Indigenous Justice Systems in Guatemala:
Barrier or Opportunity for Women?



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Abstract

Indigenous justice systems have often been criticised for violating women's rights, yet it is not clear how justice systems in communities with changing power structures and influences from both ladino and indigenous migrants treat women's conflicts. Based on interview material from a qualitative field study in three communities in Guatemala, this study aims to answer the question to what extent and in what way the community justice systems respond to rural and indigenous women's conflicts. Women in the research area faced particular conflicts, especially domestic violence and violations of their property rights, yet these were rarely resolved in their communities. This was partly due to women's reluctance to report their problems to community authorities because of a lack of information, confidence, confidentiality, fear of reprisal and alternative forums. Yet, even when women reported their conflicts, these were often rejected or not resolved satisfactorily in community reunions because of discrimination, power imbalances, lack of community support and ineffective agreements. From these findings this study concludes that women in the investigated communities face additional barriers to reporting and treating their conflicts than women in traditional indigenous communities. Human rights reforms have made minor improvements to women's rights, but have failed to create a human rights consciousness.

Abbreviations

ASIES	Association of Investigation and Social Studies (Spanish: Asociación de Investigación y Estudios Sociales)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DEMI	Office for the Protection of Indigenous Women (Spanish: Defensoría de la Mujer Indígena)
et al.	and others (Latin: et alii)
GTZ	German Technical Cooperation (German: Deutsche Gesellschaft für Technische Zusammenarbeit)
Ibid.	at the same place (Latin: Ibidem)
ILO	International Labour Organisation
OACNUDH	Office of the High Commissioner of the United Nations for Human Rights in Guatemala (Spanish: Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Guatemala)
PDH	Office of the Human Rights Ombudsman (Spanish: Procuraduría de los Derechos Humanos)
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

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