for slavery and sexual violence committed during the internal armed conflict, drawing on both national legislation and international criminal law.¹⁵⁵ The judgement demonstrated how *“sexual violence and cruel, inhuman and degrading treatment were committed against Maya Q'eqchi' women, carried out in a reiterated and continuous manner in violation of their human dignity.”*¹⁵⁶

It identified three main forms of harm: physical, related to the women's bodies; mental and psychological; and social, defined by displacement, dispossession, and cultural and familial destruction. Expert testimony showed that the non-material damage was profound, affecting social life and cohesion to this day. Trust within families and communities was broken, and the Indigenous community's worldview and beliefs were deeply impacted. The women experienced what was described as a form of social death and an inability to detach from what had occurred.¹⁵⁷ As expert witness Rita Segato stated:

*“[...] by desecrating their bodies, the moral and physical destruction of the community was completed, because the woman's body represents the social body. Through the sexual violations, their microcosm was also broken. The relationship with their husbands and their reproductive capacity, as the continuity of the family could no longer be assured [...] In harming the women of Sepur Zarco, humanity itself was also harmed, this is not just about the suffering of the victims, but also a rupture in the entire human bond.”*¹⁵⁸

The judgement ordered a range of reparation measures: monetary compensation for each victim (between GTQ 200,000 and GTQ 500,000 – approximately USD 25,856 to 64,641)¹⁵⁹; the continuation of the investigation to locate the disappeared; the creation of a health centre; improvements to primary education infrastructure in some communities; the creation of a bilingual school; the granting of scholarships; the implementation of cultural projects; the inclusion of the case in textbooks and curricula; the translation of the judgement into 24 Maya languages; the establishment of a national day of recognition for Victims of Sexual Violence, Sexual and Domestic Slavery (26 February); the construction of a monument; and the inclusion of human rights education in military training.¹⁶⁰

5.2. The women's perceptions of the implementation of reparations

The judgement in the *Sepur Zarco* case not only brought certainty and security to the women survivors, but also marked the beginning of a broader process of societal recognition of their inherent dignity and their emergence as community leaders. They became symbols of resistance and hope for other survivors of sexual violence.¹⁶¹

This case highlighted the solidarity, mutual support and collective strength built among the women, while also exposing the challenges survivors face in claiming their rights. Despite the reparations measures set forth in the judgement, the State's failure to implement them has subjected survivors to social discredit. The women have been perceived as “responsible” and “at fault” for not having brought about significant change in their communities. Despite their tireless efforts and constant denunciations of the State's failure to act, many of the women interviewed said they felt exhausted and hopeless. These feelings were further compounded by their advancing age.

155 UN Women, “El caso Sepur Zarco: las mujeres guatemaltecas que exigieron justicia en una nación destrizada por la guerra” (19 October 2018) <https://www.unwomen.org/es/news/stories/2018/10/feature-sepur-zarco-case> accessed on 3 April 2023.

156 Ibid. p. 4, para. 1.a.

157 Ibid. p. 23, para. A.1.

158 Ibid. pp. 486-497.

159 The exchange rate used throughout this report is that of August 2024, according to the European Commission: https://commission.europa.eu/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-infoeuro_es.

160 Ibid. p. 508-51.

161 Brisna Caxaj Álvarez and others, ‘Cambiando el rostro de la justicia. Las claves del litigio estratégico en el caso Sepur Zarco’ (Impunity Watch and Alianza Rompiendo el Silencio y la Impunidad, 2017), pp. 27-28.



Women from Sepur Zarco with the researchers during the research process for the Guatemala study, September 2023, Guatemala.
© Andrea Bolaños Vargas

Some women described how community cohesion was weakened due to suspicions about individual financial gain, which created an atmosphere of mistrust and internal conflict:

“At the community level, the situation became complicated. There was false information, rumours. People said that after the ruling, the women had received financial support. They claimed the women came back with sacks of money. Then they began to ask what was going on, saying that it shouldn't be just those women, that other women were victims too. They questioned whether only 14 women were victims. In Sepur Zarco, a conflict emerged; a problem was created after the verdict. It was right after the ruling that people started talking.”¹⁶²

For the women of Sepur Zarco, reparation is primarily seen as a State responsibility that must include adequate financial compensation to alleviate their long-standing material hardship. But they also expect measures related to health, as well as physical and psychological healing. In the interviews, they stressed the urgency of implementing “concrete measures before it's too late.”¹⁶³

“I want to see that reparation before death comes, before I leave this world. I feel the time will come when I die, and still, nothing will have happened. For example, I've been very sick lately. I've been falling ill very often.”¹⁶⁴

Justice and reparations feel distant for the survivors due to the many barriers and inefficiencies they have faced from the State. While they acknowledge that the guilty verdict marked a step toward justice, they insisted that, for them, true reparation goes beyond the courtroom and requires tangible transformation in their lives.

The women's perception of reparation has evolved over time. Initially, they held hope that the judgement would lead to immediate and positive changes. Today, however, they confront the “harsh reality” of ongoing hardship and the need to continue fighting for their rights. Despite their exhaustion and disillusionment, they have not abandoned their struggle. On the contrary, their continued demands for justice highlight their role as defenders of their communities and future generations, and the value they place on reparations as integral to their pursuit of justice.

The organisations that have accompanied them have also experienced fatigue due to the risks and threats they have faced, and because of a justice system that, although it once opened a window of opportunity through the work of committed professionals and human rights experts, is now increasingly questioned for its lack of independence and integrity.¹⁶⁵

5.3. From compliance to reality: the challenges ahead

5.3.1. Access to education and health

Although the judgement included the construction of four schools,¹⁶⁶ so far two have been built.¹⁶⁷ This demonstrates the lack of schools close to each of the communities, which perpetuates cycles of poverty, limits the progress of affected families, and prolongs generational marginalisation and structural discrimination.

“Some of the petitioning communities already have their schools and some of us still do not. These are stop-gap measures, but in the long term they create serious difficulties. In our case, our children have to travel to study in another community that has benefited. They have to go to Sepur, even though we were also petitioners and should have a school in our own community.”¹⁶⁸

“It has been 7 years since we achieved justice, but we are already 8 years away from getting the result we would like. They say that there is education, but what they are doing is patching things up, not what was said.”¹⁶⁹

162 Interview 11-Survivor, 20 September 2023, Guatemala.

163 Interview 10-Survivor, 19 September 2023, Guatemala.

164 Interview 10-Survivor, 19 September 2013, Guatemala.

165 Restitution focus group with CSOs, 19 March 2024, Guatemala.

166 Sepur Zarco case. First Court of Criminal Judgment, Drug Trafficking and Crimes against the Environment (*Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente*). Guatemala C-01076-2012-00021 OF.2º. (2016) pp. 509 and 510 paras. XI, XII and XIII.

167 Schools have only been built in two communities: Sepur Zarco and San Marcos. In the communities of Pombaac and La Esperanza, they have not yet been constructed [Interview 03-Organismo Internacional, 20 March 2024, Guatemala].

168 Interview 10-Survivor, 19 September 2013, Guatemala.

169 Focus Group 1 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

The women also spoke of the lack of appropriate health services, in breach of the judgement:

“Also one of the reparation measures, supposedly, is to have a place for medical attention. Yes there is one [health centre] that they have already installed in Sepur Zarco, but it is far away to get there, and the problem is that there is a centre with no medicines.”¹⁷⁰

5.3.2. Access to land tenure and decent housing

Land titling was another of the reparation measures in the judgement.¹⁷¹ Despite efforts to reclaim land, the lack of State response contributes to tenure insecurity. The historical dispossession of territories, especially for Indigenous communities, is a significant impediment to the exercise of other basic rights, such as the right to food. With high food prices and the challenges imposed by climate change, food security is a crucial concern for women, who lack the necessary support to secure agricultural livelihoods and cope with crop losses related to extreme weather events.

The guarantee and security of housing through land ownership remain an unfulfilled promise. Having one’s own land or roof is perceived as fundamental to their autonomy and to avoid economic dependency or future abuse.

“This struggle is not just now, we have been going on for a long time, our compañeras [fellow survivors] are already disappearing, two of them have already died and we still haven’t seen any results that the State itself promised to fulfil and what I personally long for, my only request, the greatest thing I would like is to have legal certainty because my compañeras are fading away, they are no longer seeing that for the future, leaving a future for their children or for their grandchildren. A lot of benefits were promised that we have not seen and I would like to be heard again. This is not the first time, I have come to the institutional roundtables, to the Land Fund, to the Secretary of Agrarian Affairs to make the same request and they told us that they were going to fulfil it, but to date there is no information, they don’t follow up on it. And as always, we are waiting to see if there are any results, but our children are growing up, we no longer have the same energy as

when we started, and that is what makes me even sadder, because I would like even a little piece of land to leave that security to my children.”¹⁷²

5.3.3. Access to economic reparation and support for income-generating activities

Added to this is the unfulfilled promise of economic reparation and support for income generating activities. This situation prevents the development of self-sufficiency mechanisms and limits the improvement of women’s well-being.

5.4. Impact on women’s empowerment

The struggle and participation of the women of Sepur have been of vital importance in movements and debates on reparations both nationally and internationally. The women have been active advocates for their own rights, using their voices to demand reparations that go beyond the individual and extend to the collective, encouraging other Indigenous women in the same pursuit. This commitment is evident through their presence at public events, their participation in consultation processes and their role as community leaders.

The litigation process in the Sepur Zarco case was not only a legal battle, but also an act of empowerment for the women, who learned about the justice system and overcame their traditional role as victims, becoming active participants in the pursuit for justice. The creation of the Jalok U Collective, formed by the women to represent themselves, was crucial to this empowerment, providing a platform for participation at every stage of the trial, overcoming linguistic and cultural barriers. The Maya worldview and collectivism were fundamental to their approach and to shared decision-making.¹⁷³

However, at the local and community level, the experiences of sexual violence and subsequent institutional abandonment have “robbed” them of some of their strength and voice. Despite the long and sustained collective effort to secure justice and reparations, through which they have been able to recover an important part of their power and autonomy, the traumas endured and the systematic failure to implement reparations have made the women rethink their struggle. Nevertheless, they have not ceased in their demands, and continue to call for support, both from civil society organisations and, now, from the new government.¹⁷⁴

170 Interview 10-Survivor, 19 September 2023, Guatemala.

171 Sepur Zarco Case. First Court of Criminal Judgment, Drug Trafficking and Crimes against the Environment (*Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente*) C-01076-2012-00021 OF.2º. Guatemala (2016) p. 510 para. XIV.

172 Focus Group 2 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.

173 Brisna Caxaj Álvarez and others, ‘Cambiando el rostro de la justicia. Las claves del litigio estratégico en el caso Sepur Zarco’ (Impunity Watch and Alianza Rompiendo el Silencio y la Impunidad, 2017), p. 27.

174 Focus Group 2 with Survivors of Sepur Zarco, 20 September 2023, Guatemala.



6. SEXUAL VIOLENCE AGAINST LGBTQIA+ PEOPLE DURING THE INTERNAL ARMED CONFLICT IN GUATEMALA

6.1. Context of violence against LGBTQIA+ people

Although the years of Guatemala's internal armed conflict coincided with a global context in which the visibility of LGBTQIA+ individuals was beginning to emerge, the situation for this population in Guatemala was, and continues to be, very precarious.¹⁷⁵ During that period, as remains true today, the influence of religion and heteronormative moral norms contributed to widespread stigma towards sexual and gender diversity.¹⁷⁶ Those who had embraced their identity kept a low profile and, in some cases, lived in secrecy.

"I had the worst youth imaginable thanks to my dad and my brothers. They watched me, they harassed me, they told me I was going to die of AIDS. My dad did the worst, he went and spoke to all the neighbours to tell them that I was the shame of the family, and they hadn't even known [...] Surely we have to forget in order to keep living, it's hard to remember."¹⁷⁷

During the conflict, the LGBTQIA+ community experienced violence, repression and discrimination at the hands of armed groups, who used sexual violence as a tool of torture and punishment to weaken, humiliate and control LGBTQIA+ people.

However, there is very little accessible literature on sexual violence against this community during the Guatemalan conflict. Neither of the two truth-seeking reports investigated this type of violence, nor are there quantitative data on

its impact. This absence of information appears to stem from several factors. First, the influence of religious and conservative norms, which still condemn homosexuality and normalise or justify sexual violence against the community: *"That happens to us because we're huecos, they take us to jail"*.¹⁷⁸ Second, the stigma and social exclusion that led the community to remain silent due to fear of rejection, humiliation and discrimination. As one interviewee noted, *"This secrecy was necessary for survival, but it also contributed to the lack of records and documentation"*.¹⁷⁹

Due to a combination of stigma, fear, and lack of recognition, the documentation of cases of sexual violence against LGBTQIA+ people during the internal armed conflict in Guatemala was virtually non-existent. Violent incidents were often not reported due to fear of reprisals or the belief that reporting would not result in justice or reparations. Even today, many members of the community face significant barriers to speaking about what happened to them. During interviews conducted for this report, when asked about the challenges that might prevent LGBTQIA+ individuals from recognising themselves as survivors of conflict-related sexual violence, participants identified difficulties rooted in their relationship with their families and immediate social circles.

To date, one of the few efforts to investigate this issue has been carried out by the National Police Historical Archive (*Archivo Histórico de la Policía Nacional*). The Archive uncovered documentation related to the surveillance, control and repression LGBTQIA+ people during the conflict. Some of this violence is reflected in the so-called "Photo Album of Criminals", which contains approximately 80,000 photographs of people detained by the police.¹⁸⁰ Each photo includes the person's name, date of arrest and the alleged offense or reason for detention. Among the most commonly listed reasons were "homosexual", alongside labels such as "subversive", "guerrilla", "prostitute", "security reasons" or "under investigation". Most of these records date back to the 1970s.¹⁸¹

175 Interview 07-Civil Society, 14 September 2023, Guatemala and Interview 08-Civil Society, 15 September 2023, Guatemala.

176 Interview 09-Civil Society, 15 September 2023, Guatemala and Interview 11-Civil Society, 19 September 2023, Guatemala.

177 Interview 05-Civil Society, 23 July 2023, Guatemala.

178 In Guatemala, the expression "huecos" is used to refer in a derogatory way to homosexual men. Interview 05-Civil Society, 23 July 2023, Guatemala.

179 Interview 09-Civil Society, 15 September 2023, Guatemala.

180 It should be noted that the research team of the Police Historical Archive physically and digitally reviewed 13 books, covering the period from 1959 to 1989. This means that there are still at least 23 albums pending review and analysis in the Archive. In addition to this, it should be taken into account that some files may have been removed or destroyed over the years.

181 Archivo Histórico de la Policía, *La criminalización de la población LGBTI en los Registros Policiales 1960 - 1990*. Colección de Informes, Volume 12, Guatemala (2018).



Travelling museum featuring photographs of people who were forcibly disappeared during the internal armed conflict, in the square in Nebaj, February 2023, Guatemala. © Berta Fernández Rosón / GSF

The Archive's findings show that the police regarded homosexuality as either an aggravating factor or a crime in itself. These documents include derogatory terms such as "hermaphrodite", "huecos", "effeminate" and "homosexual".¹⁸² From the albums analysed, 156 records were identified in which individuals were labelled as "homosexual", with alleged offences including "homosexual", "homosexual fight" and "homosexual with a bladed weapon".¹⁸³ Other photographs were marked with terms such as "pederast" or "pimp", often with aggravating labels such as "homosexual" or "feminine clothing, family hueco".¹⁸⁴

Violence against gay, lesbian or transgender people during armed conflict took multiple forms. Perhaps the most common, yet least visible, was the need to conceal or suppress their sexual and/or gender identity for fear of discrimination or violence, whether from state forces, family, friends, social circles or even fellow members of political movements. This invisibility was compounded by constant persecution, particularly by law enforcement and police forces, which in some instances involved physical and sexual violence.

Those interviewed for this report described how, during the conflict, LGBTQIA+ individuals were forced to live in "double clandestinity": hiding both their sexual identity or gender identity and their affiliation with political or guerrilla organisations.¹⁸⁵ In response, some people developed self-protection strategies by creating "safe spaces" within urban subcultures where they could meet. However, these spaces were often targeted by state repression. Although homosexuality has never been criminalised in Guatemala, the community lacked specific legal protections, which made them vulnerable to discrimination, harassment, surveillance and state control.

The social stigma against the LGBTQIA+ community intensified with the emergence of HIV/AIDS. According to research from the Archive:

*"The National Police was vigilant and increased repression against the LGBT+ population. This group was perceived as carriers or transmitters of the disease, which led to a rise in arbitrary detentions."*¹⁸⁶

With few safe meeting spaces and the constant threat of police raids, the community faced significant challenges in organising, sharing information, and supporting one another. These conditions hindered the development of a collective public health response.

6.1.1. Violence and sexual violence against gay men

Although there were very few public spaces where gay men could gather during the conflict, meeting points gradually emerged, such as cinemas and bars. These venues were also frequented by men involved in political organising, including student activists affiliated with guerrilla groups or members of the guerrilla forces themselves, who were drawn by the cloak of secrecy these locations offered.

However, the police closely monitored and controlled these venues, frequently conducting raids and arbitrary arrests, which sometimes involved severe violence, including sexual violence.¹⁸⁷ These raids were ordered by the Ministry of the Interior with the aim of exerting "greater control over these people", and they were carried out regularly.¹⁸⁸

The raids often included extortion and detentions on the grounds of "homosexuality".¹⁸⁹ In some cases, friends or family members had to go to detention centres to pay fines or other kinds of "bribes" in order to secure the release of those arrested. According to the Historical Archive's investigation, some victims mentioned that there were instances where police officers "would arrive dressed in plainclothes, would ask for oral sex and when the act was over, they would arrest us for immoral acts."¹⁹⁰

182 Ibid.

183 Ibid.

184 For more information see: Ibid.

185 Interview 11-Civil Society, 19 September 2023, Guatemala; Interview 08-Civil Society, 15 September 2023, Guatemala.

186 Archivo Histórico de la Policía, *La criminalización de la población LGBTI en los Registros Policiales 1960 – 1990*. Colección de Informes, Volume 12, Guatemala (2018), p. 35.

187 Archivo Histórico de la Policía, *La criminalización de la población LGBTI en los Registros Policiales 1960 – 1990*. Colección de Informes, Volume 12, Guatemala (2018); Interview 08-Civil Society, 15 September 2023, Guatemala and Interview 10-Civil Society, Guatemala, 18 September 2023, Guatemala.

188 Archivo Histórico de la Policía, *La criminalización de la población LGBTI en los Registros Policiales 1960 – 1990*. Colección de Informes, Volume 12, Guatemala (2018), p. 29.

189 Interview 07-Civil Society, 14 September 2023, Guatemala; interview 08-Civil Society, 15 September 2023, Guatemala; interview 11-Civil Society, 19 September 2023, Guatemala; MA in Ibid.

190 Ibid p. 21.

While these gathering spaces offered a form of refuge and demonstrated the gay community’s resilience in a hostile and repressive environment, police operations had a chilling effect, driven by the ever-present fear of being “outed.” Police control extended not only to private spaces but also to public streets and spaces, where gay men were subjected to verbal abuse and labelled with stigmatising terms such as “faggot,” “sexual deviant,” or “transvestite.”¹⁹¹

“It was very common for the police to do sweeps on Saturday nights using those buses, the pájaro azul. They would go around picking up anyone who looked effeminate. Back then, they would arrest up to 200 people because they were also going to a nightclub – this was around ‘84 or ‘85 – called Caché, near the cemetery. The police would go into the club and, without saying a word, start pulling out all the gay men and arresting them for moral offences. Obviously, it was just a disco where people were drinking and dancing. That kind of thing happened all the time.”¹⁹²

6.1.2. Violence and sexual violence against lesbian women

In Guatemala, violence against lesbian women has taken many forms, rooted in dominant power structures and perpetrated by both state and non-state actors. Interviews suggest that during the armed conflict, the oppression of lesbian women was shaped by sociocultural practices that used sexual violence as a mechanism of control, intended to enforce gender and sexual norms.

Sexual violence was most commonly expressed through so-called “corrective rape”, a violent and coercive attempt to force lesbian women to conform to heterosexuality. This form of violence was used as a perverse means to “adjust,” change, or “correct” their sexual orientation in line with heteronormative expectations.

“Lesbian women also suffered these kinds of abuses. The police, the army, they would take them away, beat them, run them over. [...] It wasn’t pleasant for anyone, because who could we turn to? Who would listen to us? Back then, there were no human rights, there was nothing. That didn’t come until almost the year 2000, after the peace accords.”¹⁹³

For lesbian women, violence occurred across multiple settings, from private spaces marked by family threats and abuse to public spaces and detention centres. While lesbian women did not frequent bars and meeting points as often, when they did, they were also targeted by police violence.

Sexual abuse and rape were used as forms of torture and humiliation, both to punish their identity and to extract information. One interviewee stated: “We knew that if they caught you, they would rape you. This is how they attacked diversity.”¹⁹⁴ But the violence also had a corrective component. In the words of another interviewee:

“There’s a greater burden for being a lesbian [...]. It’s the idea that ‘I have to make you a woman, I’m going to make you a woman,’ that is, it’s a punishment that also has the purpose of fixing you into what you’re supposed to be.”¹⁹⁵

During the years of internal unrest, women involved in political organising also frequently faced sexist attitudes that dismissed their contributions and limited their participation in political and social resistance.¹⁹⁶ For example, lesbian women experienced intersectional discrimination within student movements: gender-based discrimination was compounded by rejection of their sexual orientation. Constant questioning, ridicule, discrediting, and rejection – even from fellow activists – served as forms of psychological and emotional harassment.

All of this shaped the broader context of violence, stigma, and enforced silence in which sexual violence occurred, making it extremely difficult for women to report these crimes. Among the patterns of abuse described by interviewees were delegitimising discourses that labelled women advocating for gender or feminist issues as lesbians; the stigmatisation of lesbian identity; pressure to conform to conventional gender roles by assigning women secondary or supporting roles, thereby making their contributions less visible than those of their male counterparts; and the exclusion of women from decision-making spaces.

191 Archivo Histórico de la Policía, *La criminalización de la población LGBTI en los Registros Policiales 1960 – 1990*. Report Collection, Volume 12, Guatemala (2018).

192 Interview 05-Civil Society, 23 July 2023, Guatemala.

193 Interview 07-Civil Society, 14 September 2023, Guatemala.

194 Interview 09-Civil Society, 15 September 2023, Guatemala.

195 Ibid.

196 Ibid. Interview 11-Civil Society, 19 September 2023, Guatemala

This environment enabled and facilitated instances of sexual manipulation and coercion to occur with complete impunity. Women recounted how some male leaders used the power and authority they held within political movements to manipulate or coerce them sexually, subjugating them to their desires and reinforcing gender hierarchies. As one interviewee stated:

“The aggression was carried out by fellow members of the same movement, which revealed a serious contradiction with the progressive values these groups often claimed to uphold.”¹⁹⁷

Fear of retaliation, isolation and lack of support forced many women to remain silent about the abuse they suffered. The interviews show that, while student movements were engaged in the fight for just and progressive causes, they often replicated patriarchal and discriminatory power structures internally, structures that affected gay men, and even more acutely, lesbian women.

6.2. Impact of violence on the LGBTQIA+ community

The individuals interviewed for this report emphasised the psychological and physical consequences of widespread fear, repression, discrimination, and stigma, including stress, anxiety, constant fear of state persecution, and, in some cases, post-traumatic stress disorder.¹⁹⁸

As noted earlier, during the conflict period, many people chose to conceal their identities. This created a sense of emotional isolation, which often led to distant or dysfunctional relationships. In addition, restrictions placed on meeting and social spaces significantly curtailed personal freedom and the possibility of forming supportive social and political communities. These impacts were further compounded by a constant state of alert and the risk of being evicted from their homes or reported to the authorities.

This climate of violence and lack of protection left deep wounds within the community that persist to this day, affecting many aspects of their lives. As one interviewee explained:

“The systematic violence and stigmatisation experienced by lesbian women left deep psychological, social and political scars. This dual victimisation, in both the personal and private sphere as well as the public and political sphere, in some cases resulted in cumulative trauma: the need to live one’s identity in secret and, in some extreme cases, the tragic outcome of suicide or the need to seek asylum abroad. This illustrates how the violence inflicted on lesbian women could disrupt or obstruct their personal lives, their participation in political life, and their professional development.”¹⁹⁹

6.3. Reparation priorities for LGBTQIA+ people

During the study, it became clear that participants understood reparation as going beyond financial compensation. For members of the LGBTQIA+ community, reparation was understood as meaning healing – both individually and collectively – in order to live fulfilling lives, as well as public acknowledgement of their experiences and recognition of the silence and invisibility they have endured for years.²⁰⁰ As they explained, solutions cannot be merely palliative; they must be transformative, driving cultural and legal change that respects and protects sexual and gender diversity.

In their testimonies, survivors also expressed the need for safe spaces where they can begin to share experiences of sexual violence, as well as specialised psychosocial care to adequately address the trauma.²⁰¹ They are aware that this process will not be without challenges, and that many people still find it difficult to speak about what happened:

“I see it as a bit difficult. First, because of people’s age, as they would be 70 or older. People over 70 hide. They hide their sexuality; they hide their sexual orientation. And then, remember, they lived in fear, so they are afraid to speak, to point things out, and they are afraid of retaliation. Because back then, that’s what happened. There were reprisals against anyone. So, it’s hard for this to happen. You could try, of course, it could be done. But how to contact them? That’s the hardest part, in my view.”²⁰²

197 Interview 09-Civil Society, 15 September 2023, Guatemala; Interview 11-Civil Society, 19 September 2023, Guatemala.

198 Interview 07-Civil Society, 14 September 2023, Guatemala; Interview 08-Civil Society, 15 September 2023, Guatemala; Interview 05-Civil Society, 23 July 2023, Guatemala.

199 Interview 11-Civil Society, 19 September 2023, Guatemala.

200 Interview 07-Civil Society, 14 September 2023, Guatemala; Interview 11-Civil Society, 19 September 2023, Guatemala.

201 Interview 11-Civil Society, 19 September 2023, Guatemala.

202 Interview 07-Civil Society, 14 September 2023, Guatemala.

Breaking these silences requires strengthening the movement, fostering community and family support networks, and promoting political empowerment, which have emerged as key priorities for LGBTQIA+ people in Guatemala.

Interviewees also emphasised the importance of access to adequate healthcare services, including treatment for sexually transmitted diseases and mental health services; the creation of monuments and memorials, alongside awareness campaigns, to make the community's struggles visible and educate society; the development of inclusive legislation that promotes non-discrimination; and effective access to justice and reparation.

6.4. Challenges to reparation for LGBTQIA+ individuals

When seeking or accessing reparation, LGBTQIA+ survivors face unique challenges. Social stigma and discrimination linked to their identities can intensify when they share their stories in pursuit of justice. Revealing their identity during the process could expose them to further violence, particularly if perpetrators or their collaborators still reside in their communities. There is also a significant risk of violence from family members or community members. Families may not accept the survivor's sexual orientation or gender identity, and coming forward publicly in pursuit of justice can lead to rejection or violence from those closest to them.

Additionally, LGBTQIA+ individuals may be perceived as challenging established power structures or threatening the impunity of certain actors, thereby increasing their risk of facing violence, intimidation, or persecution. Survivors may also be at risk of economic exploitation by their communities or families, who may seek to benefit from the reparation measures they receive.

These risks must be carefully considered when gathering testimonies, documenting historical memory, or designing reparation mechanisms. Survivor participation must be enabled in ways that do no harm and take into account the challenges they may face.

To mitigate these risks, it is crucial that the State and civil society organisations work together to create a safe environment for LGBTQIA+ survivors seeking reparation. This may include the implementation of protection and privacy protocols within reparation or justice-seeking process, ensuring confidentiality and safety; the development of training plans for police and

judicial officials on the specific needs of the LGBTQIA+ community; the promotion of respect, understanding and non-discrimination through educational and information campaigns; and public education policies.

6.5. Resilience and empowerment of LGBTQIA+ people in the face of repression

Despite the unique challenges faced by the LGBTQIA+ community, they demonstrated significant organisational capacity during the years of armed conflict and repression, both in the realm of health, particularly in response to the HIV/AIDS crisis, and through broader struggles for dignity and human rights.

The roots of gay activism in Guatemala can be traced back to the late 1980s, within the complex social and political context of the time. Around 1988 or 1989, the first organising effort emerged under the Kaslem Project, led by and operating under the umbrella of the Guatemalan Association for Sexual Education (*Asociación Guatemalteca de Educación Sexual*, AGES). While initially focused on health, particularly condom distribution and HIV testing, it marked a foundational moment for the movement.²⁰³

“During the 1990s, the gay community played a crucial role in the fight against HIV/AIDS, marking a milestone in the history of public health activism. [...] They led pioneering HIV prevention initiatives, launching the country's first dedicated project. Bars – key gathering and social spaces for the community – became centres of education and awareness, hosting the first prevention talks.”²⁰⁴

By 1996, gay activism began to broaden its focus to the wider human rights of LGBTQIA+ people, with the establishment of the Asociación OASIS. Initially composed of individuals from higher socioeconomic backgrounds, OASIS soon embraced broader social inclusion, especially that of the trans community, who faced even greater marginalisation and violence.

Lesbian women, for their part, fought against invisibility during the armed conflict, striving to raise their voices within revolutionary movements despite facing ongoing discrimination within those same spaces. Nevertheless, lesbian women demonstrated strong agency, creating safe havens such as “safe houses” and night-time meeting

203 Interview 07-Civil Society, 14 September 2023, Guatemala; Interview 09-Civil Society, 15 September 2023, Guatemala.

204 LGBTQIA+ restitution meeting, 19 March 2024, Guatemala.

6. SEXUAL VIOLENCE AGAINST LGBTQIA+ PEOPLE DURING THE INTERNAL ARMED CONFLICT IN GUATEMALA

spaces. These became essential for fostering solidarity and information-sharing amid intense surveillance and threats to their existence and visibility.²⁰⁵

By 1995, as the conflict neared its end, lesbian women took advantage of the moment to establish exclusive spaces for their community. These spaces promoted discussions around identity and rights, and led to the formation of organisations and collectives, as well as engagement in political activism and education, including the development of feminist lesbian training schools. This

evolution reflects a transition from clandestine organising to the creation of more visible and established platforms and networks.

The construction of a historical memory of the violence endured by LGBTQIA+ individuals has been a critical focus, linked to broader efforts to achieve justice and reparation. This process has fostered greater visibility, enabling lesbian women to embrace a reaffirmed identity, and fuelled the empowerment and rights advocacy of the entire LGBTQIA+ community in post-conflict Guatemala.²⁰⁶

205 Interview 08-Civil Society, 15 September 2023, Guatemala; Interview 11-Civil Society, 19 September 2023, Guatemala.

206 Ibid.



Traditional weaving by one of the women participants in the validation sessions for the Guatemala study, March 2024, Guatemala.
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7. CIVIL SOCIETY ACCOMPANIMENT AND REPARATION INITIATIVES FOR SURVIVORS

In Guatemala, the pursuit of justice, the reconstruction of collective memory and psychosocial support have been at the core of the work carried out by local and national organisations, as well as international cooperation actors. Civil society organisations have made significant efforts to recover and preserve memory, not only as a sociological exercise but also as part of a process of non-state symbolic reparation. These organisations have also recognised that psychosocial accompaniment and the search for the disappeared are a fundamental part of reparation, and that such parallel mobilisation by civil society is key to these processes.

The following sections examine some non-state accompaniment and reparative initiatives that have been essential both for victims of human rights violations in general and for survivors of sexual violence in particular.

7.1. Non-state initiatives for victims of the armed conflict

The majority of initiatives undertaken to accompany or provide a reparative dimension to victims of the Guatemalan conflict have focused on healing processes grounded in the Maya worldview; the creation of memorials, murals and museums; psychosocial or psycho-legal accompaniment; social and academic research; social mobilisation and organisation; and exhumations carried out by non-state interdisciplinary teams.²⁰⁷

The work of these organisations has neither been conceived nor designed with the objective of providing interim relief pending an official state reparation process. Rather, it has developed independently of state initiatives. Nevertheless, its reach has been broad, seeking to repair the social fabric, recover memory from the community to the national level, and rebuild social ties.

7.1.1. The search for truth, memory and reconciliation

One of the most prominent truth-seeking initiatives in Guatemala was the REMHI, launched in 1994 by the Human Rights Office of the Archdiocese of Guatemala (*Oficina de Derechos Humanos del Arzobispado de Guatemala*, ODHAG) to provide information to the future Historical Clarification Commission (CEH).²⁰⁸ Coordinated by the ODHAG and supported by the Guatemalan Episcopal Conference, as well as social organisations, REMHI sought not only to document violations but also to engage society in the recovery of collective memory and reconciliation.²⁰⁹

REMHI represented a landmark effort to confront the legacies of armed conflict. The resulting report, *Guatemala: Nunca más (Guatemala: Never Again)*, presented in April 1998 and marked by the assassination of Monsignor Juan José Gerardi two days later, highlighted both the importance of this work in the struggle for truth and justice and the risks and resistance it faced. Despite these challenges, the process of returning findings to the affected communities served as a catalyst for rebuilding collective and individual memory.

Both the CEH and REMHI reports addressed and documented some of the sexual violence suffered by women during the armed conflict, providing a space where some survivors could see their experiences reflected and validated. For some women, linking their personal stories to the findings of these reports not only contributed to processes of awareness, but also enabled them to situate their experiences within a broader historical and political context.²¹⁰

Numerous community-based initiatives have also contributed to the recovery of historical memory. One example is the memorial and community museum in the

207 Such as the Mutual Support Group (*Grupo de Apoyo Mutuo – GAM*), the Community Studies and Psychosocial Action Team (*Equipo de Estudios Comunitarios y Acción Psicosocial – ECAP*), the Centre for Forensic Analysis and Applied Sciences (*Centro de Análisis Forense y Ciencias Aplicadas – CAFCA*), the Human Rights Office of the Archdiocese of Guatemala (*Oficina de Derechos Humanos del Arzobispado de Guatemala – ODHAG*) or the Guatemalan Forensic Anthropology Foundation (*Fundación de Antropología Forense de Guatemala – FAFG*), among others.

208 The final report is composed of four volumes: Volume I. The Impacts of Violence, Volume II. The Impacts of Violence, Volume II. The Mechanisms of Terror, Volume III. The Historical Context and Volume IV. The Victims of the Conflict.

209 *Oficina de Derechos Humanos del Arzobispado de Guatemala, Guatemala Nunca Más (ODHAG 1998)*. Volume I, Impacts of violence, pp. XIX, XXIII, XIV.

210 Interview 05-Civil Society, 23 July 2023, Guatemala.

municipality of Rabinal, Baja Verapaz. Similar initiatives have been carried out in the municipalities of Comalapa, Chimaltenango, and Santa Lucía Cotzumalguapa, as well as in Guatemala City, where memorials and “memory houses” have been established.

7.1.2. Exhumation and reburial processes

Exhumation in Guatemala have represented a complex interaction of technical, emotional, social and legal processes, transcending the mere act of unearthing bodies to become essential tools in the search for truth, justice and reparation.

According to the *Systematisation Report on the Community and Legal Process of Exhumations* prepared by the National Coordination of Widows of Guatemala (CONAVIGUA), although the primary purpose of exhumations in Guatemala is “to find the mortal remains of their relatives”, they are not only a source of information on their whereabouts but also allow “relatives to honour the deceased [by recovering the remains]”, thereby contributing to processes of healing.²¹¹

According to the Forensic Anthropology Foundation of Guatemala (*Fundación de Antropología Forense*, FAFG), over the past 25 years, 8,189 bodies have been recovered, of which 3,869 victims have been identified.²¹² Meanwhile, the Centre for Forensic Anthropology and Applied Sciences (CAFCA) has identified 1,030 victims.²¹³

Exhumations have been conducted in Guatemala since the late 1980s, when, in the midst of the conflict, victims’ associations such as the Mutual Support Group (*Grupo de Apoyo Mutuo*, GAM), CONAVIGUA, Ethnic Communities Renujel Junam (CERJ) and ODHAG filed complaints before the Public Prosecutor’s Office about what was happening in their communities.²¹⁴ Beginning in 1997, with the signing of the Agreement on a Firm and Lasting Peace

and the presentation of the CEH Report, a turning point was reached in the exhumation processes, as the CEH Report provided a political reference framework and clear recommendations to the State. Although the State later carried out exhumations through the National Reparation Programme, it did so in coordination with FAFG, ODHAG and psychosocial accompaniment organisations between 2007 and 2008.²¹⁵

7.1.3. Psychosocial accompaniment

Since 1997, in parallel with the exhumations and reburial process, significant psychosocial accompaniment work has been developed in Guatemala.²¹⁶ Initially, this work was understood mainly as being present at the excavation site to provide space “for the crying”. However, experience soon showed that accompaniment had to be comprehensive – *before, during and after* the exhumations – integrating cultural perspectives and drawing on community resources to work through grief.

With these lessons learned, the organisations expanded psychosocial accompaniment to other victims of the conflict, addressing the effects on both individual and collective subjectivities. This work contributed to building resilience at the community level, extending beyond temporary initiatives.²¹⁷

7.2. Non-state initiatives for victims of sexual violence

7.2.1. Psychosocial support to survivors

One of the first initiatives in Guatemala that began to bring to light the sexual violence suffered by women during the internal armed conflict was organised by ECAP in 1999 in the departments of Baja Verapaz and Huehuetenango.²¹⁸ The project, called *Psychosocial reparation for survivors of political violence with an emphasis on women*, included

211 CONAVIGUA, *Informe de Sistematización del proceso Comunitario y Legal de las Exhumaciones* (2005) p. 28 <https://memoriavirtualguatemala.org/wp-content/uploads/2020/12/INFORME-DE-SISTEMATIZACION.pdf> accessed 18 September 2024.

212 These are the most recent public figures available on the website of the Forensic Anthropology Foundation, Impact section <https://fafg.org/impacto/> accessed on 18 September 2024. Unfortunately, it has not been possible to access more up-to-date figures.

213 Ibid and Centre for Forensic Analysis and Applied Sciences, Statistics section <http://www.cafca.gt/estadiacutesticas.html> accessed 18 September 2024.

214 The social organisations that have been developing forensic anthropology work have been the FAFG, the ODHAG and the CAFCA.

215 Anantonia Reyes, Andrea Bolaños and others, *Mapeo de iniciativas nacionales e internacionales en “reconciliación social” posguerra en Guatemala (1997-2008)* (Instituto de Aprendizaje para la Reconciliación Social 2009), p. 22 (On file).

216 Pau Pérez-Sales and Susana Navarro, *Resistencias contra el olvido. Trabajo psicosocial en procesos de exhumaciones en América Latina* (Gedisa 2007) p. 65.

217 For example, this can relate to community accompaniment; the reweaving of the social and relational fabric (family, community, and broader social ties); the reconstruction of memory; and processes of dignification, among other outcomes. A mapping study by the Instituto de Aprendizaje para la Reconciliación Social (2009) noted that organisations providing psychosocial support during exhumations recognised that, while the exhumation process often served as “an entry point into communities,” once present, psychosocial support needs typically extended beyond the exhumation itself, creating opportunities for new forms of collaboration, capacity building and community strengthening.

218 Anantonia Reyes, Andrea Bolaños et al., *Mapeo de iniciativas nacionales e internacionales en “reconciliación social” posguerra en Guatemala (1997-2008)* (Instituto de Aprendizaje para la Reconciliación Social 2009), p. 162 (On file).

processes of exhumation and reburial, pursuit of justice, dignification activities, reflection and self-help groups, and psychotherapeutic care with and for women survivors, among whom cases of sexual violence began to be identified.

This project laid the foundation for the later work of the Consorcio Actoras de Cambio (Consortium Women Actors of Change), a collective composed of UNAMG, ECAP and some independent feminists.²¹⁹ Between 2004 and 2009, the Consortium collaborated to make these forms of violence visible, creating spaces for women to begin to speak out and providing comprehensive accompaniment: psychosocial, medical, legal, women's rights training, and the recovery of collective memory.²²⁰

The Consortium carried out its work in different regions of the country, locally, through "healing-education" or "self-healing" groups, in which women from the same community participated with psychosocial accompaniment. Women community leaders took part in these groups, and activities were conducted in their first language. Such groups were formed in Polochic, Chimaltenango and Huehuetenango.²²¹

The Consortium's work gave rise to participatory research/action, published in 2009 under the title *Tejidos que lleva el alma (The Weavings of the Soul)*.²²² The publication analysed the causes and consequences of sexual violence, linking them to the patriarchal system and to class- and ethnic-based oppressions, and highlighting sexual violence as a tool of the State's counter-insurgency and genocidal policy, particularly against Indigenous women.²²³ For many women, the book itself represented a form of reparation, as it made visible crimes that until then remained marked by impunity.

After the Consortium dissolved, ECAP and UNAMG continued to work with the same groups of women, deepening the focus on the body from a Maya worldview

and using play-based methodologies, especially art therapy.²²⁴ Meanwhile, the group of independent feminists formed the organisation Actoras de Cambio, which continues to work with women's groups in the Ixil area and in Huehuetenango.²²⁵

As Maya Alvarado points out in the report *Cambiando el rostro de la justicia (Changing the Face of Justice): "The challenge has been to break the silence among women. That is, the silences of all of us. Not just some"*.²²⁶ The work initiated in 1999 has borne fruit, even though sexual violence committed during the conflict was silenced, unnamed and often rendered invisible. Although both the CEH and REMHI addressed sexual violence, it remained absent from the agendas of state institutions and, in many cases, from human rights and women's rights organisations themselves.²²⁷

The work initiated by ECAP in Baja Verapaz and Huehuetenango has gradually spread to different regions, allowing other Maya, mestizo and ladina women, accompanied by various organisations, to begin addressing, from different perspectives, both the sexual violence they suffered during the armed conflict and the ongoing violence.

7.2.2. Paving the way for justice and reparation

7.2.2.1. The Tribunal of Conscience and the Alliance Breaking the Silence and Impunity

To achieve justice, Indigenous women in Guatemala had to unite, organise and find the courage to speak out, receiving support from organisations such as UNAMG, ECAP, and MTM, which joined this work in 2009.²²⁸ That same year, these organisations began planning the *Tribunal of Conscience Against the Sexual Violence Committed Against Women During the Internal Armed Conflict*, held in March 2010. The Tribunal aimed to make

219 Vilma Duque. *Final Report. Componente Desarrollo Psicosocial Comunitario*. PCON/GTZ. Guatemala (March 2007) p. 25; Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012) p. 13.

220 Luz Méndez and Maya Alvarado. *Mujeres, justicia y resarcimiento. Violencia sexual en el conflicto armado* (UNAMG 2018) p. 86.

221 Ibid.

222 Amandine Fulchirone, Olga Alicia Paz and Angélica López, *Tejidos que lleva el alma. Memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado* (ECAP, UNAMG 2009) p. 89.

223 Ibid. p. 86.

224 Anantonia Reyes, Andrea Bolaños and others, *Mapeo de iniciativas nacionales e internacionales en "reconciliación social" posguerra en Guatemala (1997-2008)* (Instituto de Aprendizaje para la Reconciliación Social 2009) p. 22 (On file).

225 Interview 02-OSC, 19 June 2023, Guatemala.

226 Brisna Caxaj Álvarez and others, "Cambiando el rostro de la justicia. Las claves del litigio estratégico en el caso Sepur Zarco" (Impunity Watch and Alianza Rompiendo el Silencio y la Impunidad, 2017), p. 60.

227 Luz Méndez, Maya Alvarado. *Mujeres, justicia y resarcimiento. Violencia sexual en el conflicto armado* (UNAMG 2018) p. 86.

228 Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012), p. 13.

visible the causes and effects of sexual violence and to provide a reparative mechanism through which women could be heard.²²⁹

The commitment to recovering history was grounded in the understanding that it was necessary to prevent repetition, recognising the persistence of violence in women's lives and the interconnection between past and present, reflected in Guatemala's high rates of femicide.²³⁰ Current patterns of sexual violence echo those committed during the armed conflict, with recent examples including the militarisation of the Polochic Valley and the continued military presence in Sepur Zarco, where the logics and practices of the 1980s are repeated.²³¹

In this context, the Tribunal of Conscience shed light on the sexual violence women suffered during the conflict and its continuation into the present, while providing a space for survivors to be heard in their own language. This event paved the way for the formal filing of the first criminal complaint for multiple acts of sexual violence during the conflict, focusing on the case of Sepur Zarco.²³² In 2010, the organisations decided to work together in the Alliance Breaking the Silence and Impunity (*Alianza Rompiendo el Silencio y la Impunidad*), supporting survivors in their pursuit of justice.²³³

The Alliance together with Colectiva Jalok U, composed of the women of Sepur Zarco, adopted a strategy of strategic litigation to address sexual violence against women in an integral manner, recognising its continuity

from the armed conflict to the present. This effort sought not only to achieve political and social impact but also to empower the 15 women of Sepur Zarco, ensuring their participation in all decisions related to their case. Despite challenges, including the death of Magdalena Pop, one of the women victims involved in the case, and the exclusion of some women from the trial in 2014, formal justice was ultimately achieved.²³⁴

7.2.3. The impact of Sepur Zarco in opening new cases

Despite adverse circumstances, progress in the fight against impunity, exemplified by the Sepur Zarco judgement, has encouraged other women to pursue justice. The example set by the women known as the "Abuelas de Sepur" (Sepur Grandmothers) has inspired other women in Guatemala, including younger generations. This, in turn, has encouraged both Indigenous women survivors of conflict-related sexual violence and women experiencing ongoing violence to come forward, seek justice and support one another.²³⁵

One such example is the Achi' Case. At the end of 2012, 36 Indigenous women from the Maya Achi' region of the department of Baja Verapaz, all survivors of sexual violence, began their pursuit of justice.²³⁶ The case has been legally accompanied by the Asociación Bufete Jurídico Popular, with psychosocial support from both the Bufete and ECAP. The ruling is currently expected to be upheld, pending the outcome of an annulment appeal filed by the defence at the end of 2023.²³⁷

229 Cited in *Ibid.* p. 16.

230 Cited in *Ibid.*

231 Delmirian Xol Cuc and others, 'Informe. Evaluación final independiente. Proyecto PBF/IRF194: Haciendo una realidad el efecto transformador de la sentencia de reparación de Sepur Zarco para romper el continuo de la violencia sexual y otras formas de violencia contra las mujeres en situaciones de conflicto y postconflicto del Fondo para la Consolidación de la Paz' (2020) pp. 28 and 29.

232 Cited in Maya Alvarado and Brisna Caxaj (coord.) *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (UNAMG 2012), p. 16; Brisna Caxaj Álvarez and others, 'Cambiando el rostro de la justicia. Las claves del litigio estratégico en el caso Sepur Zarco' (Impunity Watch and Alianza Rompiendo el Silencio y la Impunidad, 2017) p. 60.

233 Belén Arce Terceros "El caso de Sepur Zarco: el largo camino a la justicia" *United Explanations* (5 April 2016).

234 Brisna Caxaj Álvarez and others, "Cambiando el rostro de la justicia. Las claves del litigio estratégico en el caso Sepur Zarco" (Impunity Watch and Alianza Rompiendo el Silencio y la Impunidad, 2017) p. 60.

235 Bolaños Vargas, Andrea 'Proyecto PBF-IRF 145 1325: Empoderando a mujeres sobrevivientes de violencia sexual y de género relacionada con el conflicto y postconflicto en Guatemala. Evaluación independiente final' (2019) p. 20.

236 Communication with Asociación Bufete Jurídico Popular, 5 August 2024, Guatemala.

237 *Ibid.*



8. STATE REPARATIONS: EXISTING AVENUES AND IMPLEMENTATION IN GUATEMALA

8.1. International human rights and reparation framework

The establishment of the United Nations (UN) in 1945 marked the beginning of the development of an international framework for the protection of human rights, with the 1948 Universal Declaration of Human Rights as its cornerstone. Over time, a body of international law has been developed, built through treaties and conventions, either of a thematic nature or focused on the rights of vulnerable groups, such as the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), among others.

In parallel, the Organisation of American States (OAS) was established in 1948, which gave rise to the Inter-American System of Human Rights, first with the Inter-American Commission on Human Rights (IACHR) in 1959 and then with the Inter-American Court of Human Rights (Inter-American Court) in 1979, as its main bodies. This system has been strengthened through key instruments such as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights (Pact of San José).

Increasing attention has also been paid to women's rights, notably the adoption of the Convention of Belém do Pará in 1994. Guatemala, as a member of the UN and the OAS, has ratified several of these instruments.

8.1.1. Universal framework

Despite progress in developing international human rights standards, these have not been sufficient to prevent violations, as was evident during the internal armed conflict in Guatemala. For this reason, international instruments establish the obligation of states to investigate, prosecute and punish such violations, as well as to provide reparations for the harm caused.

Several treaties ratified by Guatemala, such as the International Covenant on Civil and Political Rights,²³⁸ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,²³⁹ the International Convention on the Elimination of All Forms of Racial Discrimination,²⁴⁰ the Convention on the Rights of the Child,²⁴¹ and the Convention on the Elimination of All Forms of Discrimination against Women,²⁴² contain provisions that guarantee the right to reparation for victims. In 2012, Guatemala acceded to the Rome Statute of the International Criminal Court, which likewise recognises the right to reparation.²⁴³

238 Article 2 provides that states parties must guarantee to all persons within their jurisdiction the rights recognised in the Covenant, and Article 2(3) provides that effective remedies must be available in case of violation. In addition, Article 9(5) addresses the right to liberty and security, recognising the right of any person deprived of liberty to obtain redress in the event of a wrongful conviction; while Article 14(6) establishes the right of persons convicted of a crime to compensation in the event that the conviction is overturned and Article 14(7) states that any person found not guilty of a crime and who has suffered a wrongful conviction is entitled to compensation in accordance with the law.

239 It sets out general principles that can be applied to reparation for victims of torture: in its article 14, it emphasises that States parties must ensure that victims of acts of torture obtain redress, including appropriate rehabilitation. Rehabilitation includes medical, psychological and social assistance to ensure the physical and mental recovery of victims.

240 Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination establishes the obligation of States to ensure that victims of acts of racial discrimination have the right to seek reparation before courts or other competent institutions. It further provides that states must take measures to ensure that reparation is provided, which may include restitution, compensation, satisfaction, guarantees of non-repetition and rehabilitation.

241 The Convention on the Rights of the Child, in Article 39, highlights the obligation of States parties to take measures for the physical and psychological recovery and social reintegration of child victims of neglect, exploitation, abuse or torture. Although it does not address reparation in the same sense as other treaties, it underlines the importance of specific measures for the well-being and recovery of child victims of rights violations.

242 Among the General Recommendations issued by the Committee on the Elimination of Discrimination against Women are number 30, on women in conflict prevention, conflict and post-conflict situations; number 33, on access to justice; and number 39, on Indigenous women, which points out the obligation of states to guarantee reparation to women when they have been victims of any of the rights contained in the Convention [See Committee on the Elimination of Discrimination against Women, General Recommendations <https://www.ohchr.org/en/treaty-bodies/cedaw/general-recommendations> consulted on 18 September 2024].

243 ICC – 'Guatemala becomes the 121st State to become party to the Rome Statute system'. Press release: 03/04/2012, ICC-CPI-20120403-PR783. Article 75 of the Rome Statute of the International Criminal Court establishes the principles applicable to the reparation of victims of crimes within the jurisdiction of the Court: crimes against humanity, war crimes and crimes of aggression. According to the Rome Statute, the Court may "determine the scope and extent of any damage, loss and injury" caused and thus indicate the appropriate reparation (Rome Statute, Article 75(1)). The Statute also provides a space for the convicted person, victims and other persons interested in the case to make observations that will be taken into account before the Court reaches a decision.

INTERNATIONAL AND REGIONAL HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW INSTRUMENTS RATIFIED BY GUATEMALA	
Instrument	Ratification/ Accession
<i>Universal System</i>	
International Covenant on Civil and Political Rights (1966)	1992
International Covenant on Economic, Social and Cultural Rights (1966)	1988
International Convention on the Elimination of All Forms of Racial Discrimination (1967)	1983
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)	1982
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)	1990
Convention on the Rights of the Child (1989)	1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2000)	2003
International Convention on the Rights of Persons with Disabilities (2007)	2009
The Four Geneva Conventions of 1949, covering the Protection of the Wounded and Sick in Armed Forces on Land and at Sea, the Treatment of Prisoners of War, and the Protection of Civilian Persons in Time of War	1952
Additional Protocol I, relating to the Protection of Victims of International Armed Conflicts Additional Protocol II, relating to the Protection of Victims of Non-International Armed Conflicts	1987
Additional Protocol III, relating to the Adoption of an Additional Distinctive Emblem	2008
Rome Statute of the International Criminal Court (1998)	2012
<i>Acceptance of the procedure for individual communications for Guatemala</i>	
Art. 22 – Individual complaints procedure of the Convention against Torture	2003
Optional Protocol to the International Covenant on Civil and Political Rights	2000
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)	2002
Art. 77 – Individual complaints procedure of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2007
Optional Protocol to the Convention on the Rights of Persons with Disabilities	2009
<i>Acceptance of the investigation procedure for Guatemala</i>	
CAT, Art. 20 – Inquiry procedure of the Convention against Torture	1990
CEDAW-OP, Art. 8-9 – Inquiry procedure of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW)	2002
CRPD-OP, Art. 6-7 – Inquiry procedure of the Optional Protocol to the Convention on the Rights of Persons with Disabilities	2009
<i>Regional System</i>	
American Convention on Human Rights (1969)	1978
Inter-American Convention to Prevent and Punish Torture (1985)	1986
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador") (1988)	2000
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belem Do Para") (1994).	1995
Inter-American Convention on Forced Disappearance of Persons (1994)	1999

Normative development has led to the adoption of instruments such as the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the UN General Assembly in 2005.²⁴⁴ This resolution highlights victims' rights to obtain reparation in various forms, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. It further stresses the importance of treating victims with humanity and respect for their dignity, laying the foundation for comprehensive approaches to reparation.

The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has emphasised that, in order for a measure to be considered genuine reparation, it must be accompanied by an acknowledgement of responsibility. The Rapporteur has also emphasised that each of these measures constitutes a legal obligation and has warned against the dangerous trend of substituting one form of reparation for another.²⁴⁵

In short, reparation must combine different measures and be comprehensive. This applies both to reparations obtained through judicial proceedings, as illustrated by the jurisprudence of the Inter-American Court of Human Rights, and to administrative reparations policies or programmes, which have the potential to reach a larger number of victims without requiring legal representation or the submission of onerous evidentiary standards.²⁴⁶

An example of such a programme is Guatemala's National Reparations Programme, assessed in this report. Other examples include administrative reparation programmes developed in Argentina, Chile, Peru, Colombia, Morocco and Kosovo, as well as those recommended by various truth commissions. Nevertheless, the Special Rapporteur has noted with concern that some programmes have failed to deliver adequate and timely reparations, emphasising that they must not be reduced to compensation mechanisms, but should reflect both the seriousness of the violations and the commitment to equal rights.²⁴⁷

Among the challenges of implementing reparation measures – whether through judicial or administrative programmes – are difficulties of carrying out reparations that adequately address material, psychosocial and legal dimensions. Such measures should include access to justice, financial compensation, rehabilitation programmes and psychosocial support, as well as guarantees of non-repetition, all of which require strengthening justice institutions and mechanisms.²⁴⁸ In addition, implementing collective reparations that provide essential services such as healthcare, education and housing presents its own challenges. The Special Rapporteur has stressed that while these reparations should be linked to development, they must not be confused with it, since their origins, functions and purposes are distinct; and has further emphasised that, beyond the general right to basic services, victims hold an individual right to specific forms of reparation.²⁴⁹

8.1.2. Reparations framework in the Inter-American System

At the Inter-American level, the legal and political framework for reparation is grounded in the American Convention on Human Rights, which establishes the contentious jurisdiction of the Inter-American Court of Human Rights to order reparation measures in relation to those States that have explicitly accepted its jurisdiction. Guatemala accepted the Court's contentious jurisdiction on 9 March 1987. Consequently, the Court's orders are binding on Guatemala.²⁵⁰ The Court's Rules of Procedure detail the mechanisms for enforcing its judgements, including supervision of compliance with the reparations ordered, which is essential to ensuring that they are implemented in a comprehensive and adequate manner.²⁵¹

Within this framework fall the Inter-American Court's rulings relevant to reparations for victims, as well as the IACHR's reports on truth, justice and reparation in the Americas. The Court has been unequivocal in affirming that *“every violation of an international obligation which results in harm creates a duty to make adequate reparation*

244 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' 60/147 Resolution adopted by the General Assembly on 16 December 2005.

245 United Nations, General Assembly, 'Report of the Special Rapporteur on the promotion of truth, justice and guarantees of non-recurrence, Pablo de Greiff' (Reparations for gross human rights violations and serious violations of international humanitarian law) A/69/518 (14 October 2014), para. 83.

246 Ibid. para. 84.

247 Ibid. para. 87.

248 United Nations, General Assembly 'Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence' (National consultations concerning the design and implementation of transitional justice measures) A/71/567 (25 October 2016).

249 United Nations, General Assembly 'Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence' (Reparations for gross human rights violations and serious violations of international humanitarian law) A/69/518 (14 October 2014) para. 86.

250 See Articles 63 and 68 of the American Convention on Human Rights.

251 See Article 67 of the Rules of Procedure of the Inter-American Court of Human Rights.

to each victim” and in emphasising reparation as a key means through which State’s responsibility for breaches of international law is realised.²⁵²

The ‘General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights’, approved by the IACHR, classify reparations into the following categories: measures for the restoration of the infringed right, where possible; compensation measures; satisfaction measures; rehabilitation measures; truth and justice measures; and guarantees of non-repetition or structural measures, such as public policies, legislation and other regulations, and institutional strengthening.²⁵³ The IACHR is clear in noting that restitution poses a challenge when human rights violations create an irreversible situation, as occurs in cases of sexual violence. In such cases, it states that *“other forms of reparation are especially important, such as compensation or reparation measures of a structural nature, in accordance with the nature of the human rights violations and the damage caused to the victims.”*²⁵⁴

The IACHR also issued the ‘Principal Guidelines for a Comprehensive Reparations Policy’, establishing that the duty to provide reparations rests with the State and that public reparation policies must be created *“by providing low-cost, streamlined administrative avenues by which to access economic reparations programs. This should be without prejudice to any other kinds of non-pecuniary reparations, collective reparations, and social programs and services that might be established for the population affected during the conflict.”*²⁵⁵ Furthermore, the Commission has indicated that administrative reparation programmes should be designed through *“a participatory and transparent process with the victims, civil society and State institutions involved”*, guaranteeing both their stability and their sustained validity over time.²⁵⁶

The IACHR has further indicated that these programmes *“should make provision for specific mechanisms designed to fully redress acts of violence and discrimination that women have experienced as part of the armed conflict.”*²⁵⁷ It has also established that reparations for victims of sexual violence adopted by States must have *“a transformative vocation, aimed at reforming the context of discrimination*

*that reproduces the problem of sexual violence.”*²⁵⁸ This is fundamental for the purpose of this study, as it reflects the scope of a differentiated reparation approach that recognises the distinct ways in which harm impacts victims.

8.2. National framework on reparation and conflict-related sexual violence

Progress in the field of women’s human rights, and specifically in relation to reparation for conflict-related harms in Guatemala, has been achieved largely thanks to the tireless work of social and women’s organisations, as well as survivors themselves, who have not relented in their pursuit of justice and in their fight against impunity. Since the signing of the Agreement on a Firm and Lasting Peace and the publication of the two Truth Commissions reports, advocacy efforts have not ceased, paving the way for advances both at the administrative level, with the establishment of the National Reparations Programme, and at the judicial level, with landmark rulings at the national and international levels.

8.2.1. The Agreement on a Firm and Lasting Peace and the Report of the Commission for Historical Clarification

The path to peace negotiations in Guatemala began in 1987 under President Vinicio Cerezo. In 1990, negotiations for the Peace Accords between the Government and the insurgent organisations grouped under the URNG had formally commenced. The process lasted six years, marked by political obstacles, until peace was finally signed on 29 December 1996. During this negotiation process, 12 agreements were signed on substantive issues of national transformation, including respect for human rights, resolution of agrarian and rural development challenges, State reform, Indigenous peoples’ rights, military reform and the creation of a new police force, as well as the installation of a truth commission.²⁵⁹

The Peace Accords contemplated four key transitional justice mechanisms: the establishment of a truth commission, known as the Commission for Historical Clarification (*Comisión de Esclarecimiento Histórico* – CEH); legal processes for the return, resettlement

252 IACHR, *Truth, Justice and Reparation: Fourth Report on the Situation of Human Rights in Colombia* OEA/Ser.L/V/II. Doc.49.13 (31 December 2013) p. 197, para 461.

253 IACHR, *Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice and Reparation in Transitional Contexts*, OEA/Ser.L/V/II. Doc.121 (12 April 2021) para. 167.

254 IACHR, *Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice and Reparation in Transitional Contexts*, OEA/Ser.L/V/II. Doc.121 (12 April 2021) para. 167.

255 IACHR, ‘Principal guidelines for a comprehensive reparations policy’ OEA/Ser.L/V/II.131, Doc. 1 (19 February 2008) para. 3.

256 IACHR, *Compendium on integral reparation with a gender perspective in transitional justice contexts*. OEA/Ser.L./V/II Doc.388/23 (30 November 2023), para. 111.

257 IACHR, ‘Principal guidelines for a comprehensive reparations policy’ OEA/Ser.L/V/II.131, Doc. 1 (19 February 2008) para. 14.

258 IACHR, *Compendium on integral reparation with a gender perspective in transitional justice contexts*. OEA/Ser.L./V/II Doc.388/23 (30 November 2023), paras. 193-195.

259 Impunity Watch, ‘Peace at risk: Analysis of the closure of Guatemala’s peace institutions’ (November 2020) p.8.

and reintegration of victims of forced displacement; the creation of the National Reparations Programme (*Programa Nacional de Resarcimiento* – PNR); and provisions for amnesty to enable the transition to peace.²⁶⁰

Under this mandate, the CEH was created. In its final report, it included recommendations on reparation for victims of human rights violations, emphasising the need to address the physical and psychological consequences of abuses; economic compensation, rehabilitation services and psychosocial support; public recognition of human rights violations; and the importance of preserving historical memory. The CEH recommended the creation of monuments, commemorations and the incorporation of historical truth into educational programmes; legal reforms, institutional strengthening; and the active participation of victims in reparation processes.²⁶¹ However, it did not explicitly include reparations for sexual violence committed during the conflict.

8.2.2. The National Reconciliation Law and Peace Institutions

Despite what was established in the peace accords and recommended by the CEH, Guatemala's transitional justice framework remains limited. Of particular relevance is the National Reconciliation Law, enacted under President Álvaro Arzú.²⁶² Its aim was to establish a legal framework for reconciliation among the social sectors affected by the conflict, serving as the basis for the institutional framework that would implement the peace accords and the CEH's recommendations.

The Law restricts the granting of amnesties for war crimes and crimes against humanity by specifying that it applies only to common crimes, explicitly excluding genocide, enforced disappearance and torture. This approach aligns with international human rights standards, which consider inadmissible amnesties or measures that would obstruct the investigation and punishment of serious human rights violations.²⁶³ Nevertheless, there have been repeated attempts to reform the National Reconciliation Law. In 2019, the UN High

Commissioner for Human Rights, Michelle Bachelet, warned that such reform would amount to “a generalized amnesty for all cases of grave human rights violations and crimes committed during the internal armed conflict”.²⁶⁴

Among the institutions created by the National Reconciliation Law was the Secretariat for Peace (*Secretaría de la Paz*, SEPAZ), established in 1997 as an advisory and coordinating body for the fulfilment of governmental commitments arising from the peace accords, reporting directly to the President of the Republic.²⁶⁵

These institutions and programmes, however, have been under threat for years. The most severe blow to their continuity came when the government of Alejandro Giammattei ordered the closure of SEPAZ and the Presidential Commission for the Coordination of Executive Policy on Human Rights (*Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos*, COPREDEH), replacing them with the Presidential Commission for Peace and Human Rights (*Comisión Presidencial por la Paz y los Derechos Humanos*, COPADEH).²⁶⁶ Although President Giammattei publicly declared that COPADEH would assume the functions of the dissolved institutions, the Governmental Agreement establishing it contained no provision transferring their functions, resources, archives or staff. As a result, many of Guatemala's national and international commitments on peace and human rights were left in limbo.²⁶⁷ At the time of publication of this report, COPADEH remains in operation and has a mandate to develop a policy of dignity and reparation for victims. Nonetheless, it faces significant budgetary and staffing constraints.²⁶⁸

These institutional modifications have been possible because most of these agencies and programmes were established by executive decrees or resolutions rather than by law, making them modifiable by successive governments. This institutional weakness stems from the persistent refusal of the Congress of the Republic to approve legislation granting permanent legal status to these institutions and the National Reparations Programme.

260 Roddy Brett and Lina Malagón, “Realising victims’ rights to reparations, truth and justice in Guatemala, in the midst of a zero-sum game” (Reparations, Responsibility & Victimhood, Queen’s University Belfast, 2020).

261 CEH, *Guatemala Memoria del Silencio. Conclusions and Recommendations of the Report of the Commission for Historical Clarification* (Second Edition).

262 Legislative Decree 145-1996, “Law on National Reconciliation” (entered into force 27 December 1996).

263 IACHR, “IACHR Asks Guatemalan State Not to Amend National Reconciliation Law”, Press Release No. 014/19 (25 January 2019).

264 OHCHR, “Guatemala: Bachelet warns National Reconciliation Law amendment will lead to impunity for grave crimes” (22 January 2019).

265 By Decree Number 17-97 of 12 March 1997, which was replaced by Governmental Agreement Number 115-2001 of 13 March 2001.

266 Governmental Agreements 97-2000, 98-202 and 100-200; Impunity Watch, *La paz en riesgo: Análisis del cierre de las instituciones de la paz en Guatemala* (April 2020) p. 4.

267 Impunity Watch, *La paz en riesgo: Análisis del cierre de las instituciones de la paz en Guatemala* (April 2020) p. 10.

268 Interview with the COPADEH, March 2024, Guatemala City.

Another relevant legal instrument is the Decree establishing 25 February as the National Day of Dignity for the Victims of the Internal Armed Conflict.²⁶⁹

Beyond this limited framework, there is no sufficient normative basis for pursuing reparations for conflict-related sexual violence. Despite the existence of the Law Against Femicide,²⁷⁰ few instruments specifically address sexual violence, even in peacetime, and all remain insufficient to adequately respond to the specific harms committed during the internal armed conflict.²⁷¹

8.2.3. The National Reparation Programme

The establishment of the PNR was made possible through the persistent efforts and political advocacy of civil society and social organisations, particularly through the Multisectoral Instance for Peace and Concord, which since the 1990s had been reflecting on and promoting reparations, as well as the interest of certain members of the Congress. Together, these factors opened the path toward the creation of a state-led mechanism responsible for providing reparations to the victims of the conflict.²⁷²

On 7 May 2003, following sustained pressure from civil society organisations and agreements reached between President Alfonso Portillo’s government and the Multisectoral Instance for Peace, the PNR was created, “whose specific aim [is] the reparation of victims of human rights violations that occurred during the internal armed conflict that ended on 29 December 1996”.²⁷³ Its creation was also based on recognition of the “humanitarian duty to provide redress and/or assistance to victims of human rights violations” set out in the Global Human Rights Accord, as well as on the recommendations of the CEH Report.²⁷⁴

Although the PNR was initially established with a ten-year mandate, its duration was extended for a further ten years in 2013.²⁷⁵ By the time of this report’s publication, however, the Programme has expired, as its mandate was not renewed.

The reparation measures contemplated by the PNR included cultural reparation; psychosocial reparation and rehabilitation; the dignification of victims, including apologies, symbolic measures and public acts of recognition of responsibility; material restitution; and economic compensation.²⁷⁶ Among the beneficiaries were survivors of sexual violence. In fact, the Governmental Agreement that created the Programme expressly stated its aim to strengthen the peace process and promote reconciliation, “giving special attention to victims of sexual violence who so request and in accordance with their particular needs”.²⁷⁷

Although created in 2003, the PNR began implementing reparation measures at the end of 2005. Its first activity was the distribution of economic compensation, a choice that would come to characterise the programme throughout its years of operation. The details of its implementation are addressed in the following section.

8.3. Access to reparation to date

In Guatemala, survivors of conflict-related human rights violations have been able to access reparations through two main avenues:

- Administrative, via the PNR (now expired) or other alternative programmes or policies that peace institutions may develop for this purpose; and
- Judicial, through international or Inter-American mechanisms, or via national courts.

269 Date on which the CEH Report: “Guatemala Memoria del Silencio” was delivered to the State of Guatemala, and which President Álvaro Arzú refused to receive; Decree 06 of 2004 of the Congress of the Republic of Guatemala, “Ley que conmemora el 25 de febrero como el Día Nacional de la Dignidad de las Víctimas del Conflicto Armado Interno” (Law that designates 25 February as the National Day of Dignity for the Victims of the Internal Armed Conflict), amend by Government Decree 48, 2008.

270 Decree number 22-2008, “Ley contra el femicidio y otras formas de violencia contra la mujer” (Law against femicide and other forms of violence against women), enacted on 2 May 2008.

271 These include Decree 97-1996, “Ley para prevenir, sancionar y erradicar la violencia intrafamiliar” (Law to prevent, punish and eradicate domestic violence) (28 November 1996); Decree 09-2009, “Ley contra la violencia sexual, explotación y trata de personas” (Law against sexual violence, exploitation and trafficking in persons) (16 March 2009). In 2008, Decree 22-2008, “Ley contra el feminicidio y la violencia contra la mujer” (Law against femicide and violence against women) was enacted. Similarly, in 2019, Decree 09-2019 was approved, reforming Decree 21-2016, Ley Orgánica del Instituto para la asistencia y atención a la víctima del Delito (Organic Law of the Institute for Assistance and Attention to Victims of Crime). This decree sought to strengthen the Insitute for the Assistance to the Victims of Crime (*Instituto para la asistencia y atención a la víctima del delito*) with the objective of providing attention and reparation to victims of violence in the private sphere, including gender-based violence, domestic violence and sexual violence. The decree establishes measures of reparation, assistance, protection and access to justice for victims.

272 Denis Martínez and Luisa Gómez, *Las Reparaciones para Víctimas del Conflicto Armado en Guatemala: Una Promesa por Cumplir, Reparación, Responsabilidad y Víctimas en las Sociedades en Transición* (August 2019).

273 Governmental Agreement 258-2003, creating the National Reparation Programme (*Programa Nacional de Resarcimiento*) (7 May 2003).

274 Libro Azul (Política Pública de Resarcimiento) para 11.

275 Through Governmental Agreement 539-2013, in which reforms are agreed to Governmental Agreement 258-2003 dated 7 May 2003, Art. 3.1.

276 Libro Azul (Política Pública de Resarcimiento) para 11.

277 Governmental Agreement 258-2003, creating the National Reparation Programme (*Programa Nacional de Resarcimiento*) (7 May 2003). Art. 2. Principles, Measures and Criteria for Reparation.

8.3.1. Administrative access: the National Reparations Programme

8.3.1.1. Implementation and shortcomings of the PNR

The PNR was marked by a low level of implementation. According to research by Impunity Watch, during the Programme's lifespan 57,523 case files were registered, covering 73,319 victims of human rights violations (35,694 survivors, 24,418 deceased and 17,207 disappeared). Of these, 27,531 (35.6%) were women and 49,788 (64.4%) were men.²⁷⁸ However, only 27,233 victims appear to have received some form of reparation over nearly 18 years of operation, while 30,290 cases remain unresolved.²⁷⁹ Compared with CEH's estimates, only 16.5% of victims received economic compensation, leaving 83.5% without.²⁸⁰ It should be noted, however, that Guatemala does not maintain an official registry of victims, meaning actual figures may be higher.

During its years of operation, the PNR's main reparation measures included economic compensation, psychosocial support, exhumations and reburials, and publications on historical memory. The administration of Álvaro Colom (2008-2011) oversaw the largest distribution of economic reparations, investing GTQ 187,049,184.31 (approximately USD 24,135,378.62), which benefited 9,424 individuals.²⁸¹ These reparations were often accompanied by a letter of apology on behalf of the State, a gesture that carried symbolic weight for some victims and families. During this period, housing was also provided to widows and orphans, though many of these homes failed to meet minimum conditions for a dignified life.²⁸²

Although the PNR formally included survivors of sexual violence among its beneficiaries, no disaggregated data were available regarding how this group accessed or benefited from these measures. Public information does not indicate how many survivors were compensated or the modalities of such reparations. Nevertheless, dissatisfaction among victims and civil society organisations was widespread.

Groups such as UNAMG have pointed out that the PNR lacked a gender-sensitive approach and failed to address sexual violence specifically:

“Rape has not been made visible as a human rights violation that requires specific and specialised measures in order to ensure that women can access reparation, and that they are not re-victimised or stigmatised in the process of obtaining it, or as a result of having obtained it.”²⁸³

Moreover, in many cases, women survivors of sexual violence were not able to decide how to use the economic compensation themselves. Instead, family members or others made those decisions on their behalf.²⁸⁴ Victims and organisations also agree that the psychosocial approach adopted by the PNR was not comprehensive, as the personnel lacked training in gender and intersectional perspectives. They further criticised the slow, unresponsive bureaucratic procedures for claiming reparations, as well as the lack of effective victim participation in shaping the policies, which has created barriers to access that could have been foreseen and mitigated.

In the final years of the PNR's mandate, its budget was progressively reduced. As Impunity Watch's study highlights:

“Year after year the PNR has had a smaller budget, and a large part of it has been used for its operation. The year in which the PNR had the most resources was 2006, when it received Q295,830,00, but only executed 54.27%; the year of greatest execution was 2008, when it managed to execute Q213,523,852.31, representing 97.02% of its allocated budget; and the year with the lowest funding was 2022, when it was assigned Q13,512,623 but executed 0.00%.”²⁸⁵

Despite these allocations, funds in the final years were neither executed in a timely nor adequate manner. Since budgets are not carried over from one year to the next, and the PNR's mandate was not renewed, unspent funds could not be reallocated or effectively implemented.

278 Valey Haydeé, “Ponencia en el Seminario ‘Derechos Humanos y Reparaciones en Guatemala’” (6 December 2023) Guatemala City, Guatemala. Organised by Impunity Watch and the National Platform of Victims of the Internal Armed Conflict.

279 Ibid.

280 Ibid.

281 See Table 2 below in the text. Source Impunity Watch, “20 años del PNR. Impactos del Programa Nacional de Resarcimiento para las víctimas del conflicto armado en Guatemala” (December 2023).

282 Impunity Watch, “20 años del PNR. Impactos del Programa Nacional de Resarcimiento para las víctimas del conflicto armado en Guatemala” (December 2023), p. 20.

283 Luz Méndez, Maya Alvarado. *Mujeres, justicia y resarcimiento. Violencia sexual en el conflicto armado* (UNAMG 2018) p.65.

284 María Eugenia Solís, “Ponencia en el Seminario ‘Derechos Humanos y Reparaciones en Guatemala’” (6 December 2023) Guatemala City, Guatemala. Organised by Impunity Watch and the National Platform of Victims of the Internal Armed Conflict.

285 Impunity Watch, “20 años del PNR. Impactos del Programa Nacional de Resarcimiento para las víctimas del conflicto armado en Guatemala” (December 2023), p. 18.

Table 2. Persons receiving financial compensation according to government period.²⁸⁶

Government	Years	Persons Rescued	%
Óscar Berger	2004-2008	12,880	38.92%
Álvaro Colom	2008-2012	16,862	50.95%
Otto Perez	2012-2015	2,897	8.75%
Alejandro Maldonado	2015-2016	66	0.20%
Jimmy Morales	2016-2020	389	1.18%
Alejandro Giammattei	2020-2023	0	0%
Total number of people compensated		33,094	100%

According to Edgar Celada, the dismantling of the peace institutions that took place during the government of Alejandro Giammattei was the culmination of a process of regression that had been building up in previous years:

“Even before the merger of the peace and human rights institutions into COPADEH, and the transfer of the PNR to MIDES [Ministry of Social Development], the Government of the Republic’s unwillingness to comply with the State’s commitments to the victims of the internal armed conflict became evident. The paralysis of the PNR due to its transfer to MIDES was merely the inert culmination of the lack of political will to honour those commitments, stemming from a clearly denialist policy on the part of the authorities of the three governments prior to the current one.”²⁸⁷

In order to review the implementation and future of the PNR prior to its official expiration on 31 December 2023, a group of reparations experts gathered in Guatemala City to hold a Human Rights and Reparations Seminar, convened by Impunity Watch.²⁸⁸ At this meeting, the specialists advocated for the renewal of the programme and emphasised the importance of incorporating survivors into the processes of reconstruction and implementation of reparations measures. They also stressed the need to adopt an intersectional approach that respects and dignifies victims, taking into account gender, ethnic and age-related aspects. In addition, they proposed the creation of a national victims’ registry to facilitate the systematisation and monitoring of cases, and to contribute to a more effective implementation of reparation policies.

However, at the time of publication of this study, these demands have not been addressed. Everything indicates that the lack of political will, funding problems and institutional changes – together with the absence of instruments providing the PNR with solid legal standing – ultimately led to the termination of the programme, leaving an outstanding debt to the victims.

8.3.2. The experience of survivors with the National Reparations Programme

Although the survivors interviewed for this report had different experiences with the PNR, the prevailing feeling is that they did not feel repaired. They criticised the PNR for focusing mainly on the delivery of monetary reparations, which were insufficient in both scope and amount, while neglecting central aspects such as the implementation of health and mental health care programmes, public measures of dignification, and projects for recovering historical memory. Not all received reparation, and for those who did, it was very limited and partial. They concluded that the PNR had not met their expectations.

Teresa, an Ixil woman, described her disappointment:

“Yes, the [reparation programme], I started the paperwork for reparation. They asked me for some documents, and I submitted them. They told me, ‘leave us your phone number and we’ll call you’. I remember I went to follow-up three or four times, and they kept telling me: ‘no, only when we call you, your paperwork has not arrived’. They sent me back and so far, there’s nothing.”²⁸⁹

286 Ibid. p. 15.

287 Consultation with Edgar Celada Q., official of COPADEH’s Directorate for the Promotion of Democracy and Peace, in charge of the National Plan for the Dignification and Reparation of Victims of the Internal Armed Conflict. Guatemala, 13 September 2024.

288 Seminario “Derechos Humanos y Reparaciones en Guatemala” (6 December 2023) Guatemala City, Guatemala. Organised by Impunity Watch and the National Platform of Victims of the Internal Armed Conflict.

289 Interview 2 – 12 September 2023, Guatemala.

Other survivors said they received money for the disappearance or killing of family members, but not for what happened to them personally. They also noted that the money received was insufficient for daily living. There were women in the Ixil region who were not compensated at all, even when they had won a genocide trial. In their words:

“She learned about the PNR because of her father’s death, since there was an exhumation and that’s how she heard about the programme. There was no reparation for her for sexual violence, but for her father.”²⁹⁰

“They know about the reparation programme, but they say they first repaired the patrolmen, and the victims have still not received anything.”²⁹¹

8.3.3. Judicial access: the Inter-American system

Survivors have also turned to the Inter-American System of Human Rights in search of justice, given the slowness and, in many cases, negligence of the Guatemalan justice system. Between 1999 and August 2024, the IACHR issued 48 judgements against Guatemala in relation to 39 cases,²⁹² 16 of them concerning serious human rights violations committed during the internal armed conflict.²⁹³ These rulings establish parameters and guidelines that must be taken into account when institutionalising the national reparation programme in Guatemala and when resolving cases in the national courts. Likewise, rulings on human

rights violations committed outside the context of the armed conflict that establish relevant standards on gender-based violence and reparations must also be considered.²⁹⁴

Some of the cases heard by the Inter-American Court are key to the issue of reparations for conflict-related sexual violence,²⁹⁵ as explained below.

8.3.3.1. Case of Plan de Sánchez Massacre

In July 1982, in the context of the conflict, the army and auxiliary forces carried out a massacre in the village of Plan de Sánchez, municipality of Rabinal, inhabited by the Maya Achi population. On 18 July, a commando of approximately 60 people, including military and patrol members, entered the community, separating young women and girls, who were abused, raped and killed.²⁹⁶ The rest of the population – including men, older women and children – were separated and beaten to death.²⁹⁷ These acts resulted not only in the tragic loss of lives but also in a significant cultural void, since the ancestral traditions and knowledge of the Maya Achi community could not be transmitted, dismantling the traditional community structure.²⁹⁸

In 2004, the Inter-American Court issued a judgment in the case of *Plan de Sánchez Massacre v. Guatemala*, ordering a range of reparation measures. The Court set compensation amounts for pecuniary and non-pecuniary damages²⁹⁹ and ordered satisfaction measures such as a public act of acknowledgement of international responsibility by the State, the investigation, identification, prosecution and punishment of those responsible, and the translation of the judgment into the Maya Achí language.³⁰⁰

290 Focus group with Ixil survivors, 11 September 2023, Guatemala.

291 Ibid.

292 Previously, the IACHR issued two or even three judgments in relation to a single case, covering separately preliminary objections, merits, and reparations and costs.

293 Between 1999 and 2019, the Inter-American Court issued rulings in 15 cases for human rights violations committed in the context of the internal armed conflict in Guatemala [Denis Martínez and Luisa Gómez, *Reparations for Victims of the Armed Conflict in Guatemala: A Promise to Keep, Reparation, Accountability and Victims in Transition Societies* (August 2019), pp. 44-45. Furthermore, according to the IACHR website, between 2020 and August 2024, a judgment was issued in an additional case related to human rights violations committed in the context of the armed conflict: *Caso Masacre de la Aldea Los Josefinos v. Guatemala* (Excepción Preliminar, Fondo, Reparaciones y Costas) Sentencia de 3 de noviembre de 2021. Series C No. 442.

294 For example, the judgments of the Inter-American Court in the cases of *Véliz Franco et al. v. Guatemala* (judgment of 19 May 2014) and *Velásquez Paiz et al. v. Guatemala* (judgment of 19 November 2015) establish relevant standards for reparation in cases of gender-based violence, as the events took place in a context of high levels of violence against women and girls in Guatemala.

295 In 2021, the IACHR issued the judgment in the *Case of the Massacre of the Village of Los Josefinos v. Guatemala*. This judgment deals with the massacre committed by members of the Guatemalan army between 29 and 30 April 1982 against the inhabitants of the village of Los Josefinos, in which soldiers raped some women and girls before executing them. Despite the perpetration of sexual violence during this massacre, this judgment did not address the issue either in the determination of human rights violations or in the awarding of reparations [Inter-American Court, *Case of the Massacre of Los Josefinos Village v. Guatemala* (Preliminary Objection, Merits, Reparations and Costs) Judgment of 3 November 2021. Series C No. 442].

296 Inter-American Court, *Case of the Plan de Sánchez Massacre v. Guatemala* (Merits) Judgment of 29 April 2004. Series C No. 105, para. 42.17.

297 Ibid. para. 42.18.

298 Inter-American Court, *Case of the Plan de Sánchez Massacre v. Guatemala* (Reparations) Judgment of 19 November 2004. Series C No. 116, paras. 49.11-49.16.

299 Ibid. paras. 74, 76, 88 and 89.

300 Ibid. paras. 93-111.

It also ordered measures to preserve collective memory,³⁰¹ the development of housing, health, education and infrastructure programmes, and rehabilitation measures such as providing free and specialised medical and psychological treatment to victims.³⁰²

8.3.3.2. Case of Molina Theissen

In 2004, the Inter-American Court issued the judgment in *Molina Theissen v. Guatemala*. In 1981, Emma Guadalupe Molina Theissen was detained for nine days, during which she was subjected to various forms of torture, including repeated sexual violence, before managing to escape.³⁰³ Shortly thereafter, her 14-year-old brother, Marco Antonio, was abducted by two individuals armed with automatic pistols who stormed into the Molina Theissen family home.³⁰⁴

The judgment ordered reparation measures for the disappearance of Marco Antonio Molina Theissen. These measures included locating and returning Marco Antonio's remains; the identification, investigation, prosecution and punishment of those responsible; compensation for pecuniary and non-pecuniary damages,³⁰⁵ and other symbolic measures and guarantees of non-repetition, such as the State's obligation to investigate and locate the victim, publish the judgment, carry out a public act of recognition, and name an educational centre with a commemorative plaque in his honour.³⁰⁶

The victims' representatives asked the Inter-American Court that the moral damages regarding Emma Guadalupe Molina Theissen be especially considered due to the grave facts of that she was subjected to as a victim.³⁰⁷ However, these acts were not taken into account by the

Inter-American Court when determining compensation for non-pecuniary damage,³⁰⁸ thereby rendering the sexual violence suffered by Emma Guadalupe invisible. Moreover, although the Court ordered compensation to cover her future psychological treatment, this was in connection with her brother's enforced disappearance and not the sexual violence she suffered.³⁰⁹

8.3.3.3. Case of Las Dos Erres Massacre

In 2009, the Inter-American Court issued its judgment in *Las Dos Erres Massacre v. Guatemala*.³¹⁰ In 1982, soldiers from the special Kaibil unit entered the community of Las Dos Erres, forcing people out of their homes. Men were locked in the settlement's school, while women, girls and boys were confined in the evangelical church.³¹¹ While detained, they were beaten, and some died as a result. The men were taken to a well, where they were executed by firing squad. The women and children were later brought to the same location, and many girls were raped along the way.³¹² At least 216 people were killed in this massacre.

The Inter-American Court highlighted the State's failure to investigate acts of torture and sexual violence, finding that this omission constituted a violation of its human rights obligations.³¹³ Regarding reparations, the Court ordered, among other measures, free, immediate and specialised medical and psychological care for victims,³¹⁴ the construction of a monument in memory of those killed,³¹⁵ and the investigation, identification, prosecution and punishment of those responsible.³¹⁶ However, although the Court acknowledged serious sexual violence, it did not elaborate on specific reparation measures for the families and survivors of these acts.

301 Ibid. para. 104.

302 Ibid. paras. 105-111.

303 Inter-American Court, *Case of Molina Theissen v. Guatemala* (Merits) Judgment of 4 May 2004. Series C No. 106, para. 40.9.

304 Ibid. para. 40.10.

305 Inter-American Court, *Case of Molina Theissen v. Guatemala* (Reparations and Costs) Judgment of 3 July 2004. Series C No. 108. paras. 61 and 73, Declaration paras. 9 and 10.

306 Ibid. paras 77-91.

307 Ibid. para. 63(b).

308 Ibid. paras. 65-73.

309 Ibid. 71 and 73.

310 Inter-American Court, *Case of the Las Dos Erres Massacre v. Guatemala* (Preliminary Objections, Merits, Reparations and Costs) Judgment of 24 November 2009. Series C No. 211.

311 Ibid. para. 78.

312 Ibid. para. 79.

313 Ibid. para. 140.

314 Ibid. para. 270.

315 Ibid. para. 265.

316 Ibid. paras 233-236.

Ad hoc judge Cadena Rámila emphasised in his concurring opinion that this case was paradigmatic not only in terms of impunity but also regarding the methods of warfare used by the State, since rape was used as a method of torture – particularly against women – in the context of the internal armed conflict.³¹⁷ He stressed the importance of applying the Convention of Belém do Pará in this case, noting the need to implement guarantees of non-repetition by the State, including ensuring that the impact and consequences of acts of violence against women are adequately reflected in the PNR, and taking all necessary measures to prevent the sexual abuse and rape of women in State, police or military custody, where such acts were used as forms of torture.³¹⁸

8.3.3.4. Case of Río Negro Massacres

In 2012, the Inter-American Court issued its judgment in the case of *Río Negro Massacres v. Guatemala*.³¹⁹ This ruling addressed a series of massacres committed between 1980 and 1982 in the chapel of the Río Negro community, the village of Xococ, Cerro de Pacoxom, Los Encuentros and Agua Fria. The massacre at Cerro Pacaxom was particularly brutal, where women were forced to dance with soldiers before being killed, some babies were brutally murdered, and several girls and women were separated and raped, one of them repeatedly.³²⁰ The massacre at Los Encuentros was also notorious, where several women and girls were raped, homes were burned, and people were hanged and tied to trees, forced to stand on a burning platform until they died; at least 79 people were killed in this massacre by patrolmen and soldiers.³²¹

The Inter-American Court found that the State security forces had committed acts of rape against girls and women, noting specifically that the rape against Ms. María Eustaquia Uscap Ivoy – survivor of the Cerro Pacoxom massacre – constituted violations of her rights to personal integrity, honour and dignity, and private life.³²²

The Court further held that the failure to investigate the rape committed in the context of the internal conflict amounted to a breach of the State's obligations with regard to serious human rights violations.³²³

As reparation measures, the Court ordered the State to “investigate the facts of this case ex officio and effectively, taking into account the systematic pattern of grave and massive human rights violations that existed at the time occurred”,³²⁴ including “[...] rape, slavery and involuntary servitude, taking into account also the differentiated impact of the alleged violations on the children and women of the community of Río Negro”.³²⁵ Among other reparation measures, the Court also ordered medical and psychological treatment, and compensation for “the damage generated by the impunity” and “the physical, moral and mental sufferings caused to the victims”.³²⁶ In the case of Ms. Uscap Ivoy, the Court ordered an additional USD 15,000 as a victim of rape, slavery and servitude, in addition to the compensation owed to her as a survivor of the massacre.³²⁷

This judgment was a significant step forward in recognising the importance of tailoring psychosocial support, as a measure of reparation, to the culture and identity of the victims. The Inter-American Court ordered the State to provide free and immediate medical and psychological treatment for as long as necessary through State personnel and institutions. However, taking into account the request of the victims' representatives, the Court also indicated that “this medical and psychological care may be provided by the healers of the Maya Achí community, in keeping with their own health practices and using traditional medicines”.³²⁸

8.3.3.5. Case of the Chichupac Village

In 2016, the Inter-American Court issued its judgment in the *Case of the Members of Chichupac Village and Neighbouring Communities of the Municipality of Rabinal*

317 Judge Ad-Hoc Ramón Cadena Rámila, Concurring Opinion in the *Case of the Las Dos Erres Massacre v. Guatemala* (Preliminary Objections, Merits, Reparations and Costs) Judgment of 24 November 2009, p. 4.

318 Ibid. pp. 4-5.

319 Inter-American Court, *Case of the Río Negro Massacres v. Guatemala* (Preliminary Objections, Merits, Reparations and Costs) Judgment of 4 September 2012. Series C No. 250.

320 Ibid. paras. 77 and 129-135.

321 Ibid. para. 80.

322 Ibid. paras 135 and 226.

323 Ibid. para. 227.

324 Ibid. para. 257 (b).

325 Ibid.

326 Ibid. para. 309.

327 Ibid. para. 309 (e).

328 Ibid. para. 289.

v. Guatemala,³²⁹ which addressed multiple acts of sexual violence committed during the conflict. In its ruling, the Court recognised that sexual violence had been committed in this case.³³⁰

In 1982, Máxima Emiliana García Valey, then seven months pregnant, was raped and brutally beaten by soldiers, which left her unable to walk and negatively affected the health of her child, who died before reaching the age of four.³³¹ Also in 1982, in the village of Chichupac, soldiers and members of the Civil Self-Defence Patrols (PAC) entered the home of Gregoria Valey Ixtecoc, who was pregnant, raped her, hanged and strangled her before burning her home.³³²

In 1983, another group of soldiers and judicial police detained Juana García Depaz along with other women and children. The soldiers gathered the neighbours, burned their belongings and then locked the group in a room. For three consecutive nights, the women were beaten and raped by military and members of the judicial police. One of them was repeatedly raped, and as a result of these rapes became pregnant and gave birth to two children.³³³

Among the reparation measures ordered was the investigation, prosecution and punishment of those responsible. To comply with this, the Court held that the State must investigate the facts *ex officio* and effectively, taking into account the systematic pattern of serious and massive violations existing at the time, particularly rape and forced labour, enforced disappearances, torture, extrajudicial executions, among others.³³⁴ The Court also established reparation measures such as determining the whereabouts of disappeared persons,³³⁵ a public act acknowledging international responsibility,³³⁶ publication

of the judgement,³³⁷ and guarantees of non-repetition such as the implementation of an educational programme on non-discrimination and the strengthening of the judiciary.³³⁸

The Court further ordered immediate, adequate, comprehensive and effective medical, psychological and/or psychiatric treatment for the victims, recognising – as it had in the *Río Negro Massacres Case* – that such treatment could be provided through the healers of the Maya Achí community, in accordance with their own practices and the use of traditional medicine. The Court also ordered compensation for pecuniary and non-pecuniary damages.³³⁹ However, the Inter-American Court did not elaborate on the specific manner in which victims of sexual violence should be repaired.

8.3.4. Judicial access: the national system

Since 2010, cases related to the armed conflict have been referred to the High-Risk Courts (*Tribunales de Mayor Riesgo*), which were created to hear cases of high-impact crimes, including crimes against humanity. By December 2023, rulings had been issued in 22 cases brought before the national courts,³⁴⁰ and more than 75 individuals had been convicted of serious crimes committed during the internal armed conflict.³⁴¹

In some of these cases, reparation measures were ordered, including the Spanish Embassy case, the Ixil Genocide, Sepur Zarco, Molina Theissen and the Achí Women case. This became possible following the 2011 reform of the Guatemalan Code of Criminal Procedure, which introduced the “dignified reparation hearing” and made the inclusion of reparation measures mandatory once the guilt of the accused has been determined.³⁴²

329 Inter-American Court, *Case of Members of Chichupac Village and Neighbouring Communities of the Municipality of Rabinal v. Guatemala* (Preliminary Objections, Merits, Reparations and Costs). Judgment of 30 November 2016.

330 *Ibid.* paras. 243-258, B2.

331 *Ibid.* para. 93.

332 *Ibid.* para.108.

333 *Ibid.* para. 116.

334 *Ibid.* para. 285 b.

335 *Ibid.* paras. 293-297.

336 *Ibid.* para. 306.

337 *Ibid.* para. 309.

338 *Ibid.* paras 313, 317-320.

339 *Ibid.* paras 324-328.

340 Ixtahuacán, 1993; Myrna Mack, 1993, 2002; Chorroaxaj Massacre, 1996; Colotenango, 1998; Río Negro Massacre, 1999, 2008; Tululché Massacre, 1999; Nicholas Chapman Blake, 2000; Anabella Garniga Osorio, 2001; Monseñor Gerardi, 2001; Xamán Massacre, 2004; Choatalum, 2009; El Jute 2009; Édgar Fernando García 2010 and 2013; Dos Erres Massacre 2011 and 2012; Plan de Sánchez Massacre, 2012; Édgar Enrique Sáenz Calito, 2012; Edgar Leonel Paredes Chegüen, 2013; Ixil Genocide, 2013 and 2018; Embassy of Spain, 2015; Sepur Zarco, 2016; Molina Theissen, 2018; Achí Women, 2022. [Denis Martínez and Luisa Gómez, *Las Reparaciones para Víctimas del Conflicto Armado en Guatemala: Una Promesa por Cumplir, Reparación, Responsabilidad y Víctimas en las Sociedades en Transición* (August 2019) pp. 32-34 and updated with authors' own sources].

341 Marta Gutiérrez, Haydeé Valey and Denis Martínez, *Guatemala: Logros y retrocesos de la justicia transicional 2018-202* (Impunity Watch, November 2021) p. 6.

342 Article 124 of the Code of Criminal Procedure.

Some of these cases include acts of sexual violence and represent important advances in justice and reparation, through the convictions of those responsible. The most relevant cases are outlined below, excluding the Sepur Zarco case, which was addressed above.

8.3.4.1. Tuluché case

Although the Tuluché case did not result in convictions for acts of sexual violence, it is relevant as one of Guatemala's pioneering judicial processes in this area.

In 1982, in the hamlets of the Tuluché estate, Municipality of Chiché, Quiché, members of the army and the Civil Self-Defence Patrols raided homes, committed torture, multiple acts of sexual violence and sexual slavery, enforced disappearances, theft, burning of crops and the murder of entire families.³⁴³ During these events, the army was accompanied by Cándido Noriega, a Ladino military commissioner.

The population fled to the mountains for safety. However, in June 1982, 30 women decided to return to the village to buy food and assess whether their husbands could return to their work in the fields. Upon returning, they were captured by the soldiers and patrol members:

“They tortured us and raped us, we were imprisoned without food and water, they beat us, stripped us, threatened some of the women with weapons, for four days.”³⁴⁴

The women of Tuluché, who were monolingual and illiterate, organised and initiated legal proceedings against Cándido Noriega in 1993, including charges of sexual violence.³⁴⁵ After a lengthy process, in 1999 Noriega was sentenced to 30 years in prison for several crimes, although the charges of sexual violence were excluded.³⁴⁶

Despite this, the case stands as an important precedent of women organising to confront sexual violence in court.

8.3.4.2. Ixil case

On 10 May 2013, the First High-Risk Court “A” (*Tribunal Primero “A” de Mayor Riesgo*) tried and convicted former president José Efraín Ríos Montt for the crime of genocide and crimes against humanity (referred to in Guatemalan law as *delitos contra los deberes de humanidad*), in a historic ruling celebrated by Maya Ixil authorities and communities.³⁴⁷

However, two days after the judgement was published, the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (*Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras*, CACIF) appealed the judgment, and the Constitutional Court ordered the trial to be rolled back to its starting point.³⁴⁸ With dissenting opinions, the Constitutional Court argued that the defendant had not been guaranteed due defence, an interpretation widely contested by the victims' legal representatives, the victims themselves and civil society.³⁴⁹ When the case was resumed, on 26 September 2018, the court issued a second ruling confirming that genocide and crimes against humanity had been committed against the Maya Ixil people by Ríos Montt.³⁵⁰

Years later, the symbolic impact of this ruling continues to resonate, setting a historic precedent in convicting a former president for genocide. The case affirmed the courage of Ixil communities in denouncing the abuses they endured and strengthened confidence in the judicial system. However, despite evidence of sexual violence against Ixil women, girls and elderly women, former military intelligence chief Mauricio Rodríguez was acquitted, with the court arguing he had “no authority within the chain of command, first, because at the time he was neither colonel nor general, and second, although he was part of intelligence, he could not and should not issue

343 Anantonia Reyes, Andrea Bolaños and others, *Mapeo de iniciativas nacionales e internacionales en “reconciliación social” posguerra en Guatemala (1997-2008)* (Instituto de Aprendizaje para la Reconciliación Social 2009) (On file), p. 277; Andrea Diez, *Eso No Se Escucha* (Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2006); Testimonio colectivo de mujeres de Tuluché: María Chitic, Dolores Nix, Sebastiana Lucas, y Josefa Tzoc in *Tejedoras de Paz. Testimonios de mujeres en Guatemala* (Asociación Política de Mujeres Mayas, CONAVIGUA and Instituto de Estudios Comparados en Ciencias Penales de Guatemala 2010).

344 Collective testimony of women from Tuluché: María Chitic, Dolores Nix, Sebastiana Lucas, and Josefa Tzoc in *Tejedoras de Paz. Testimonios de mujeres en Guatemala* (Asociación Política de Mujeres Mayas, CONAVIGUA and Instituto de Estudios Comparados en Ciencias Penales de Guatemala 2010).

345 Andrea Diez, *Eso No Se Escucha* (Instituto de Estudios Comparados en Ciencias Penales de Guatemala, 2006).

346 Ibid.

347 Sentence for Genocide and crimes against the duties of humanity against the Maya Ixil people Sentence handed down by the First Criminal Sentencing Court, drug trafficking and crimes against the environment “A” (*Tribunal Primero de Sentencia Penal, narcoactividad y delitos contra el ambiente “A”*), Guatemala (May 2013).

348 Angélica Medinilla, “A once años del primer juicio por genocidio” *Agencia Ocote* (10 May 2024).

349 Under file number 1904-2013 of 20 May 2013.

350 Ixil genocide case, Tribunal primero de sentencia penal, narcoactividad y delitos contra el ambiente. C-01076-2011-00015 (2018).

orders”³⁵¹ The lack of access to military archives further complicated the evidence-gathering process. Moreover, in nearly one thousand pages of the ruling, no reparation measures for victims were addressed.

Given these irregularities and the State’s failure to adequately investigate and punish acts of genocide, the petitioners turned to the Inter-American system. In November 2013, a petition was submitted to the IACHR, which was declared admissible on 17 November 2022.³⁵² The case is currently under review by the IACHR, which may eventually refer it to the contentious jurisdiction of the Inter-American Court.

8.3.4.3. Achi Women Case

In 2022, the First High-Risk Court “A” (*Tribunal Primero “A” de Mayor Riesgo*) issued its ruling in the case known as Achi Women, which condemned the systematic sexual violence suffered by Indigenous Maya Achi women between 1981 and 1982.³⁵³ During these years, many people were arbitrarily detained, tortured and subjected to inhumane conditions, mainly at the hands of members of the Civil Self-Defence Patrols. The women were victims of sexual violence in diverse forms, including individual, collective and public acts, with devastating effect on their health and dignity.³⁵⁴

The ruling was a landmark in recognising sexual violence in the context of the conflict, as it was the first time a Guatemalan court declared that rape had been carried out in a repeated, widespread and systematic manner.³⁵⁵ The conviction of several members of the Civil Self-Defence Patrols, as well the formal recognition of sexual violence as an act of genocide, marked an essential step toward reparation for the victims.

The judgment acknowledged the difficulty of repairing the irreparable harm caused to women, including family losses and community-wide impacts.³⁵⁶ The Court also

advanced the concept of reparation, affirming that the State of Guatemala must assume responsibility for these violations. It emphasised that reparation should not focus solely on economic compensation but also on improving the quality of life of the survivors and their descendants, including recognition of the harm inflicted on the Maya Achi community and the elimination of stigma.³⁵⁷

Among the reparation measures ordered were economic compensation, the establishment of health centres in their communities, tailored medical care programmes and training for State security forces on human rights and the prevention of gender-based violence, “particularly sexual violence”.³⁵⁸ Public acts of acknowledgement of responsibility and the creation of educational materials including the history of the Achi women were also ordered, to ensure that their struggle and suffering would be remembered and honoured in the collective memory.³⁵⁹

Despite these measures, their implementation has not yet begun, as the ruling is under cassation review before the Supreme Court of Justice, following an appeal filed by the accused in December 2023.³⁶⁰ This situation creates expectations and emotional challenges both individually and collectively, affecting how survivors and their families manage their healing process.³⁶¹

8.4. Obstacles to accessing reparation

The main obstacle to the implementation of reparations in Guatemala has been the denialist and anti-human-rights policies of successive governments, including the two most recent administrations of Jimmy Morales (2016-2020) and Alejandro Giammattei (2020-2024). This has manifested in the closure of peace institutions, the paralysis and dismantling of the PNR, non-compliance with national and international judgements on reparations, and the absence of participation by victims’ organisations within the institutions responsible for peace and reparation.³⁶²

351 Ibid. p. 742.

352 IACHR, Report No. 307/22. Petition 1784-13. Admissibility. Indigenous Communities of the Maya Ixil People. Guatemala (17 November 2022) Decision paras. 1 and 2.

353 Achi women’s case. First Criminal Sentencing Court, drug trafficking and crimes against the environment, Group A (*Tribunal Primero de Sentencia Penal, narcoactividad y delitos contra el ambiente “A”*). C-15002-2014-00315 of. 3, 2022.

354 Ibid. p. 5.

355 Ibid. p. 405.

356 Ibid. p. 329.

357 Ibid. pp. 47 and 378.

358 Ibid. p. 412.

359 Ibid. pp. 408-412.

360 Communication with the Association Bufete Juridico Popular de Rabinal, 2 August 2024.

361 Interview 01-CSO, 08 June 2023, Guatemala; Interview 01-International Organisation, 13 June 2023, Guatemala; Interview 02-International Organisation, 26 June 2023, Guatemala.

362 Marta Gutiérrez, Haydeé Valey and Denis Martínez, *Guatemala: Logros y retrocesos de la justicia transicional 2018-2021* (Impunity Watch, November 2021) p. 81.

8.4.1. Challenges in judicial reparations

The jurisprudential progress and achievements within the Inter-American system stand in stark contrast to the Guatemalan State's lack of implementation of the reparation measures ordered by the Inter-American Court. In none of the cases related to the armed conflict has there been full compliance with the reparations ordered. While certain measures have been implemented, those related to the investigation, identification, prosecution and punishment of those responsible, guarantees of non-repetition and structural measures remain broadly unfulfilled.³⁶³

A Maya lawyer from the Bufete Jurídico de Rabinal, who has litigated emblematic cases in Guatemala, noted that despite legal advances, the challenges have been significant. In his words:

“Although these are judgements of an international tribunal, the State finds it very difficult to comply. In the case of Río Negro, at the end of 2012, the Inter-American Court issued a judgment against the State of Guatemala and the payments for material reparations have still not been fully made. The same applies to the Chichupac case: only partial compliance, with some measures fulfilled, but others still pending, such as psychological reparation or the issuance of apologies to the victims. Progress on reparation payments is very slow. In the Chichupac case, the Inter-American Court said that the State of Guatemala cannot say that there was no genocide without a prior investigation, without a ruling from a competent court. The State keeps insisting that there were no massacres in Guatemala. The State complies only partially and very slowly, with the reparation of material damages caused during the armed conflict. The State is obliged to comply with reparations, but who knows when it will. The Río Negro case is already 11 years old, and even the survivors have stopped expecting reparations from the State.”³⁶⁴

Within the national justice system, important challenges are evident both in the implementation of reparations and in the judicial proceedings themselves.³⁶⁵ Among others, the lawyer mentioned the exhaustion victims face in national courts, the constant denial of justice, mistreatment, and the burden of proof placed on victims.

This research has identified four additional difficulties in judicial reparation processes at the national level. The first is the lack of knowledge among justice operators about the meaning of the right to reparation, the different forms it can take and its proper articulation in a judicial context.³⁶⁶ In the words of one of the interviewees:

“Judicial reparation is complicated because there are rules and judicial practices that are very poorly defined in terms of how reparation is being granted. Some judges apply one evidentiary standard, others apply something from the trial, others from the intermediate stage of the process. There is a very wide level of discretion and very little serious, academic discussion – within the judicial framework – about what the reparation process should mean and about the procedural certainty of how it should be implemented, not only across the phases of the process but also in the evidentiary rules that will be used, what is understood as judicial reparation, and what its impact could be. The problem is not only administrative but also judicial, there are significant gaps.”³⁶⁷

A second challenge is that reparations can only be implemented once the judgement becomes final. This has implications in the current Guatemalan context, where defence lawyers and institutions such as the Attorney General's Office have filed appeals against judgements, delaying proceedings and preventing implementation. In some cases, appeals have even contested rulings that establish the “joint responsibility of the State,” seeking to make only the convicted individuals responsible for reparation. This intersects with the issue of financial resources: as one interviewee explained, “there is a gap in how Congress is handling the budgetary allocation for the judgments issued by the Judiciary itself against the State.”³⁶⁸

363 Between November 2022 and 2 September 2024, the Inter-American Court issued a total of 75 compliance monitoring resolutions concerning the 16 cases related to the internal armed conflict for which judgments have been issued. [See Orders on the Monitoring Compliance with Judgment at https://www.corteidh.or.cr/supervision_de_cumplimiento.cfm. In addition, on 31 March 2017, a delegation from the IACtHR visited the residents of Colonia Pacux and the village of Plan de Sánchez, both located in the municipality of Rabinal, Department of Baja Verapaz, as part of judicial proceedings to verify compliance with the judgments in the Río Negro Massacres and Plan de Sánchez Massacre cases. [Inter-American Court, ‘Corte Interamericana visita comunidades indígenas para supervisar cumplimiento de sentencias en Casos de masacres en Guatemala’, Press Release CorteIDH_CP-12/17].

364 Interview 01-OSC, 08 June 2023, Guatemala.

365 Interview 01-CSO, 08 June 2023, Guatemala; Interview 02-International Organisation, 26 June 2023, Guatemala.

366 Ibid.

367 Interview 01-International Organisation, 13 June 2023, Guatemala.

368 Ibid.

A third challenge is the absence of a mechanism to supervise and guarantee compliance with reparation rulings. Although since 2020 there has been a *Policy on Dignified and Transformative Reparation* of the Judicial Branch of Guatemala (*Organismo Judicial*),³⁶⁹ and a *Policy on Dignified Reparation for Victims of Crime* from the Institute for the Assistance and Attention of Victims of Crime (*Instituto para la Asistencia y Atención a la Víctima del Delito*),³⁷⁰ the challenge remains that no institution or mechanism has been designated to demand compliance with reparations or to determine the consequences of non-compliance.³⁷¹

Finally, there are the security implications for judges who have been involved in criminal proceedings related to transitional justice cases, whose work is systematically obstructed. Among other issues, anti-human rights groups accuse them of “*overstepping their authority by ordering ministries what they must do*”,³⁷² when ordering reparations for survivors. In other cases, judges have been criminalised for their actions, forcing some to leave the country. Ordering reparations in a comprehensive manner therefore entails a significant personal risk for justice officials.³⁷³

8.4.2. Challenges in administrative reparation

The progressive dismantling of peace institutions and the expiration of the PNR’s mandate, without extension or renewal, have in practice resulted in its disbandment, erasing the access pathways that previously existed for victims to obtain administrative reparation.

With the dismantling of the PNR, the files of victims who applied for inclusion in the programme have also been put at risk. In principle, PNR archives were transferred to the central building of the Ministry of Social Development. However, in recent years, victims’ organisations have

been unable to determine the precise location of these files or obtain reliable information about them, creating distress over the possible loss of their case information and a sense of institutional neglect and irresponsibility in safeguarding these records.³⁷⁴ According to available information, the PNR archives appear to be under the care of 20 staff members delegated by the Social Development Fund (*Fondo de Desarrollo Social*, FODES), working under basic conditions and without a budget.³⁷⁵

At present, as the future of administrative reparation in the country is being considered, it is necessary to take into account the obstacles survivors have faced to date. As documented in this report, the PNR had serious shortcomings. On the one hand, in terms of scope, its implementation showed a disregard for forms of reparation beyond monetary compensation, such as medical or psychosocial rehabilitation, as well as for survivors of sexual violence, many of whom report that they were “repaired” not for what they themselves endured, but for what happened to their relatives. On the other hand, in terms of access, many survivors reported difficulties with registration, and the lack of digitalisation of files and records increased the risk of losing profiles and testimonies. Finally, in terms of implementation, budgetary restrictions and the weak commitment of implementing entities limited follow-up. All this was compounded by the institutional and normative fragility of the programme, as it lacked a legal basis enshrined in law, which explains the fluctuations in its implementation depending on the government in power.

All these challenges have hindered access to administrative reparation. What is clear is that, in designing a future reparation policy, these lessons must be fully integrated in order to respond meaningfully to survivors’ demands for reparation and dignity.

369 Organismo Judicial de Guatemala. *Política de reparación digna y transformadora*.

370 Instituto para la Asistencia y Atención a la Víctima del Delito, *Política de reparación digna para la víctima del delito 2023-2033* (1st edition: August 2023).

371 Evaluación Independiente PBF/IRF-145 1325: Haciendo una realidad el efecto transformador de la sentencia de reparación de Sepur Zarco para romper el continuo de la violencia sexual y otras formas de violencia contra las mujeres en situaciones de conflicto y postconflicto del Fondo para la Consolidación de la Paz. PBF (Nov. 2020)

372 Interview 01-International Organisation, 13 June 2023, Guatemala.

373 Ibid.

374 Vision shared by victims and survivors during the validation sessions of this research in March 2024 in Guatemala City.

375 Impunity Watch, p. 84.



9. OPPORTUNITIES AND THREATS TO REPARATION

9.1. Opportunities for reparation

Several recent developments reflect positive progress and favourable conditions for addressing the needs of victims of conflict-related sexual violence in Guatemala.³⁷⁶ A notable change is the discourse and political narrative of the new administration of President Arévalo and other sectors of Congress, which suggests a renewed interest in discussions on social justice and women's rights. On 26 February 2024, for example, on the eighth anniversary of the *Sepur Zarco* ruling, President Bernardo Arévalo and Vice-President Karin Herrera recognised the 15 victims in an official ceremony of significant symbolic value.³⁷⁷

According to Edgar Celada, an official of the Directorate for the Promotion of Democracy and Peace at COPADEH, tasked with developing a National Plan for the Dignification and Reparation of Victims of the Internal Armed Conflict (*Plan Nacional de Dignificación y Reparación de las Víctimas del Conflicto Armado Interno*, PNDR):

*"The critical evaluation of the work of the PNR remains a pending task. But based on what has been learned over nine months, it can be said that it would not be a good idea to 'reopen' it. This does not mean ignoring the moral, political, and legal debt of the Guatemalan State to the victims of the war. That is why, even before President Bernardo Arévalo took office, the need for a new National Plan for Dignification and Reparation was raised. At COPADEH we have been working on its design and development, in contact with victims' organisations, particularly the National Platform of Organisations of Victims of the Internal Armed Conflict (PNOVCA)."*³⁷⁸

He adds:

*"As a result of a working group between PNOVCA and COPADEH, which met between April to September 2024, a series of agreements were reached regarding the National Plan for Dignification and Reparation (PNDR) for Victims of the Internal Armed Conflict. Among these agreements, the PNDR is defined as the Executive Branch's roadmap for resuming its commitments to provide comprehensive reparation to surviving victims of the internal armed conflict. It seeks to respond to a deeply felt and legitimate social demand, and is conceived as a convergent path towards development and national reconciliation. It consists of a set of actions by different agencies of the Executive Branch that converge on the dignification and comprehensive reparation (moral, spiritual, and material) of individuals, families, and communities whose fundamental rights were violated during the internal war."*³⁷⁹

According to the official, the new institutional framework for the dignification and reparation of conflict victims is currently under construction. A political-conceptual foundation has been agreed upon between government and victims' organisations, which must be formalised through a governmental decree creating the PNDR, ideally with a ten-year mandate. This constitutes the next step. In the meantime, and as part of the agreements reached, it has been decided that *"the PNDR must give priority attention to elderly persons, adopt a gender perspective with an emphasis on women survivors of sexual violence, and have cultural relevance to address the needs of Indigenous victims."*³⁸⁰

376 This chapter is the result of various conversations, interviews and focus groups discussions conducted during the course of the research, both formal and informal, as well as a context analysis meeting held on 19 March 2024 with key actors from Guatemalan civil society.

377 COPADEH, "Acto Público a las Víctimas de Violencia Sexual, Esclavitud Sexual y Doméstica de la Comunidad Q'eqchí Sepur Zarco" (26 February 2024) <https://copadeh.gob.gt/2024/02/26/acto-publico-a-las-victimas-de-violencia-sexual-esclavitud-sexual-y-domestica-de-la-comunidad-qeqchi-sepur-zarco/>, accessed 30 September 2024.

378 Consultation with Edgar Celada Q., official of COPADEH's Directorate for the Promotion of Democracy and Peace, in charge of the National Plan for the Dignification and Reparation of Victims of the Internal Armed Conflict, Guatemala (13 September 2024).

379 Ibid.

380 Ibid.



Building of the Presidential Commission for Peace and Human Rights, March 2024, Guatemala. © Berta Fernández Rosón / GSF

The specific modalities of dignification and reparation of victims have not yet been defined, as these form part of the ongoing institutional design. However, the official affirms:

“We are clear that one area to be prioritised is psychosocial support, in addition to specific measures of dignification for women. Those of us responsible for developing the PNDR are critical of the economic bias of the PNR, which reduced reparation to monetary compensation, thereby neglecting the need for a comprehensive approach.”³⁸¹

It is important to highlight that an opportunity arises from the consolidated experience of women’s groups and networks of victims of the conflict, which remain organised and continue their advocacy, including proposals that future government initiatives incorporate transformative reparations. Added to this is the strong willingness for community participation, the strength of ancestral authorities and the mobilisation of youth and universities. Over the past year there has been a resurgence of social movements and stronger community coordination to demand rights. The active participation of civil society groups in dialogue spaces could catalyse significant opportunities for advancing reparation and justice.

In addition, both locally and nationally, various civil society actors and human rights organisations have been coordinating and working for years to increase visibility to these issues. These initiatives have included petitions to the government to strengthen the PNR and to promote the development of public policies on transitional justice.³⁸²

At present, international support is also significant. International sanctions against public officials involved in corruption represent another opportunity to maintain pressure and advance the agenda of justice and reparation for past crimes.³⁸³

Finally, at the international level, organisations such as the United Nations have demanded that the Guatemalan State provide an adequate and effective response to the demands of victims, which includes compliance with the peace accords guaranteeing human rights. The IACHR also conducted an *in loco* visit in July 2024, which signals

openness on the part of the new administration. Following the visit, the IACHR recommended re-establishing the institutions derived from the peace accords, instituting the National Plan for Dignification, and designing a reparations policy with a differential gender and ethnic-racial approach, supported by an adequate budget and an internal monitoring and evaluation plan.³⁸⁴

9.2. Actors with whom to advance in the field of reparation

9.2.1. Institutions

In the context of reparation for survivors of conflict-related sexual violence in Guatemala, various institutions play significant roles, both through their potential to provide administrative reparations and in the implementation of judicial reparations. These include:

- The Ministry of Social Development, responsible for implementing victim-support programmes, though it has faced criticism regarding its effectiveness;
- The Ministry of Education, which plays a fundamental role in implementing reparation measures that incorporate educational components about the armed conflict, racism against Indigenous peoples, and sexual and reproductive rights, among others;
- The Public Prosecutor’s Office (Ministerio Público) and the Judiciary, which are particularly relevant in relation to judicial reparations and the pursuit of justice.

Particularly relevant for administrative reparations is COPADEH, whose mandate centres on fulfilling victims’ right to reparation. This institution has undergone restructuring following the dismantling of peace institutions and appointments made by the new Arévalo administration. It is now developing a new policy of dignification and reparation.

Other entities also play a complementary role given their specific mandates, including the Presidential Secretariat for Women (*Secretaría Presidencial de la Mujer*, SEPREM), the Defender of Indigenous Women (*Defensoría de la Mujer Indígena*, DEMI), and the Presidential Commission against Discrimination and Racism (*Comisión Presidencial contra la Discriminación y el Racismo*, CODISRA).

381 Ibid.

382 Such as CALDH, CONAVIGUA, the Bufete Jurídico de Derechos Humanos, the Instituto de Estudios Comparados en Ciencias Penales, the Asociación Bufete Jurídico Popular de Rabinal, Mujeres Transformando el Mundo.

383 The United States of America sanctioned former president Alejandro Giammattei three days after leaving office [Lorena Arroyo, “EE UU sanciona a Giammattei por corrupción tres días después de dejar la presidencia de Guatemala” *El País* (18 January 2024) <https://elpais.com/america/2024-01-18/ee-uu-sanciona-a-giammattei-por-corrupcion-tres-dias-despues-de-dejar-la-presidencia-de-guatemala.html> accessed 23 September 2024].

384 IACHR, “Preliminary Observations. On-site visit to Guatemala. July 22 – 26 2024” OEA/Ser.L/V/II.doc.124/24 (15 August 2024) https://www.oas.org/en/iachr/reports/pdfs/2024/preliminary_observations_guatemala.pdf accessed 23 September 2024.

9.2.2. Civil society organisations, communities and the social movement

Citizens, especially Indigenous communities, social movements and the university youth movement, play a vital role in defending the rights of victims. These communities, historically among the most affected by the conflict, have formed support and advocacy networks to demand justice and reparation. Despite persistent challenges, they demonstrate resilience and coordination that are crucial for advancing reforms and reparations.

Civil society organisations also play a fundamental role in the promotion of human rights. They have provided legal, psychosocial, and emotional support to survivors of conflict-related sexual violence; developed memory initiatives and methodologies for collecting testimonies and case studies; supported the search for disappeared persons; documented cases of violations; and advocated for public policies that promote justice and reparation.

| 9.3. Threats to reparation

Despite the opportunities identified, there are significant threats that could limit the delivery of adequate and effective reparation for victims of conflict-related sexual violence.

First, the government faces serious budgetary limitations, which undermine its capacity to act. This scenario is worsened by the loss of political representation in Congress, weakening its ability to mobilise and negotiate on human rights. Furthermore, the absence of a sufficiently strong institutional and legal framework to withstand successive changes of government raises serious doubts about the continuity and feasibility of delivering administrative reparations, including for those who registered in the previous programme but were never provided with reparation.

Additionally, certain government sectors and political actors have shown resistance to implementing reparations for victims of sexual violence. This points to the existence of adverse interests aligned with the armed forces and conservative groups, who perceive reparations not only as an expense but also as a challenge to their legacy and historical narrative. This dynamic is reflected in the co-optation of the judicial and political system by actors more interested in maintaining the status quo than in addressing

demands for justice and reparation.

There are also actors who view reparation as a threat to ongoing political or peace processes. Factions of the opposition and certain government sectors seem to consider that reparation undermines, rather than strengthens, social cohesion. This perception has been fuelled by fear of acknowledging historical crimes and their possible legal or political repercussions for those linked to the armed conflict. Moreover, the influence of fundamentalist religious groups and their anti-rights stance in key institutions, such as the Public Prosecutor's Office, further complicates progress towards gender justice, directly affecting the rights of women, Indigenous women and the LGBTQIA+ community.

The cyclical renewal of the judiciary – such as the selection of the Supreme Court Justices, the appellate courts, and the formation of a new Congress – also represents critical moments that could jeopardise opportunities for reparation, particularly if they are perceived as unfavourable to the interests of the aforementioned actors. The broader climate of polarisation and political distrust may further undermine efforts to achieve effective reparations.

Finally, structural problems such as the territorial control exercised by drug trafficking networks, the continued dispossession of land and widespread criminalisation in conflict-affected areas also pose significant risks. Cooperation between organised crime and corrupt local authorities could obstruct the implementation of any reparation policy and create a hostile environment for human rights defenders.

To overcome these obstacles, it is essential to implement several strategies: strengthening coalitions between civil society organisations and international allies to generate the necessary pressure to ensure respect for the right to reparation; promoting inclusive dialogue that involves all sectors of society, including the voices of victims, to build a shared understanding of reparation as a cornerstone of peace and reconciliation; and finally, establishing monitoring and evaluation mechanisms for government commitments to ensure sustained attention to the implementation of reparation agreements reached, thereby securing meaningful progress in this area.



Poster commemorating the anniversary of the court judgment in the genocide case concerning crimes committed against the Maya Ixil people, displayed during the National Day for the Dignification of Victims of the Armed Conflict, February 2023, Guatemala. © Berta Fernández Rosón / GSF



10. RECOMMENDATIONS

10.1. Recommendations to the State of Guatemala

The State of Guatemala should develop a policy of dignity and reparation that provides a solid legal and institutional framework, ensuring the continuity of transitional initiatives and efforts. This policy should include, among other actions, the implementation of a national programme or set of policies on administrative reparations, guaranteeing that such measures endure beyond changes in government and become sustainable over time.

This requires the creation of a robust legal framework establishing a policy of dignification and reparation for victims, with implementation enshrined in law. For its effective application, the policy must be supported by solid institutions, dedicated budget allocations, and clear institutional responsibilities. In drafting a national reparation policy, the State should also take into account advances achieved through judicial reparations and integrate them into the design of a comprehensive administrative reparation programme.

This policy must be developed with the ongoing participation of survivors and civil society organisations, and must respond to the specific demands of survivors of conflict-related sexual violence, alongside those of other survivors. To repair the harm caused by conflict-related sexual violence, the groups and individuals consulted for this report prioritise the following components:

10.1.1. Justice for victims

The State of Guatemala must guarantee the effective implementation of reparations ordered in judicial rulings, such as the construction of schools, culturally relevant health centres, and land restitution. Survivors and their communities must receive comprehensive support to ensure rehabilitation and empowerment.

The State must also guarantee the investigation and prosecution of crimes committed during the armed conflict. The Public Prosecutor's Office should identify those responsible for crimes including sexual violence. Most of the women interviewed for this report demand justice. Impunity represents another form of aggression,

keeping them trapped in the status of victims. Justice generates self-determination and agency for survivors, embeds their voice in the historical record, recognises the truth and transforms stigma into dignity.

10.1.2. Economic compensation and material restitution

The State must compensate victims of conflict-related sexual violence. Modalities of compensation should be agreed upon with survivors, who have expressed preference for monthly payments, as these would strengthen their agency, help overcome historical inequality and oppression, and foster economic independence and social recovery.

The State must also provide restitution for material losses, including land, housing, work tools, clothing, household goods, livestock and others documented in this report.

10.1.3. Education, training and capacity building

Through the Ministry of Education, the State must guarantee access to formal education to survivors, their children and grandchildren, including access to university level. Additionally, institutions such as the Technical Institute for Training and Productivity (*Instituto Técnico de Capacitación y Productividad*, INTECAP)³⁸⁵ could offer training in areas such as community farming, tailoring or nursing – as well as in other fields identified by survivors themselves – as a form of reparation. Partnerships could also be established with civil society organisations, such as *Médicos Descalzos*, to provide training in ancestral medicine and healing practices related to conditions such as *susto*.

The State should also strengthen its efforts to develop an inclusive curriculum that incorporates reparative approaches with robust educational components. These programmes should provide reflective learning materials adapted to different educational levels and centre on Guatemala's history. It is essential to make Indigenous peoples visible as social and political actors, to address critical issues such as the internal armed conflict and to highlight the dispossession they have suffered over time; and to incorporate sexual rights and comprehensive sexuality education.

³⁸⁵ The INTECAP aims to help increase companies' production in the shortest possible time, at low cost, using the same resources while improving the quality of the products they offer.

10.1.4. Physical and emotional health, with cultural belonging

Through institutions such as the Ministry of Health, the State must ensure medical and psychological services for survivors of sexual violence, bringing healthcare closer to communities. Survivors interviewed for this report suffer from conditions that require individualised and specialised care, including the reimbursement of medical expenses. The State should establish specialised health centres with medical and psychological expertise for women survivors, including victims of gender-based violence, located in urban centres accessible to their communities. Mobile health units could also be created to serve communities directly. Community-based psychosocial support, adopting a collective approach is also recommended.

The Ministry of Health, specifically its mental health programme, should establish a comprehensive care centre offering medical and psychological treatment at the individual, group and family levels, including support across second and third generations, with sensitivity to cultural perspectives and ancestral practices.

10.1.5. Measures to facilitate family reunification for victims in exile

The State must facilitate family reunification for victims in exile as a form of reparation, making efforts through embassies and consulates to enable families to be reunited.

10.1.6. Measures for the recovery of cultural elements, including *trajes* (traditional clothing) and attire

The State should design reparation policies for communities aimed at recovering cultural elements lost during the conflict, as these are essential for cultural continuity. These include ceremonial sites, *trajes*, food, and other cultural practices. Policies must also recognise and dignify ancestral knowledge, practices and labour within victims communities.

10.1.7. Houses of memory, memorials and other memory and truth initiatives

Through institutions such as COPADEH, the State must ensure the creation of memory spaces, such as community-based meeting houses to honour survivors experiences. Municipalities could allocate land and resources to build community meeting houses or monuments. Survivors also request other memory initiatives, such as community radio stations, to preserve the truth of what happened and raise awareness in their communities.

10.1.8. Measures for dignification and strengthening of victims' organisations

The State, through institutions such as COPADEH, should carry out public processes of dignification and apology, acknowledging survivors' struggles. It should also support and strengthen victims' organisations.

10.1.9. Protection, security and support for LGBTQIA+ persons

The State must develop and implement specific protection protocols for LGBTQIA+ persons seeking justice and reparation, including appropriate training for police and judicial officials on the needs and rights of this population. LGBTQIA+ persons are especially vulnerable to reprisals and violence when attempting to access reparation.

10.2. Recommendations for the international community

10.2.1. Strengthening local capacities and support networks

International cooperation should work with local organisations to strengthen organisational capacity, provide specialised training and build community support networks that empower victims to access justice, health and wellbeing. Training and support networks enhance local resilience and ensure coherent, culturally appropriate responses to survivors' needs.

10.2.2. Support for documentation and dissemination of cases of sexual violence cases

International agencies and NGOs should provide technical and financial support to document and disseminate cases of sexual violence during the conflict, particularly those affecting LGBTQIA+ persons, whose experiences remain largely undocumented. This could include promoting investigations based on testimonies of victims, relatives or persons close to them. The limited documentation and visibility of these violations perpetuate stigma and hinder the pursuit of justice. International support can also strengthen local capacity to produce accurate records and raise global awareness of these abuses.

10.2.3. Awareness-raising and educational campaigns on sexual and gender diversity

International agencies should support and fund awareness-raising campaigns and educational programmes on sexual and gender diversity, targeting both the general public and

government officials, with the aim of reducing stigma and discrimination. Educational and awareness campaigns foster understanding and help shift attitudes and behaviours, creating a more inclusive and respectful environment that is essential for the successful implementation of reparation policies and programmes. This could be accompanied by advocacy for the revision of school curricula at all levels, as well as the promotion of women, Indigenous women and persons of diverse sexual orientations and gender identities into positions of social and state responsibility.

It is also recommended that international actors support the training of the National Civil Police and the Guatemalan Army in human rights and women's rights, in order to prevent and avoid the repetition of past crimes.

10.2.4. Support for the development of accompaniment projects and interim reparative measures in which survivors play a central role

International agencies should support and fund accompaniment projects and interim reparative measures, designed and implemented in coordination with local and national civil society organisations, in which survivors play a central role in design, implementation, monitoring and evaluation. Such projects could inform the development of national reparation policies, with the State remaining the ultimate guarantor of the right to reparation for victims and survivors.



11. CONCLUSION

Indigenous women's fight for justice and for recognition of the sexual violence they endured during the armed conflict – despite ongoing challenges – has highlighted their role as agents of change in their communities. By organising and building support networks, they have not only brought these gender-based crimes to light, but have also helped to drive justice processes that empower other women to break the silence and seek reparations.

Civil society initiatives of accompaniment and reparation in Guatemala have enabled the recovery of historical memory, which is essential for community healing and the affirmation of rights. Psychosocial accompaniment, memory initiatives and the gathering of testimonies have been crucial tools in contributing to reconciliation and transforming collective trauma into an active process of reparation and empowerment.

Despite adversity and persistent impunity, the efforts of survivors, organisations and communities to confront sexual violence and other human rights violations committed during the armed conflict bear witness to the resilience and determination of survivors and their families. These efforts seek not only justice for the past but also to establish a precedent for addressing ongoing violence, promoting an environment in which dignity and human rights are recognised and respected.

During the internal armed conflict, violence and sexual violence were also committed against members of the LGBTQIA+ community, although these abuses remain less documented due to social stigma, institutional homophobia and fear of reprisals, which led to widespread silence and underreporting. Despite hostility and repression, the community showed resilience by organising around HIV/AIDS prevention and defence of their rights. They require reparations that include public acknowledgement of their experiences, specialised psychosocial support and legal protections. When seeking justice and reparation, they face additional risks of violence and stigmatisation, making protective measures and awareness campaigns essential.

Taken together, the findings of this report highlight the multi-layered and interrelated consequences of conflict-related sexual violence, affecting survivors at individual, familial and community levels.

Profound individual impacts: Sexual violence had severe repercussions on survivors' autonomy, dignity and emotional wellbeing, including chronic illness, persistent fear, and psychosocial conditions such as post-traumatic stress disorder, as well as deep feelings of shame and self-blame.

Physical and health consequences: Survivors face serious and long-term physical impacts, including infectious diseases, fractures, urinary tract infections and chronic conditions such as diabetes. Access to specialised and sustained medical treatment remains essential to address these health needs.

Destruction of resources and self-sufficiency: Violence also resulted in extensive material losses, including the destruction of homes, crops and livestock. This undermined survivors' social, economic and political autonomy, perpetuating cycles of poverty and dependence. These patterns persist today, visible in ongoing evictions, highlighting the need to review the granting of licences to national and international extractive companies, as well as the protocols followed by State security forces in such operations.

Impact on families and communities: Family and community structures were deeply affected not only by sexual violence but also by other concurrent violations, including enforced disappearances and the killing of relatives. These events fractured and weakened family and community networks. Children of victims, especially those born as a result of sexual violence, often experience stigma and intergenerational trauma, which require targeted responses.

Demands for reparation: Survivors have spent years seeking reparations. Despite some progress, and notwithstanding the time elapsed since the signing of the Peace Accords, their demands remain unmet. Judicial reparations suffer from a lack of implementation, while administrative reparations have been ineffective and difficult to access. Victims continue to seek comprehensive reparations that respond to their diverse demands, including access to dignified housing and land restitution, economic support, adequate health services, family reunification, measures of memory and dignification, training and education, and spiritual and healing ceremonies. Justice and judicial recognition remain central to their healing and dignity.

Access to reparation: Despite the numerous efforts of survivors, civil society, the State and international community to establish the truth, investigate and punish those responsible, and provide reparations to victims of sexual violence and other human rights violations, access to administrative reparation in Guatemala has been partial and insufficient. Likewise, although victims have, in principle, had access to judicial mechanisms both regionally and nationally, the lack of implementation of judgements and ordered measures remains a significant challenge requiring State action and compliance.

Opportunities for reparation: Despite a political climate historically resistant to reparation for victims of conflict-

related sexual violence, the current context presents a new window of opportunity, with the current administration engaged in the design of a National Plan for Dignification and Reparation. Following the expiration of the National Reparation Programme in December 2023, victims hope to finally receive reparations, while remaining concerned about the fragility of the country's peace institutions.

Persistent risks and threats: Survivors continue to face numerous risks in seeking reparation, ranging from security threats within their communities to criticism and stigmatisation from within their own families. These threats hinder their healing and reparation processes, underscoring the need for adequate protection measures.



Women preparing the candle arrangement during the research process for the Guatemala study, September 2023, Guatemala.
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