



A mural a few blocks from the Survivor's Foundation in Guatemala City

Credit: Amy Lieberman

Appeals Case Gives Hope to Guatemalan Refugees

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A Guatemalan woman's asylum case could add being female to the list of other reasons--such as race, religion, nationhood or politics--for being granted freedom from persecution in the U.S. Thousands of refugee applicants have a stake in the decision.

GUATEMALA CITY (WOMENSENEWS)--Persecution for race, religion, nationality, political opinion or social group have all provided grounds for winning U.S. asylum.

But not persecution for being a girl or a woman.

"We have a legal definition of refugees that has been interpreted in a way that has really left women out," said Karen Musalo, director of the Center for Gender and Refugee Studies at University of California Hastings' College of Law.

That could change, however, with the case of women resisting compulsory return to Guatemala, the country in Latin America with the highest rate of femicide.

The U.S. Board of Immigration Appeals is now reviewing the case of Lesly Yajayra Perdomo, a 34-year-old woman who has been seeking refugee status for six years. At the same time, it is also considering whether Guatemalan women between the ages of 14 and 40 could be classified as a particular social group for granting asylum.

If the board rules yes, approximately 3,000 Guatemalan women presently facing deportation in the U.S. could be eligible for refugee status, if they successfully make the case that returning to Guatemala could mean death.

"There are many Guatemalan women in the U.S. who were victims of violence in Guatemala or, like Perdomo, who would face extreme danger if forced to return to Guatemala. This decision would provide an important tool for these women," said Kelsey Alford-Jones, program associate of the Guatemala Human Rights Commission.

Awaiting Board Action

The board has yet to take any action on Perdomo's case, her attorney, Alan Hutchinson, told Women's eNews.

Regardless of the outcome, Perdomo's case has already created U.S. official recognition of the extreme violence Guatemalan women are experiencing at an escalating rate.

Nearly 5,000 women have been murdered in Guatemala in the past decade; slightly more than 2 percent of these cases led to successful prosecutions, according to the Center for Refugee Studies, based in San Francisco.

Approximately 120 femicides were reported in Guatemala in 1990, and the cases have continuously spiked from then. The Survivor's Foundation, based in Guatemala City, estimates in 2008 there were 649 femicides, which increased to 729 killings in 2009.

Women's rights organizations and other nongovernmental groups in Guatemala first tuned in to the crisis in the mid-1990s, when gangs carved messages to each other in the bodies of decapitated women.

Drug-cartel gangs' intensifying presence is partially to blame for the escalation of femicides since then, says Glenda Garcia of the Myrna Mack Foundation, a Guatemala City-based human rights organization. Guatemala's generally weakened political and judicial state are also factors.

Perdomo's Journey

Perdomo left Guatemala City in 1991 at age 15 to join her mother in the United States.

Now living in Reno, Nev., she no longer has family or ties in Guatemala.

Her outsider status could make her more susceptible to attacks if she returns to Guatemala, her attorney Hutchinson said.

"Murders of women continue to increase because the law isn't applied," said Irma Chacon, shelter coordinator of the Survivor's Foundation, referring to the country's 2008 milestone law giving first-time recognition to femicide as a punishable crime. "Misogynistic behaviors are difficult for some courts to understand, even in some cases where a woman receives 30 shots. They cannot process the hate implied in that."

The Survivor's Foundation provides legal and psychological support to gender-based violence victims and families of femicide victims. It has handled a record-breaking 435-femicide cases so far this year. The organization is regularly threatened to stop its work and operates a 16-

member armed security team to keep watch over its office, provide shelter for victims and witnesses and follow and guard its staff members.

While nearly 40 percent of violence against women occurs at home, women are also routinely harassed, assaulted and killed by co-workers in factories and offices after they rebuff their sexual advances or end a relationship, the group says.

Regardless of the outcome of the U.S. case, the Myrna Mack Foundation's Garcia said asylum is not the long-term solution.

"As a long-term solution, asylum is not a real option," she said, speaking through a translator. "It may provide a good outcome for this woman, but in a deeper sense we need to see better results and to urge the Guatemalan justice system to be more effective."

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<http://www.womensenews.org/story/in-the-courts/101001/appeals-case-gives-hope-guatemalan-refugees>