



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the tenth periodic report of Guatemala\*

#### Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

1. The State party provided information in its report on its 2018–2021 Strategy to Follow-up on the Convention on the Elimination of All Forms of Discrimination against Women, which included the creation of follow-up mechanisms and capacity-building activities on human rights and women's rights for the judiciary, the legislature and the Constitutional Court (paras. 6, 8 and 9).<sup>1</sup> Please provide information on the following:

(a) Measures taken to raise awareness, specifically among women, including women affected by poverty, internally displaced women, Indigenous women, women of African descent, women with disabilities, women who have been deported to the State party from other countries, migrant women and rural women, about their rights under the Convention, the Optional Protocol thereto and the Committee's general recommendations, including any steps taken to translate the Convention into Indigenous languages and to make it available in accessible formats;

(b) Court judgments in which judges have invoked the Convention, the Optional Protocol thereto or the Committee's jurisprudence to decide court cases, including in family law, criminal law, civil law and labour law cases, as well as the training programmes addressed to those working in the administration of justice in relation to the Convention, the Optional Protocol thereto and the Committee's general recommendations.

#### Women's rights and gender equality in relation to the pandemic and recovery efforts

2. Please describe efforts made and mechanisms put in place to face the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies

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\* Adopted by the pre-sessional working group on 3 November 2022.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the tenth periodic report of the State party (CEDAW/C/GTM/10).



taken to ensure that gender equality and women's empowerment are fundamental requirements in addressing such crises, and elaborate on specific adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

### **Legislative framework and definition of discrimination**

3. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the following:

(a) Measures taken to adopt a comprehensive definition of discrimination that ensures the protection of women against direct and indirect discrimination, including intersecting forms of discrimination, in both the public and private spheres;

(b) Legislative and policy measures taken to address intersecting forms of discrimination faced by women;

(c) Measures taken to modify or repeal existing discriminatory laws and regulations to ensure compliance with the Convention and with international human rights treaties;

(d) Legal remedies and compensation available to women who are subjected to any form of gender-based discrimination, in particular Indigenous women; women of African descent; women with disabilities; lesbian, bisexual, transgender and intersex women; migrant, refugee and asylum-seeking women; older women and rural women and girls.

### **Access to justice and legal complaint mechanisms**

4. Please provide information on the following:

(a) Measures to accelerate prosecutions in cases of gender-based violence against women and to increase their number, and on the number of convictions and the sentences imposed on perpetrators;

(b) Concrete measures taken to institutionalize and expand a public legal aid service that is adequately funded to ensure the legal representation of women without sufficient means in criminal, civil and administrative proceedings relating to gender-based violence and discrimination;

(c) Steps taken to design a comprehensive judicial policy for the elimination of institutional, social, economic, accessibility, technological and other barriers faced by women in obtaining access to justice and for the provision of adequate human, financial and technical resources, including reasonable and procedural accommodations, as well as indicators and a monitoring mechanism for its implementation;

(d) Steps taken to ensure that judges, prosecutors and police officers handle cases of gender-based violence and discrimination against women in a gender-sensitive manner and expand mandatory capacity-building to judges, prosecutors, lawyers, law enforcement officials and mediators on women's rights, including their right to access justice;

(e) Steps taken to design a strategy aimed at guaranteeing access to justice of groups of women who are disadvantaged and discriminated against, such as Indigenous women; women of African descent; women with disabilities; lesbian, bisexual, transgender and intersex women; migrant, refugee and asylum-seeking

women; older women and rural women and girls, which addresses linguistic, accessibility and other cultural barriers and establishes and disseminates information about effective legal remedies and procedures enabling women to claim their rights.

#### **National machinery for the advancement of women**

5. Please provide information on the following:

(a) Measures taken to strengthen the mandate of the Presidential Secretariat for Women and to elevate it to the ministerial level, allocate adequate resources to it, improve its operational efficiency and ensure coordination between it and other government ministries to implement legislation and public policies on gender equality (para. 23), in the light of previous Committee recommendations ([CEDAW/C/GTM/CO/8-9](#), para. 15 (a));

(b) Measures to mainstream gender equality across sectoral policies, in particular the public policy against racism and racial discrimination for the comprehensive development of Indigenous women and girls and women and girls of African descent;

(c) Mechanisms to promote the participation of, and consultations with, women's organizations, in particular those for Indigenous women, women of African descent and women with disabilities, in the adoption and implementation of public policies and programmes by the national machinery for the advancement of women.

#### **Women human rights defenders**

6. Information received by the Committee indicates that there has been an increase in gender-based violence, including killings, threats, intimidation, criminalization and violent attacks, perpetrated against women human rights defenders, in particular journalists, justice operators, community and union leaders and Indigenous women defending land rights and environmental resources, and women defending the human rights of lesbian, bisexual, transgender and intersex women. Please provide information on:

(a) Measures taken to expedite the investigation and prosecution of all acts of gender-based violence, including killings, threats, intimidation, criminalization and violent attacks, perpetrated against women human rights defenders;

(b) The current status of the protocol for the investigation of crimes committed against human rights defenders adopted by the Public Prosecution Service, whether it contains a gender-responsive approach for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders and the results achieved so far (para. 138);

(c) Measures taken to raise awareness about the importance and legitimacy of the work carried out by women human rights defenders, and the time frame for their implementation in collaboration with women human rights defenders.

#### **Temporary special measures**

7. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, please provide information on temporary special measures applied during the reporting period to accelerate the achievement of substantive equality between women and men, in particular in the areas of education, employment and economic empowerment. Please indicate the steps taken to adopt temporary special measures to increase the participation of women in formal employment. Please provide information on temporary special measures taken for the most disadvantaged groups of women, such

as Indigenous women, women of African descent, women with disabilities, rural women, older women and migrant women.

### **Stereotypes and harmful practices**

8. Please provide detailed information on:

(a) Measures taken to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, including awareness-raising and educational programmes and media campaigns to convey positive images of women as active participants in economic, social and political life, and the impact of those measures;

(b) Measures taken to address discriminatory gender stereotypes and negative portrayals of women, including all forms of objectification of women in the media and advertisements, and the results of those measures;

(c) The number of reported cases, prosecutions and convictions, and the sentences imposed on the perpetrators, related to harmful practices, in particular early and/or forced marriage or other forced unions, non-consensual or forced sterilization, and early and/or forced pregnancy, disaggregated by relevant factors such as age, Indigenous status, African descent, migrant status, disability status and geographical location;

(d) Steps taken to mainstream gender equality into the education curricula, including measures addressed to teachers, and impact assessments of capacity-building activities on women's rights and gender equality.

### **Gender-based violence against women**

9. Information received by the Committee indicates that there is a high prevalence of gender-based violence against women in the State party, including femicides, disappearances and psychological and sexual violence, that disproportionately affects Indigenous women, women of African descent, rural women and lesbian, bisexual, transgender and intersex women. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on:

(a) The legislative measures taken to combat gender-based violence against women, particularly the status of draft law No. 5511, which provides for the approval of a framework law on the comprehensive protection of girls who are victims of sexual violence, and that of draft law No. 5890, which provides for the adoption of a law on preventing, addressing and punishing sexual and psychological violence against women in public institutions (para. 40);

(b) The status of implementation and results obtained so far from the 2020-2029 National Plan for the Prevention of and Eradication of Violence against Women and its strategy (paras. 38 and 39);

(c) Specific measures taken to prevent all forms of gender-based violence against Indigenous women and girls, women and girls of African descent, women and girls with disabilities and lesbian, bisexual, transgender and intersex women;

(d) Steps taken to ensure the prosecution, conviction and punishment of perpetrators of gender-based violence against women, including sexual violence and domestic violence perpetrated during the pandemic.

10. Please also inform the Committee on measures taken to:

(a) Prevent cases of gender-based violence against women in institutions, in particular in detention centres, psychiatric hospitals, centres for persons with disabilities and centres for minors, and ensure that all types of institutions are supervised by independent authorities;

(b) Provide victims with effective protection, rehabilitation and remedies, including compensation;

(c) Ensure that rural and Indigenous women and girls and women and girls of African descent who are victims of gender-based violence have effective access to protection orders, shelters and psychosocial counselling;

(d) Collect statistical data on gender-based violence against women, disaggregated by form of gender-based violence, age, ethnicity, disability and the relationship between the perpetrator and the victim, and on the number of prosecutions and convictions and the sentences imposed on the perpetrators;

(e) Provide accessible information to women with disabilities about available remedies and redress in cases of gender-based violence against them;

(f) Expand the coverage of shelters for women and girl survivors of domestic and other forms of gender-based violence, including women with disabilities. Please include information on the number and accessibility of shelters and the support available to survivors.

#### **Trafficking and exploitation of prostitution**

11. Please provide information on measures taken to:

(a) Prevent and eliminate trafficking in persons, in particular trafficking of Indigenous women, women of African descent and rural women for the purposes of forced labour and sexual exploitation, including awareness-raising campaigns and community networks that address the heightened risks for girls in marginalized and rural areas, and those at risk of gender-based violence and child and/or forced marriage;

(b) Improve international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking of women and girls, through information exchange and harmonizing legal procedures for the prosecution and punishment of perpetrators;

(c) Build the capacity of the judiciary and the police to effectively and in a gender-sensitive manner investigate, prosecute and punish perpetrators of trafficking in women and girls and exploitation of prostitution;

(d) Ensure the protection of women and girls who have been victims of trafficking and provide them with free and immediate access to specialized shelters, medical care, psychosocial counselling, legal aid and rehabilitation and reintegration services.

12. In the light of the Committee's previous recommendations ([CEDAW/C/GTM/CO/8-9](#), para. 25 (b)), please provide information on the status of the investigation of the allegations of abuse and trafficking at the Hogar Seguro Virgen de la Asunción residential institution and steps taken to bring those responsible for the deaths and injuries of the girls to justice and to prevent impunity and recurrence of such crimes.

#### **Participation in political and public life**

13. Women continue to be underrepresented in elected positions, in the Cabinet and in decision-making positions in the executive branch and the legislature, and only

3 per cent of mayors are women (paras. 124–126). In the light of the Committee’s general recommendations No. 25 and No. 23 (1997) on women in political and public life, please describe measures taken to:

(a) Increase the representation of women in political and public life and establish quotas to ensure parity and the rotation of power, and to amend the Elections and Political Parties Law accordingly (para. 134);

(b) Promote women candidates in local elections, provide them with training on political campaigning, facilitate fundraising for their campaigns and promote women in leadership positions in political parties and within their communities;

(c) Adopt specific goals and timelines, including for women belonging to minorities, for example, through statutory quotas for the parliament, political parties, public administration and the foreign service and for senior government positions. Please elaborate on the outcomes achieved, supported by data;

(d) Measure the results of the reviewed and updated Gender Equity Policy and the protocol to address violence against women in the political and electoral sphere (para. 135).

### **Education**

14. Please provide information on the following:

(a) Measures taken to ensure safe educational environments and quality school infrastructure, in addition to preventing violence and harassment on the way to or at school;

(b) Enrolment rates at all levels of education among girls and women, disaggregated by location (urban or rural), whether the student is of Indigenous or African descent, disability status and migrant or refugee status;

(c) The school dropout rate among girls for the past five years, indicating how the State party addresses dropout due to factors such as poverty, child pregnancy, competing household and caretaking obligations and the recruitment of girls as domestic workers;

(d) The impact of the “Prevention through Education” agreement of the Ministry of Public Health and Social Welfare and of the National Plan to Prevent Pregnancies in Adolescents and Young Women in Guatemala for the period 2018–2022 (paras. 215 and 291);

(e) Measures to ensure mandatory, age-appropriate education on sexual and reproductive health and rights at all levels of education, including on responsible sexual behaviour and modern contraceptives;

(f) The career choices made by women, disaggregated by age and location (urban or rural), and measures taken to encourage women and girls to choose non-traditional fields of study, such as information and communications technology and science, technology, engineering and mathematics.

### **Employment**

15. In the light of the concern expressed by the Committee in its concluding observations on the previous periodic report of the State party ([CEDAW/C/GTM/CO/8-9](#), para. 34) about discrimination against women in employment, the lack of social and labour protection that women are afforded, owing to the precarious nature of their work in agriculture, the *maquiladora* industry and the local production of food, and the segregation of most women into the lowest-paid occupations, in particular in informal occupations, including domestic labour, please provide information on:

(a) Measures taken to promote access to formal employment for rural women, women with disabilities, Indigenous women, women of African descent and migrant and returnee women;

(b) Progress made in implementing the 2017–2032 national policy for decent employment (para. 175) and Decree No. 20-2018 (Law on Strengthening Entrepreneurship), including with regard to women (para. 176);

(c) Remedies available to women victims of sexual violence in the workplace to file complaints and obtain redress, and steps taken to approve draft law No. 5658 (Law against Street Harassment and Other Forms of Violence against Women), which provides for the addition of a paragraph (ñ) on workplace violence to article 3 of Decree No. 22-2008 (Law against Femicide and Other Forms of Violence against Women) (para. 193);

(d) Steps taken to ratify the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190) and the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization;

(e) Measures taken to ensure social protection for women working in the informal economy, including the recognition of maternity leave, paid sick leave and disability and old-age pension benefits, and protection against work-related diseases for those in the agricultural, industrial, service and fishing sectors;

(f) Efforts made to promote the equal sharing of family and work responsibilities between women and men and provide affordable childcare facilities and allowances for women heads of household.

### **Health**

16. In the light of information received by the Committee concerning the criminalization of abortion on all grounds, except for threats to the life or health of the pregnant woman, the barriers to access for Indigenous women and women of African descent to sexual and reproductive health information and services, and the increasing prevalence of HIV/AIDS among women and mother-to-child transmission of HIV, please provide information on:

(a) Measures taken to legalize abortion at least in cases of rape, incest and severe fetal impairment, in addition to threats to the life or health of the pregnant woman, and decriminalize abortion in all other cases;

(b) Measures taken to raise awareness about modern forms of contraception and ensure access to safe and affordable contraception for women and adolescent girls, in particular in rural and remote areas;

(c) The results and impact of the “Prevention through Education” agreement, and the status of the National Strategic Plan for the Prevention, Management and Control of Sexually Transmitted Infections, HIV and AIDS (paras. 215 and 219);

(d) The implementation of and budget allocated to the Guatemalan Social Security Institute health programmes related to sexually transmitted infections, HIV/AIDS, maternal mortality, women of childbearing age and acute flaccid paralysis (para. 226).

### **Rural women, Indigenous women and women of African descent**

17. Recalling the Committee’s general recommendation No. 34 (2016) on the rights of rural women and draft recommendation No. 39 on the rights of Indigenous women and girls, please indicate measures taken to:

(a) Improve access for rural women and girls, Indigenous women and girls and women and girls of African descent to basic services, including health care, family planning services, clean water, education, social protection in the formal and informal economies, justice and credit, and to formal employment, means of economic empowerment and land;

(b) Measure the results and impact of the Agenda for Garifuna Women and Women of African Descent (para. 263);

(c) Ensure the participation of rural, Indigenous and Garifuna women in rural organizations and in the development and implementation of policies, programmes and initiatives aimed at promoting their employment opportunities and economic empowerment (CEDAW/C/GTM/CO/8-9, para. 41 (a)).

### **Disadvantaged groups of women**

18. In view of the intersecting forms of discrimination faced by disadvantaged and marginalized groups of women, please provide information on the situation of migrant and internally displaced women; women with disabilities; older women; lesbian, bisexual, transgender and intersex women; and women in detention.

### **Climate change and disaster risk reduction**

19. In the light of the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on the following:

(a) Measures to mainstream a gender perspective into national disaster risk reduction management and relief and recovery strategies;

(b) The involvement of women in the formulation and implementation of policies and programmes relating to disaster risk reduction, post-disaster management and climate change;

(c) Measures taken to provide relief and recovery for women affected by natural disasters, including hurricanes and storms;

(d) Measures taken to ensure food security for rural women in the light of the effects of climate change.

### **Marriage and family relations**

20. Please provide information on the following:

(a) Legislative measures taken to recognize intangible property, such as pension and insurance benefits, as part of the joint property to be divided upon divorce;

(b) Measures taken to recognize de facto unions and promote the registration of marriages to ensure that women enjoy adequate legal protection during such unions and upon their dissolution;

(c) Steps taken to harmonize the provisions of the Penal Code relating to the age of sexual consent (articles 173 and 173 bis) (CEDAW/C/GTM/CO/8-9, para. 47);

(d) Measures taken to ensure that legislation and public policy, specifically the Public Policy on Protection of Life and the Institution of the Family 2021–2023, and draft law No. 5940, which qualifies gender diversity as an identity disorder, are in conformity with the Constitution and international human rights treaties, including the Convention.