



**Guatemala's Compliance with the Convention on the Elimination of Discrimination against Women (CEDAW)
Suggested List of Issues**

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996

**85 (PSWG) Pre-Sessional Working Group of the CEDAW Committee
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications, including the report *Justice Suspended: the Failure of the Habeas Corpus System in Guatemala*. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims of human rights violations from Guatemala have requested legal assistance from The Advocates in applying for asylum. First-hand information from asylum-seekers about the human rights violations that they experienced in Guatemala since the last review in 2017 has been used with their permission in this submission.

EXECUTIVE SUMMARY

1. Since Guatemala's last review in 2017, widespread and systemic violence has continued, with threats and extortion carried out by gangs acting with impunity. Women, especially victims of sexual and domestic violence remain most vulnerable to violence, extortion, and institutional lack of accountability.
2. The Advocates has received direct information about the human rights violations detailed in this submission from clients in the Guatemalan diaspora who have fled Guatemala to seek asylum in the United States.

I. Access to justice and remedies (Concluding observations, paragraph 12)

3. In its 2017 Concluding Observations, the Committee on the Elimination of Discrimination against Women ("Committee") expressed concern about the barriers standing in the way of women's access to justice, and the limited coverage of the justice system, especially in remote locations.¹ The Committee pointed to poverty and linguistic barriers to accessing justice, which act as deterrents to filing complaints, and scarcity of entry points for women to access the just system at a local level.² The Committee also expressed concern over the persistent social stigma, stereotypes and discrimination against women, in particular indigenous women, in the judicial system.³ It was also concerned over law enforcement's insufficient capacity to investigate and prosecute cases and the resulting high level of impunity for perpetrators of gender-based violence the lack of an independent judiciary, and the influence that powerful non-State actors exert on judges, including through assassinations and threats of violence.⁴ The Committee recommended Guatemala allocate additional resources to legal aid for women, taking into account the specialized needs of indigenous and Garifuna women.⁵ The Committee also recommended Guatemala build the capacity of judges, lawyers, and law enforcement on women's access to justice.⁶
4. In its 2021 State Party Report, Guatemala stated that during the COVID pandemic, the System for the Provision of Comprehensive Care to Victims began conducting virtual hearings in order to grant, extend, or expand protective measures in cases of violence against women. The purpose of these hearings was to protect victims and provide

¹ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶12(a).

² Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶12(a).

³ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶12(b).

⁴ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶12(c).

⁵ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶13(a).

⁶ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶13(b).

information and guidance.⁷ Guatemala also mentioned the Public Prosecution Service, which has adopted a protocol for providing indigenous women with culturally and linguistically sensitive care.⁸ This organization has also established the national Network of Interpreters and Translators of Indigenous Languages, and translators and interpreters are distributed among different prosecutors' offices across the country.⁹ Guatemala also mentioned the Criminal Defense Institute, which, until 2020, provided free legal assistance to victims of violence and their families.¹⁰

5. Impunity and lack of access to justice mechanisms continue to persist in Guatemala and are consistent throughout the criminal justice system. Reports indicate that “The weaknesses of State institutions responsible for providing justice and security in Guatemala have allowed for impunity for all crimes to remain high in the country.”¹¹
6. Guatemala's 2008 Femicide Law laid the framework for many protections for women against gender-based violence, but there continue to be issues with the effective implementation of the law.¹² Justice and remedies are scarce in cases of domestic violence, for example, when judges refuse to issue protection orders, refuse to order perpetrators to leave the home, or refuse to order perpetrators to pay financial support to the victim.¹³ Pervasive negative stereotypes of women influence officials within the justice system and cause them to lack interest in solving crimes involving violence against women.¹⁴ Guatemalan law enforcement also struggles to collect and preserve evidence, coordinate efforts among law enforcement personnel and prosecutors, and contact potential witnesses. Law enforcement also “frequently blame the victims of the crimes and fail to respond in a timely manner.”¹⁵

⁷ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶13.

⁸ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶19.

⁹ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶19.

¹⁰ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶20.

¹¹ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 284 (2013).

¹² Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 285 (2013).

¹³ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 285.

¹⁴ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 286 (2013).

¹⁵ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 286 (2013).

7. In addition, access to adequate justice is hindered by biased prosecution and gender stereotypes.¹⁶ Delays in prosecution may force women to make multiple appearances in court, and the stress of dealing with the justice system in Guatemala ultimately causes many women to abandon their cases.¹⁷ Even in cases where the courts successfully prosecute and convict perpetrators of domestic violence, adequate justice is not served since many sentences are commuted or diminished.¹⁸ Reports indicate that “if an aggressor is sentenced to the minimum sentence of five years, as many are, the law allows convicted defendants to pay a fine for their crimes to avoid incarceration. The fine is a relatively small amount ranging from 5–100 Quetzales per day (or approximately USD\$0.60- \$13 per day).” In 2009, there were 13,650 registered cases of violence against women in Guatemala.¹⁹ Of these cases, forty-five resulted in convictions, and thirty-six of these forty-five convictions resulted in commutable sentences.²⁰

II. Non-discrimination (Concluding Observations, paragraph 18)

8. In its 2017 Concluding Observations, the Committee expressed concern over “the persistence [...] of discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, whereby women are widely regarded as subordinate to men.”²¹ The Committee noted that such stereotypes contribute to the perpetuation of high levels of violence against women and girls, including femicide, sexual and domestic violence, harassment and abuse.²² The Committee recommended Guatemala “train public officials in all sectors on the acceleration of de facto equality between women and men and the elimination of intersecting forms of discrimination against women and girls.”²³
9. In its 2021 State Party report, Guatemala stated that its Constitutional Court upheld the exercise of women’s right to non-discrimination in the Guatemalan legal system between

¹⁶ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 286 (2013).

¹⁷ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 286 (2013).

¹⁸ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 287 (2013).

¹⁹ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 287 (2013).

²⁰ Karen Musalo & Blaine Bookey, *Crimes Without Punishment: An Update on Violence Against Women and Impunity in Guatemala*, 10 *Hastings Race and Poverty Law J.* 265, 287 (2013).

²¹ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶18.

²² Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶18.

²³ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶19.

2017 and 2020.²⁴ Guatemala added that the Court thus guaranteed non-discrimination in the workplace and the family, and that these rights are informed by intersectionality and equality.²⁵ Guatemala also mentioned that a strategy for the implementation of the National Plan for the Prevention of and Eradication of Violence against Women was adopted in 2021.²⁶ The Ministry of the Interior also conducts training courses on constitutional rights and safeguards related to the participation of women and indigenous peoples, gender equality and equity and the prevention of violence. These courses are designed for community committees and include awareness-raising programs on new forms of masculinity.²⁷

10. The experiences reported by our clients correspond with the current national policies that discriminate against LGBTI persons in the country. Guatemala is experiencing a retrogression in the respect and protection of LGBTI individuals. In the last year, the Guatemalan Congress Passed the “Life and Family Protection Law,” which prohibits same-sex marriage and education and similar public policies.²⁸ Though the Congress passed the law,²⁹ it was ultimately shelved³⁰ as it violates human rights standards such as the right to non-discrimination. Congress is still debating the proposed legislation, bill 5940,³¹ placing an immediate risk to the rights of LGTBQ+ persons.³² This bill intends to ban education on gender identity and restrict access to educational materials on sexual orientation, gender identity and gender expression.³³

²⁴ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶4.

²⁵ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶4.

²⁶ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶39.

²⁷ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶43.

²⁸ BBC, “Guatemala Congress Bans Same-Sex Marriage,” accessed 12 July 2022, <https://www.bbc.com/news/world-latin-america-60675472>.

²⁹ Human Rights Watch, “La ley de la ‘vida y la familia’ es una cortina de humo para la corrupción,” accessed 12 July 2022, <https://www.hrw.org/es/news/2022/03/15/la-ley-de-la-vida-y-la-familia-es-una-cortina-de-humo-para-la-corrupcion>.

³⁰ Presa Libre, “Congreso archiva polémica Ley para la Protección de la Vida y la Familia que generó críticas de sectores sociales,” accessed 12 July 2022, <https://www.prensalibre.com/guatemala/politica/congreso-archiva-polemica-ley-para-la-proteccion-de-la-vida-y-la-familia-que-genero-criticas-de-sectores-sociales-breaking/>.

³¹ Different Human Rights Council Special Procedures have presented a communication to the State of Guatemala highlighting the imminent risk upon the approval of this law. See, United Nations Human Rights Council Special Procedures, Communication GTM 10/2021. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26826>.

³² Plaza Publica, “La otra ley «antiderechos» que se encuentra en el Congreso y podría convertirse en cortina de humo,” accessed 12 July 2022, <https://www.plazapublica.com.gt/content/la-otra-ley-antiderechos-que-se-encuentra-en-el-congreso-y-podria-convertirse-en-cortina-de>.

³³ Human Rights Watch, *Guatemala: Ley contra personas trans amenaza derechos*, Jan 21 2022. Also available at: .

III. Gender-based violence (Concluding Observations, paragraph 20)

1. In its 2017 Concluding Observations, the Committee expressed concern about the pervasiveness of gender-based violence against Guatemalan women and girls, “including the alarming and increasing rates of femicide, hate crimes against lesbian, bisexual, and transgender women and intersex persons, domestic violence, and rape and incest resulting in forced pregnancy.”³⁴ The Committee also expressed concern about the lack of reliable disaggregated data on gender-based violence and the lack of effective preventive strategies in place to address the issue.³⁵ The Committee also mentioned its concern over the low number of prosecutions of perpetrators, the lenient sentences imposed on them—which result in systemic impunity—and the State Party’s failure to provide reparation to victims of gender-based violence.³⁶ The Committee’s final concern on this issue was the lack of standardized gender-sensitive protocols for investigating and prosecuting cases of gender-based violence and the insufficient capacity and availability of specialized courts on femicide and other forms of violence against women throughout Guatemala.³⁷ The Committee recommended Guatemala implement a national action plan to combat gender-based violence, ensure that all perpetrators of crimes against women and girls are prosecuted and victims are provided with adequate reparations.³⁸
2. In its 2021 State Party Report, Guatemala said that the judiciary has established a specialized care model to implement due diligence in cases of violence against women.³⁹ Guatemala mentioned that the School of Judicial Studies has updated the tool for mainstreaming gender and a human-rights-based approach to drafting judgements on femicide and other forms of violence against women.⁴⁰ Guatemala adopted a working protocol to incorporate a victim-centered approach into virtual hearings taking place in courts specialized in cases of femicide, and sexual violence.⁴¹ The State Party also mentioned that between 2019 and 2021, 4,529 judicial officials participated in training

³⁴ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶20(a).

³⁵ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶20(a).

³⁶ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶20(b).

³⁷ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶20(e).

³⁸ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶21(a)(b).

³⁹ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶11.

⁴⁰ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶12.

⁴¹ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶13.

sessions on the human rights of women.⁴² The State Party also mentioned the Institute for Victim Care and Assistance, which is an independent entity providing services and support for survivors of gender-based violence.⁴³ Guatemala did not directly address prosecution of perpetrators of gender-based violence and the sexual violence perpetrated against women with disabilities by medical personnel.

3. Guatemala provided data on violence against women in its State Party report. It stated that from 2017 to August 2021, there were 686 femicides reported nationwide, and 294,484 cases of violence against women.⁴⁴ 541 femicide cases were brought to courts between 2017 and 2020 and courts made 223 convictions.⁴⁵ Guatemala provided further disaggregated data based on age and type of violence committed between 2017 and August 2021.⁴⁶
4. Violence against women remains widespread and persistent in Guatemala.⁴⁷ During the March 2020 lockdown, the Public Prosecutor's Office received 4,399 complaints of violence against women. The National Institute of Forensics in Guatemala (INACIF) reported 140 violent female deaths between March and June.⁴⁸ The Guatemalan legislation addressing gender violence is inadequate and poorly implemented.⁴⁹
5. The *Secretaria Presidencial de la Mujer* (Presidential Secretary of Women Issues) issued a public policy document "*Estrategia de Seguimiento a la Convención sobre la Eliminación de todas las formas de discriminación contra la mujer*" for the period 2018-2021.⁵⁰ However, to date there is no public information about the implementation of these policies and the Government of Guatemala has not updated the current public policy document for 2022. Similarly, the *Instituto Nacional de Estadística de Guatemala* has not

⁴² Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶18.

⁴³ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶21.

⁴⁴ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶47.

⁴⁵ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶48.

⁴⁶ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶48.

⁴⁷ Sydney Bay, *Criminalization is Not the Only Way: Guatemala's Law Against Femicide and Other Forms of Violence Against Women and the Rates of Femicide in Guatemala*, (Washington International Law Journal, 2021). Available online at <https://digitalcommons.law.uw.edu/wilj/vol30/iss2/11>.

⁴⁸ Sydney Bay, *Criminalization is Not the Only Way: Guatemala's Law Against Femicide and Other Forms of Violence Against Women and the Rates of Femicide in Guatemala*, (Washington International Law Journal, 2021). Also available online at <https://digitalcommons.law.uw.edu/wilj/vol30/iss2/11>.

⁴⁹ Interviews conducted by The Advocates (2017-2022).

⁵⁰ Secretaría Presidencial de la Mujer, *Estrategia de Seguimiento a la Convención sobre la Eliminación de todas las Formas de Discriminación contra la Mujer*, (2021). Available online at <https://seprem.gob.gt/wp-content/uploads/Estrategia-CEDAW.pdf>

updated the public national data on violence against women since 2019.⁵¹ The lack of access to information restricts public monitoring and accountability to State institutions.

6. Perpetrators often experience impunity for crimes of violence against women.⁵² The testimonies from our women clients include kidnapping, rape, and pregnancies resulting from rape. Clients reported that police failed to investigate the reports of acts of violence.⁵³ Survivors of violence rarely received remedy and rehabilitation. Our clients have reported receiving constant threats by perpetrators and experiencing PTSD and depression, partly due to the lack of police action taken to protect them. These clients eventually were forced to flee Guatemala to seek international protection.⁵⁴

Domestic Violence

7. While there is a lack of official data on domestic violence since at least 2019,⁵⁵ it is estimated that more than 36% of women in Guatemala living with male partners experience intimate partner violence.⁵⁶ More than 57,000 cases of violence against women were reported in 2020.⁵⁷ Clients of The Advocates, mainly women and children, reported their experiences of physical abuse (including beatings that resulted in miscarriage), sexual assault, and other crimes in their homes by intimate partners, fathers, and uncles.⁵⁸
8. Guatemalan police fail to consistently investigate reports of domestic violence and offenders often act with impunity.⁵⁹ The Advocates has received multiple testimonies of women experiencing harassment and persecution by their former partners, including death threats, sexual abuse, and extortion. Our clients asserted that the police do not pursue most cases after they are reported. One of our clients reported that the failure to investigate worsened her case as the perpetrator worked for the National Police Force.⁶⁰

⁵¹ Instituto Nacional de Estadística de Guatemala, *Violencia en contra de la mujer*, accessed 12 July 2022, <https://www.ine.gob.gt/ine/estadisticas/bases-de-datos/violencia-en-contra-de-la-mujer/>

⁵² See Silvia Trujillo, *Violencia contra las mujeres: cambian las cifras, persiste el problema*, March 8 2021. Also available at: <https://dialogos.org.gt/blog/violencia-contra-las-mujeres-cambian-las-cifras-persiste-el-problema/>; Tribuna Feminista Guatemala: aumenta feminicidio, con 99% de impunidad. Also available at: <https://tribunafeminista.org/2017/06/guatemala-aumenta-feminicidio-con-99-de-impunidad/>.

⁵³ Interviews conducted by The Advocates (2017-2022).

⁵⁴ Interviews conducted by The Advocates (2017-2022).

⁵⁵ Instituto Nacional de Estadística, *Indicadores de violencia familiar*, last accessed July 13 2022. Available at: <https://www.ine.gob.gt/ine/violencia-intrafamiliar/>

⁵⁶ Zoë Elspeth, and Tolib Mirzoev, *Intimate Partner Violence Against Indigenous Women in Sololá, Guatemala: Qualitative Insights Into Perspectives of Service Providers, Violence Against Women*, vol. 28, no. 1 (Violence Against Women, Jan 2022), 150–168. Also available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8564254/>.

⁵⁷ Washington Office on Latin America, “Little to Celebrate: 5 Facts about Women and Violence in El Salvador, Guatemala and Honduras,” accessed 12 July 2022, <https://www.wola.org/2022/03/women-violence-northern-triangle-5-facts/>

⁵⁸ Interviews conducted by The Advocates (2017-2022).

⁵⁹ Erik Beck, *Los Impactos Desiguales de Leyes contra Violencia contra la Mujer en Guatemala*, (2021). Available online at <https://cpb-us-e1.wpmucdn.com/blogs.uoregon.edu/dist/4/18551/files/2021/11/Los-Impactos-Desiguales-de-Leyes-contra-VCM.pdf>

⁶⁰ Interviews conducted by The Advocates (2017-2022).

9. Fear of retaliation by gangs also prevents victims from reporting domestic abuse. Commonly, The Advocates have received testimonies of families being afraid to “stand up” to their abusive relatives — members of a gang— even in cases of documented domestic assault charges in the past.⁶¹

IV. Indigenous peoples (Concluding Observations, paragraph 40)

10. In its 2017 Concluding Observations, the Committee expressed concern over the trend of rural development and the degradation of living conditions in rural areas, especially in indigenous and Garifuna communities.⁶² The Committee noted that rural women continued to have “restricted or no access to housing, basic services, and infrastructure, including safe drinking water and adequate sanitation, and that land ownership remained concentrated in the hands of a few, which limits women’s livelihood and employment opportunities.”⁶³ The Committee recommended Guatemala ensure rural, indigenous, and Garifuna women are able to participate in rural organizations and the development of policies.⁶⁴
11. In response to the Committee’s Concluding Observations, the State Party’s report mentioned a number of programs, plans, and laws in place to address issues faced by rural populations, in particular rural indigenous women. These plans include: the Operational Manual for the Policy to Facilitate Access to Ownership of Land and Other Productive Assets for Peasant, Mayan, Xinca, Garifuna, and Mestizo Women, the Programme for the Development of Sustainable Agrarian Communities, the State Land Regularization and Allocation Programme, the Land Lease Programme, the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala, the Agenda for Garifuna Women and Women of African Descent, and Bill No. 5398 (Act on the National Day of Recognition and Affirmative Action for Garifuna Women and Women of African Descent).⁶⁵ Guatemala explained that the purpose of all of these programs is to provide capacity-building to empower rural women, help increase women’s involvement with environmental protection and education, increase rural girls’ access to education, and generally improve the rights of indigenous women through their empowering and recognizing them as valuable leaders in their communities.⁶⁶

⁶¹ Interviews conducted by The Advocates (2017-2022).

⁶² Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶40.

⁶³ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶40.

⁶⁴ Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the combined eighth and ninth periodic reports of Guatemala*, (22 Nov. 2017), U.N. Doc. CEDAW/C/GTM/CO/8-9, ¶41(a).

⁶⁵ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶¶249-264.

⁶⁶ Committee on the Elimination of Discrimination Against Women, *Tenth periodic report submitted by Guatemala under article 18 of the Convention, due in 2021*, (29 Dec. 2021), U.N. Doc. CEDAW/C/GTM/10, ¶¶249-264.

12. In its State Party report, Guatemala did not specifically address issues plaguing rural and indigenous women, including forced evictions, sexual violence, poor health outcomes, and degradation of land.
13. Systemic failures to protect the individual and collective rights of indigenous peoples in Guatemala increase the vulnerability of Indigenous persons to violence. Systemic issues include the compounding factors of language barriers, poverty produced by land inequality, invalidation of indigenous knowledge and governance, and anti-indigenous discrimination in the public population and by authorities.⁶⁷ As a result, indigenous persons experience disparate outcomes in income, health, employment, and other metrics.⁶⁸
14. Indigenous persons face barriers to the enjoyment of economic, social, and cultural rights. The International Work Group for Indigenous Affairs has reported particular inequality in exercising certain rights, reporting that within the rights "to health, employment, income, housing, and education, there is a great disparity between Indigenous Peoples and the rest of the population. Official data indicates that poverty affects 75% of Indigenous people and 36% of non-indigenous people; chronic malnutrition affects 58% of Indigenous people and 38% of non-indigenous people; and, in terms of political participation, Indigenous individuals represent no more than 15% of parliamentarians and high-ranking public officials."⁶⁹
15. Widespread failure of police to investigate crimes also applies to crimes involving anti-Indigenous discrimination. One client was approached by a woman who said, "her people [were] from the *Curte* (*anti-Indigenous term*) who were invading the area she lived" and physically assaulted the client's mother. She reported the incident to the police, but she does not believe assault charges are pending.⁷⁰

V. Suggested questions to Guatemala:

16. The Advocates for Human Rights suggests the following list of issues to the government of Guatemala:

⁶⁷ Dwane Mamo, *The Indigenous World 2022*, (IWGIA, April 2022), 403. Available online at https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2022-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWUiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvc mxkLTIwMjItZW5nIiwiaWF0IjoxNjUxMTM5NTg1LCJleHAiOiJlE2NTEyMjU5ODV9.jRnv3PeantfRZtJg4jph8xds hK5Mh25Z3hlcPs9As_U.

Zoë Elspeth, and Tolib Mirzoev, *Intimate Partner Violence Against Indigenous Women in Sololá, Guatemala: Qualitative Insights Into Perspectives of Service Providers, Violence Against Women*, vol. 28, no. 1 (Violence Against Women, Jan 2022), 150–168. Also available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8564254/>.

⁶⁸ Interviews conducted by The Advocates (2017-2022).

⁶⁹ Guatemala - IWGIA - International Work Group for Indigenous Affairs. <https://www.iwgia.org/en/guatemala.html>. Accessed 22 Aug. 2022.

⁷⁰ Interviews conducted by The Advocates (2017-2022).

- What measures has Guatemala taken to protect an education free of violence for women and girls?
- What measures has Guatemala taken to combat gang presence and recruitment in places where girls and youth frequently visit, especially schools?
- What measures has the State Party taken to implement effective and coordinated measures to prevent violence against women, especially against young women and girls, and ensure that perpetrators of violence are brought to justice and the victim is repaired?
- What steps has the State Party taken to train state officials such as judges, law enforcement personnel and prosecutors in victim-centered and trauma-informed approaches to justice and reparation of victims of gender-based violence?
- What steps has the State Party taken against biased prosecution and gender stereotypes in the criminal justice system?
- What steps has the State Party taken to adopt reforms to ensure the independence of the police force from organized crime and to end deep-rooted associations between gangs and police officers to adequately protect at-risk women and LGBTIQ+ individuals?
- What steps has the State Party taken to ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels?
- What steps has the State Party taken to collect data and provide statistics on the access to justice and rehabilitation of survivors of violence against women, LGTBIQ+ persons, and victims of domestic violence?
- What steps has the State Party taken policies and enact campaigns to promote awareness, education, and respect for LGBTIQ+ persons?
- What steps has the State Party taken to strengthen legislation against discrimination based on sexual orientation or gender identity?
- What steps has the State Party taken to combat impunity by ensuring that law enforcement conducts a thorough investigation of every allegation of violence or discrimination based on sexual orientation or gender identity to assist prosecutors in prosecuting individuals suspected of committing crimes against LGBTIQ+ persons?