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**Grupo Guatemalteco de Mujeres-GGM**

**And**

**Red de la No Violencia contra las Mujeres-REDNOVI**

**Informe alternativo al cumplimiento del Pacto Internacional del Derechos Civiles y Políticos-PIDCP** [*Alternative Report for the compliance of the International Covenant of Civil and Political Rights*], **Guatemala**

**Guatemala, February 12th of 2018**

**BACKGROUND**

1. On November 30th of 2015, the Human Rights Committee sent to the state of Guatemala the list of topics before the presentation of the fourth periodic report for the compliance of the International Covenant of Civil and Political Rights -PIDCP. The State presented the fourth report during December 2016, in which it was included information of the 2010 to 2016 period. In this sense Grupo Guatemalteco de Mujeres – GGM- and Red de la No Violencia contra las Mujeres -REDNOVI, prepare the current alternative report for the compliance of PIDCP. In the topics, later on taking into consideration by the Committee.

**Constitutional and Legislative Framework**

1. The Committee of Human Rights (from hereinafter the Committee) requested, for the evaluation of the fourth report of compliance, the following information: **“(…) Provide information on the taken measures to guarantee independence and proper functioning of the prosecutor**” (Parr. 1CCPR/C/GTM/QPR/4)
2. On January 19th of 2017, the Congress of the Republic sworn the Human Rights Prosecutor, Augusto Jordan Rodas Andrade, took position on August 20th of 2017, and a few days after, started his challenging fight for the defense of human rights, taking into account the criminal structures “encrusted” in the State, that promotes impunity and corruption, strengthen by the protection of decision and action taken from the higher State authorities
3. A few days after the Prosecutor took position, Guatemalan society was informed that the President Jimmy Morales would travel to the United Nations- UN- to request the dismissal of Commissioned Ivan Velasquez, from the International Commission against Impunity in Guatemala -CICIG. In August 25th President Morales stand before the UN offices and; according to information from the media, the request from the President gets known. On August 27th President Morales declares Commissioned Ivan Velasquez as “*Non-Grata*”. Decision that gets known by the population trough video transmitted by the media, in which it also requested the expulsion of the commissioned from the country. Due to this situation, the Prosecutor and the civil society presented a legal protection measure before the Constitutional Court -CC, to avoid the expulsion of the commissioned and the violation of rights. Since his arrival, the Prosecutor, has manifested punctual actions in the defense of the Guatemalan population rights, however, the opposition groups sustain a campaign in order to criminalize the Prosecutor work and with this, avoid the defense from keep working[[1]](#footnote-1). In addition, the Congress has been trying to stop the work of the PDH by retaining its budget for 2018.
4. The stance of the Human Rights Prosecutor, in the las few years, is to defend the rights of the population, and has complied with denounce and morally sanction the violations committed by the civil servants and institutions. However, in the last few years the use of malicious litigation to appeal the decisions of the Prosecutor, ignoring that the decisions issued by the Magistrate of Awareness are eminently “moral” acquiring a no objectionable nature, these actions are taken in order to not comply with the sanctions and resolutions.
5. Along , conservative sectors, using the institutionalism of the State, have attack the measures started by the PDH in favor of the promotion and exercise of the reproductive and sexual rights, such is the case of the resolution issued by the Supreme Court of Justice -CSJ, against the “*“Manual de Derechos Humanos, Derechos Sexuales y Reproductivos, y Atención de Embarazos en Niñas y Adolescentes”* [*Manual of Human rights, Sexual and reproductive rights and Care of pregnancy in children and adolescents*] requesting to remove the distribution of this manual[[2]](#footnote-2), forbiting the compliance of the obligation of the PDH and limiting the sexual and reproductive rights of mayan, Garifuna, xinca, afro descendant and mestiza women. Organizations of the civil society a female representative and other representatives of the Congress of the Republic[[3]](#footnote-3) presented an action of appeal to the Court of Constitutionality, that must deliberate on the issue. The above mentioned infringes the independence, free exercise and promotion of human rights to the PDH.
6. **Recommendations. a)** Guarantee the independence, free exercise, strengthen and delivery of financial resources to the Human Rights Office. **b)** That the PDH continue defending the universal human rights guaranteed in the current national and international framework and protects all related to women´s rights to a life free of violence and the full exercise of their sexual and reproductive rights. **c)** The State of Guatemala must guarantee the stability, protection of the physical and emotional integrity of the Prosecutor of human Rights and of all the institution personnel, without any restriction.
7. **Questions for the constructive dialogue:** a) what are the measures to be taken by the State of Guatemala to guarantee the prevalence, stability, independence and protection to the Prosecutor of Human Rights. b) What are the structure measures to be taken by the State of Guatemala to guarantee that the Human Rights Office implements the *“Manual de Derechos Humanos, Derechos Sexuales y Reproductivos, y Atención de Embarazos en Niñas y Adolescentes”.*

**No discrimination, equality of rights between women and men**

1. The committee, in the evaluation of the Third report recommended: “(…) *approve and apply a legislation on equality between men and women, officially recognizing the specific nature of discrimination against women and the appropriate approach*.” (Parr. 8 CCPR/C/GTM/CO3) and subsequently requested a report on: “**(…) Inform on the adopted measures, including awareness campaigns, and their impact to prevent and provide an efficient protection against violence and discrimination”** (parr.4 CCPR/C/GTM/QPR/4) and “**(…) provide updated information on the adopted measures and its results, to guarantee the equality between man and women in all stratums, including their participation in the politic life**”. (parr.5 CCPR/C/GTM/QPR/4)**.**

1. In the last few years (2012 to date) the State of Guatemala has promoted a series of setbacks in the matter of women´s human rights. In this matter, there is no compliance with the current national and international regulations on the equality between men and women, and the elimination of discrimination in several areas. Currently, in the high structures of power and decision making, religious, military and capitalist fundamentalism pervade the model of institutional actions. Restricting the free exercise of women’s rights, specially the sexual and reproductive rights and a live free of violence – Modifying – laws, politics, pans and mechanisms created for the development of women to achieve equality. Reinforcing the patriarchal, sexist, classist and racist system.
2. In some discriminative Laws and Law initiatives that the State of Guatemala has promoted there is: a) In 2016, Initiative **4976** *“Ley de lectura bíblica obligatoria”. [Law for the Mandatory Reading of the bible].* Law Inititative ***5179*** *“Reformas a la Constitución Política de la República en materia del Sector Justicia”[Reforms to the Politic Coinstitution of the Republic in the matter of Justice”,* In which the Congress of the Republic excludes artivle 205, on the principle of gender equity.
In the initiative **5088** “Governing Law of the process for the Law of Femicide and other forms of violence against women” were it was intended to modify the process of application of the Law against Femicide, arguing that women “lie” when submitting complaints and therefore another penal procedure should be applied. B) In 2017, Initiative **5257** “Reforms to Decree 02-2003 Law of Non-Governmental Organizations for the development” attempts against the freedom to organization, association and action of the organizations of civil society in Guatemala. Initiative **5272** “law of Protection of life and Family”, which is discriminatory of the rights of women and communities of sexual diversity, contravenes el principle od progress and control of conventionality and attempts against sexual and reproductive rights of women. Initiative 5283 “Law of Prevention of Violence”, voids all progress made in matter of violence against women, besides creates parallel instances already created, since currently there are instances such as CONAPREVI and Third vice minister of Prevention of Violence, the ministry of Government to act in regards of prevention of violence against women, the Law is unconstitutional, goes against the legal frame of the National System of security, limits the actions of the Ministry of Government and gives functions to the Army to participate in civil security, the issuance of this Law would be a severe setback to the country, since it also contravenes the Peace agreements, specifically the agreement of Peace on the Strengthen of Civil Power and Army functions in a Democratic Society and the Global Agreement of Human Rights. Initiative ***3585*** “Law of creation of procedures to felonies of sexual violence, exploitation and human trafficking” this initiative pretends to protect the offender and gives authority to the defendant to oversee the actions of the Public Ministry, there is no approach to the victims and survivors, and pretends the reduction of sentences. C) Besides, in 2016; it was reformed the Electoral Law and of Politic parties Decree **26-2016**, that excludes the regarding to the participation of women, and parity in the policy making positions. In 2018 a third lecture of the reforms took place, without taking into account the proposals made by the Tribunal Supremo Electoral TSE (Acronym in Spanish) and Civil society, again the participation of women and parity were left out of the congress discussions.
3. In the Executive Agency, the mechanisms for the development of women were weakened, specifically: Secretaria Presidencial de la Mujer-SEPREM, through a Governmental Agreement- AG 34-2012, and Defensoría de la Mujer Indígena-DEMI, AG 38-2013, eliminating the participation of women´s organizations in the process of election for the officials for these institutions. Currently, SEPREM makes efforts for the equality of women, however, there is no willingness from the Executive as a whole to comply with the stablished by the National Politic of Promotion and Comprehensive, since currently, the budget destined to women´s rights is of 2% of the national budget, which is inconsistent with women being more than 50% of the population, In the case of DEMI, violates the mandate for which it was created and does not respond to the claims of the indigenous women.
4. On February 8th, the Congress of the Republic published in its institutional website <https://www.congreso.gob.gt> the assignment of Presidencies of the Commissions of Work for the legislative period 2018-2019, informing that Congress representative Anibal Rojas, was elected as president of the Women´s Commission for the Congress of the Republic, is worth mentioning that the representative is a speaker for the initiative of Law 5272 “Law for protection for life and Family” [[4]](#footnote-4), being unconstitutional and violates the women´s human rights and members of the sexual diversity community. This measure taken by the Congress contravenes all national and international legal frameworks in regards of the measures to guarantee equality of the women, as well as the representation of women in positions for policy-making. In this manner, the low participation of female Representatives of the Congress of the Republic to chair a Commission of the Congress. Besides, this decision contravenes the nature and core for the establishment of the Commission of Women of the Congress, it’s worth mentioning that in 2005, Red de la no Violencia Contra las Mujeres -REDNOVI, made a request to the Congress to nominate “Female Representatives” to chair the Commission of Women, showing the importance of such commission in the promotion of women´s rights, in this sense the Congress took a positive measure to ensure the position was taken by a woman. In this manner, it is urgent that the Honorable Committee requires to the State of Guatemala, to guarantee the free exercise of the human rights of women in all spheres, as well as their political participation represented in policy-making positions such as the case of this Commission, and take positive measures to accomplish the full participation of women in the Congress.

1. **Recommendations: a)** The Congress of the Republic must legislate in favor of the human rights of women, for no reason customs, cultural or religious traditions should be used to underestimate, limit or restrict full enjoyment of women’s rights. B) Must guarantee the laicity of the State of Guatemala. C) The State of Guatemala must avoid the creation of parallel institutions duplicating mandates and operation. D)It is urgent to include in the Electoral and Politic Party Law the participation of women with alterability and parity. E) Avoid the legalization of discriminatory Laws that violates women rights. F) Due to the weakening of the Presidential Secretary of Women, it is urgent to elevate it to a Ministry of Women. G) The Executive Institutions, must implement the National Politic of Promotion and Comprehensive Development of WOMEN -PNPDIM and Plan for Equity of Opportunities -PEO, assigning sufficient resources for its accomplishment. H) Prioritize, in the General Budget of Income and Expenses of the State, resources destined for the development of women, using the Gender Classifier budget. I) Appoint, immediately, a Female Representative of the Congress, committed to the defense and promotion of universal human rights of women in the Commission of Women in the Congress. J) Guarantee that the institutions created for the progress, promotion and defense of the human rights of women are leaded by women committed to the defense and promotion of the human rights of women.
2. **Questions for the constructive dialogue**: a) That the State provides information on the structural measures to be made to restore the violations rights of Guatemalan women and the actions to be taken to promote the comprehensive development of mayan, Garifuna, xinca, mestiza and afro descendent women. B) Provide information on the reasons why the State of Guatemala hasn´t guarantee the strengthening of SEPREM, DEMI and CONAPREVI and what are the measures to take. C) Report the reasons why the State of Guatemala hasn´t promoted positive measures to achieve equality of women and instead promoted actions that limit and restrict equality.

**No Violence against Women**

1. The Committee, in the final observations of the Third Report emphasized that a positive aspect is the “implementation of the Law against Femicide and other forms of violence against Women Decree 22-2008”, however, after almost 10 years of the implementation of such Law, there is a series of obstacles Guatemalan women went through, requiring bigger efforts for its implementation. Besides recommended “(…) *continue the efforts to prevent sexual and gender violence, and to encourage victims to denounce the cases, the State must ensure the inclusion of the subjects of protection of women against violence (…) There should be a specific attention to the recollection of forensic evidence, the attention to the victims and the coordination between authorities in charge of the investigation and sanction of the cases and protection of victims. Besides, the State must ensure that all sexual or gender violence victims have access to centers of care or shelters* Parr. 10 CCPR/C/GTM/CO3) and required that for the evaluation of the fourth report includes information related to **“(…) provide information on the measures adopted by the State in response to the concern expressed by the Committee in its previous final observations *(CCPR/C/GTM/CO/3, Parr. 19) On the situation of violence against women in the State”.*** (parr.7 CCPR/C/GTM/QPR/4)

1. One of the measures adopted by the State of Guatemala to stop violence against women, was the issuance of the Law against Femicide and other forms of violence against Women (Decree 22-20085) however, since the effective date an action of unconstitutionality was presented and a Law initiative (5088) to avoid that such measure is still valid. 10 years after the effective date of the Law against Femicide, it is accurate to point out that if it is true that the culture of denounce has been promoted, the sub registry and high indexes of violence are still taking the lives of hundreds of women, taking into account, that 6 years back, the State of Guatemala has promoted a series of setbacks specifically in the matter of women´s rights, actions materialized in political, administrative and legal decisions, through the modification or creation of parallel instances.
2. Among these setbacks are: 1) Paralyze the operation of the Coordinadora Nacional para la Prevención de la Violencia contra las Mujeres-CONAPREVI, (June 2012 – July 2016). 2) the violation of the implementation of the Plan Nacional de Prevención de la Violencia contra las Mujeres-PLANOVI. 3) Promote the creation of Law initiatives that reduce the sentences included in the Law against Femicide, exonerate the offenders and blame the victims and survivors of violence. 4) No prioritization of resources for programs of prevention and attention of violence against women, particularly, weakening the possibility of Comprehensive Support Centers for Women Survivors of violence and family members. 5) Promote a discoordination of actions to not attend the problematic of VCM. 6) Implementation of a governmental politic to end the progress that the feminist and women organizations promoted, in relation to violence against women. 7) Creation of parallel instances duplicating mandates and positions, in the specific case of the creation of a Commission for the approach of Femicide in Guatemala, in the Ministry of Government in 2012 and in 2014, the creation of a prevention and attention office of violence against women in the Presidential Secretariat of Women, instances that duplicate the mandate of CONAPREVI and contravene the Law against Femicide. 8) Setbacks in the international advancement on prevention, attention and sanction of violence against women. 9) Conservative positionings and fundamentalist concerning violence against women only to the family environment, disregarding the state possibility to eradicate this issue.

1. Currently, the negligence and systematic violation of human rights was evident the past march 8th of 2017, when in “Hogar Seguro Virgen de la Asunción” – now called “*“Hogar de tortura [torture] Virgen de la Asunción”* 41 children and adolescents died violently. This put to evidence that the State hasn´t guaranteed the attentions, protection and security of the children, adolescents and young women under its care, that the system of protection to the childhood and adolescence is lacking and the State as a whole is unable to give protection to the children, adolescents and young women that suffered violence and are vulnerable in their human rights. On March 8th, a commemoration day for the *International Day of Women*, in Hogar Seguro Virgen de la Asucion, there was a fire, leaving as a result, the death of 41 girls and adolescents, catalogued, by the feminist organizations as an *institutional femicide* leaving 15 survivors and more than 800 girls, boys and adolescents in risk conditions, that were under the care of the State, most of them returned to their homes, were they lived in violence. Most of the girls suffered sexual violence in their homes by close relatives -men. Making urgent to deduce responsibilities of the highest levels to the events occurred on March 8th of 2017, after a year of this severe event, the families are still waiting indemnification and the hundreds of children are waiting to have better live conditions.
2. Requested to include information on “**(…) there is an important difference in the application of the law between the ordinary and specialized courts and those that offer less protection to the women victims of violence”. (parr.7 CCPR/C/GTM/QPR/4** Ten years after the implementation of the Law against Femicide, the Supreme Court of Justice -CSJ 2009-2014, started actions to promote the installation and operation of the courts with competence in femicide related crimes and other forms of violence against women[[5]](#footnote-5) located in: Guatemala, Chiquimula, Quetzaltenango, Alta Verapaz, Huehuetenango, Izabal, Escuintla, Petén, San Marcos, Quiche and issued the agreement for the creation and installation of a court in Solola, meaning that the CSJ 2014-2019, hasn´t promoted or created new specialized courts in other departments, despite of being a great measure of structural character that the IACHR issued sentences of Veliz Franco and others vs Guatemala[[6]](#footnote-6) and Velasquez Paiz and Others vs Guatemala[[7]](#footnote-7), making urgent that the specialized courts are created in other departments.
3. Is evident that the specialization and comprehensive attention that must be provided to the women victims of violence should be a guarantee and a right to women, in this manner, the statistical information shows a larger effectivity in the processes of the specialized courts, i.e. just in the year 2016, as much as the specialized and ordinary courts knew that same year, a total of 12,900 cases contained in the Law against Femicide and only the specialized courts ruled 2,211 sentences and 447 sentences were ruled by the ordinary courts (GGM.2017:7). However, the capability of the 11 specialized courts is limited by the amount of penal processes initiated daily, due to the increase of violence against women and the centralization of the specialized courts in 11 departmental capital, preventing the access of women, mainly indigenous women that lives in distant territories of the country.
4. Next to this, the committee required to the State that for the evaluation of the fourth report ***“(…) attach statistical data, related to the period under evaluation, disaggregated by age of the victim (adult/underage) on: a) Denounces received in relation to the several forms of violence against women, including cases of sexual violence; b) investigations carried and their results, including convictions on the perpetrators, c) the measures of repair to the victim, including rehabilitation”.*** (parr.7 CCPR/C/GTM/QPR/4) ***and provide information on the measures taken to approach the constant violent assassination of women by their conditions as such (“femicide”). Provide information on the statistical system that allows the recollection of data disaggregated by gender violence, particularly violent assassinations of women*** (parr.8 CCPR/C/GTM/QPR/4)
5. In the last six years, violence against women -VCM is the most reported felony, according to information provided by the Ministerio Publico -MP from 2008 to 2016, the MP has reported 456,007 denounces, just in 2016 the MP pointed out receiving a total of 65543 denounces. According to information of Grupo Guatemalteco de Mujeres -GGM, in that same period 6,625 women died violently. In the year 2017; 732 women died violently, statistical data shows that in 2017 the ages of women that died were between 18 and 39 years old, most of them died for fire guns injuries 68% and an 11% were stabbed. Besides, the levels of misogyny increased, only in 2016, 27 cases caused by decapitation and dismemberment were reported, practice that extended to several departments of the country. In this manner, the VCM is conceived by the MP as one of the felonies of increase severity and frequency in the country.



\*La data para los años 2000-2017 comprenden del 1 de enero al 31 de diciembre.

**Fuente:** Grupo Guatemalteco de Mujeres, informe preliminar MVM 2017.

1. It’s worth mentioning that official and unofficial sources have unveiled a decrease in the rates of homicides, crimes and violence in general. However, this is not the same with crimes committed against women, since, as already mentioned above, violence against women is the most denounced felony and in case of MVM [*Violent Deaths of Women by its Spanish acronym*] the rates haven´t decreased. I.e. in 2015 the rate was of 8.47, in 2016 the rate went up to 8.69 and in 2017 to 8.91.
2. According to information of Instituto Nacional de Ciencias Forenses-INACIF [*Institute of Forensic Science*], reported that in 2017, performed 3,977 medical examinations for injuries related to abuse, firearms and knives injuries, besides 7,335 medical examinations for sexual attacks were predoomed to women, in addition, the Observatorio de Salud Sexual y Reproductiva-OSAR [*Observatory of Sexual and Reproductive Health*] from January to June 2017, recorded 1,138 births registrations of mothers between 10 and 14 years and 34,685 birth registrations of mothers between 15 and 19 years old, for a total of 35,823 births among children between 10 and 19 years old. This severe situation shows the urgency to promote actions to eradicate violence against women in all its forms, expressions and scenarios. For example, in March 2017, the State of Guatemala revealed its negligence, incapability, misogyny and violence that continues against Guatemalan girls and adolescents, since almost a year after the fire of Hogar Seguro Virgen de la Asuncion is catalogued by feminists as an Institutional Femicide, the perpetrators and continuum of violence are still not judged and the families continue demanding justice and dignified indemnification. In face of these the State, criminalized the girls and adolescents of the Hogar Virgen de la Asunción and continues with the families of the victims and survivors.

**CONAPREVI AND CAIMUS:**

1. With regard to and important subject related to the coordination and attention to women survivors and victims of violence the committee requested: “(…) **Provide information on the measures taken to strengthen the Coordinadora Nacional para la Prevención de la Violencia Intrafamiliar y contra las Mujeres and to ensure el accurate functioning of the Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia.** (parr.7 CCPR/C/GTM/QPR/4)

1. CONAPREVI, according to the current national legislation, decree 97-96, 22-2008 and 21-2016. Is the governing, coordinating body of public politics related to violence against women. However, from 2012 to 2016, such institution was weakened and reduced and with this a violation of the responsibilities and mandate, taking into account that CONAPREVI is the mechanism to follow the compliance of the Convention to Prevent, Sanction and Eradicate Violence against women and responsible to promote the National Plan to Prevent Family Violence and against Women – PLANOVI [*by its acronym in Spanish*], Coordinate the implementation of Eradication of Violence against Women of PNPDIM, also should promote the creation and give accompaniment, counsel and monitoring to the women´s organizations that coordinate The Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia CAIMUS [*Acronym in Spanish*].
2. To weaken CONAPREVI the executive captured the mechanisms for the development of women and with these implementing a strategy to weaken and end the progress of the rights of women, in the case of CONAPREVI, the following measures: a) In June 2012, CONAPREVI was taken by the Presidential Secretary of Women (2012-2015) and weakened the institution -in 2015 the coopting of the State was revealed by CICIG and MP, including the happenings in CONAPREVI- due to the measures of weakening the REDNOVI presented a complaint before the PDH, that issued a resolution in 2013, declaring the ex-presidential secretary, violator of human rights. B) the agreement of creation of CONAPREVI though Agreement **463-2013**, causing the Judicial Body to submit a request to be excluded from such Coordinator measure that was declared unconstitutional in 2014. C) Through an agreement in 2012 a Presidential Commission was created, for the Approach of Femicide -COPAF, duplicating the mandate of CONAPREVI. D) Translating, through agreement 111-2013 the Program of Prevention of Family Violence to SEPREM. E) a management inside SEPREM for the eradication of violence against women was created, giving SEPREM responsibilities out of its competence.
3. It is true that at this moment SEPREM and MINGOB, through the Third Vice-minister of Prevention of Violence have implemented some efforts to make CONAPREVI work, is evident that a real commitment by the members (MP, SVET, PGN, DEMI) does not exist and the negative of the Judicial Body to reintegrate as a body of the State involved directly with the sanction of the crimes of VCM and the State as a whole, to make the mechanisms work, since the need to repair the damage caused and modify the agreements injurious to the institutionalism of CONAPREVI, its worth mentioning that currently CONAPREVI does not count with resources to continue its functioning making the institution inoperable, parallel to this, the Law initiative 5283 Law of Prevention of Violence, attempts against the progress, specificity and specialization in the matter of prevention of violence against women.
4. The Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia-CAIMUS [*Centers of comprehensive support to Women survivors of Violence*] are the answer of the State to attend women survivors of violence and the mechanism of secondary prevention, promoted by the organizations of women since 1991, CAIMUS are an obligation of the State of Guatemala and must guarantee the access, relevance, quality and financial resources for the functioning of the same, according to the established in the Law against Femicide, since 2008, exist a budget line as part of the Ministry of Government for the functioning of CAIMUS. However, since 2012 there has been limitations so the assigned budget in the budget line of the State is not delivered on time. Currently despite of counting with a assigned budget, diminishing the possibility to provide a comprehensive attention with quality and human warmth. Parallel to this the risk of the Law initiative **5283** “Law for the Prevention of Violence”.
5. Despite the difficulties the CAIMUS located in Guatemala, Escuintla, Suchitepéquez, Rabinal, Quetzaltenango, Petén, Chiquimula, Chimaltenango, Sololá and San Juan Sacatepéquez, are still attending women, but it exists a negligence from the State to guarantee its functioning and strengthening. It’s worth mentioning that at instance of women organization and some Representatives of the congress, in 2017, a budget line of 21.5 million Quetzales, but in 2018, this resource was reduced in the expert opinion presented by the Commission of Finance and currency of the Congress of the Republic, the resources assigned to CAIMUS was completely reduced. Is necessary to note to the Committee of Human Rights that the measures to attend women survivors of violence is thanks to the requests of the organizations of women and year after year a struggle for the Ministry of Government to include the budget line for CAIMUS, the Ministry of finances to put into effect the resources given in the State Budget and for the Congress of the Republic won´t remove the resources in the budget approval.
6. **Recommendations:** a) ensure the resources in the general income and expenses budget for CAIMUS, guaranteeing that the delivery procedures are agile in time and form. B) Increase of the resources already assigned for the proper functioning of CAIMUS, to expand the coverage and services, in the frame of compliance with the Law against Femicide and other Forms of Violence Against Women. C) Increase the resources for the creation of new CAIMUS to accomplish a total coverage at national level and strengthen the existing. D) Guarantee that the instances responsible of including the budget for CAIMUS comply with the stablished with the Lay, noting the Ministry of Government, Ministry of Finance and Congress of the Republic. E) Strengthen the CONAPREVI through the issuance of a specific Law, that allows accomplish their mandate, from where its included the Judicial Body and Legislative Body as part of CONAPREVI. F) Avoid the legislation of agreements, politics and laws that duplicate the mandate and functions of CONAPREVI. G) Derogate the agreements injurious to the progress on the matter of violence against women. H) Elaborate a new National Plan of Prevention of Violence against Women PLANOVI and for each institution assigns sufficient resources for its implementation. I) assign immediately resources for the functioning of CONAPREVI. J) Investigate and sanction the persons responsible of the Institutional Femicide that occurred on March 8th of 2017. K) Investigate and sanction the public officials that obstruct the access to prompt justice for the 41 girls and teenagers from Hogar Virgen de la Asuncion, the survivors and families.
7. **Questions for constructive dialogue:** 1) Report which will be the prompt measures to be taken to strengthen CONAPREVI, implement PLANOVI and comply with the Lay against Femicide and other forms of violence against Women. 2) indicate the progressive measures and guarantees to be given by the State to ensure the sufficient resources for the functioning of the Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia-CAIMUS. 3) Report the measures adopted by the State to prevent the events occurred in Hogar Virgen de la Asuncion from repeating, as well as the progress of the investigation, trial and punishment to the persons responsible of such criminal act.

**Sexual and reproductive rights:**

1. The Committee of Human Rights, recommended in its Third Report: “In accordance to article 3 of the Constitution, The State must include additional exemptions to the prohibition of abortion to avoid that women have to resort to clandestine clinics of abortion risking their lives or health in cases as pregnancy as a result of rape or incest. The State must ensure that the services of reproductive health are accessible to all women and adolescents, in all regions of the country (Parr. 20 CCPR/C/GTM/CO3) **“(…) Taking into account the previous final observations from the committee *(CCPR/C/GTM/CO/6, parr. 20), report in what manner the access to the voluntary interruption of pregnancy and exceptions to the prohibition of abortion in the legislation are guaranteed”.***  (parr.9 CCPR/C/GTM/QPR/4)
2. Currently the State of Guatemala has implemented a series of measures to avoid the free exercise of the sexual and reproductive rights of women, in this manner, it was the only country in 2013, that presented Reserves to the Agreement of Montevideo, in relation to the sexual and reproductive rights, in addition it was presented the Law initiative 5272 “*Law of Protection to the life and Family*”, and recently the CSJ, resolved by an action of protection, to require the PDH, to stop socializing the manual on Human Rights, the sexual and reproductive rights, and attention to Pregnancies in child and adolescents, clarifying that the manual promotes the right of abortion[[8]](#footnote-8). However, is important to mention that the manual, promotes human rights and sexual and reproductive rights, in this sense, the manual does not violate or infringes any national or international norm accepted in Treaties or international Agreements adopted by Guatemala.
3. **Recommendations**: i) the State of Guatemala must guarantee the free exercise of sexual and reproductive rights of women, facilitating processes at national level of comprehensive sexual education, and with this avoid forced pregnancy and motherhood. Ii) The institutions of the State must refrain from arguing customs or religious traditions to prevent the free exercise of sexual and reproductive rights of women.
4. **Questions for the constructive dialogue:** 1) Report the measures to be taken to decrease the indexes of sexual violence, forced pregnancy and forced motherhood.

**Human trafficking, investigation, prevention and repair**

1. The committee requested to the State **“(…) Provide information on the measures adopted, and its impact, to prevent, investigate and sanction human trafficking, particularly of women and children and to protect and rehabilitate the victims*”.*** (parr. 18 CCPR/C/GTM/QPR/4).
2. In Guatemala does not exist a specific legislation that generates preventive and punitive measures to prevent and address the trafficking issue, the sexual and labor exploitation, specifically of women. In 2009 a Law against sexual violence, exploitation and trafficking of people was issued, decree 9-2009 (Law-VET) however this law is not specific and did not considered that the majority of affected by this issue are women, besides the low approach in which it was promoted, hides the specificity in the attention of the girls, adolescents and young women. And some articles that criminalize sexual workers, parallel to this it has generated a series of problems in the implementation for the officials of security and justice do not differentiate between sexual exploitation (forced prostitution) and sexual workers. With regards to women in conditions of sexual exploitation by third persons (typified in Guatemala as pimps), there is also a breach of deprotection and total lack of politics, agreements or laws that allows a regulation of conditions in the workplace and guarantee the protection of the women’s human and labor rights.
3. **Recommendations:** i) Create mechanisms of attention, protection and capacitation to develop a project of life for women survivors of human trafficking and sexual exploitation allowing them to obtain labor opportunities in long and short term. Ii) Reform the Law against Sexual Violence, Exploitation and human trafficking, to be included in the approach of women´s human rights. Iii) Guarantee centers of comprehensive attention specialized in women survivor of trafficking and sexual exploitation. IV) Create a data base showing the scope of the girls, teenagers and women survivor and victims of sexual exploitation and trafficking.

**Freedom of speech and feminist and human rights advocates:**

1. In the third report, the committee recommended to the State: “(…) Recognize publicly the contributions of the human rights, justice and democracy advocates. Also need to take measures to protect the advocates whose lives and safety are in danger due to their activities and to support the prompt, effective and impartial investigation of the threats, attacks and assassinations of the advocates of human rights, and to prosecute and sanction the perpetrators (Parrr.22 CCPR/C/GTM/CO3) and requires that the State reports on: **“(…) *a) the impact*** ***made by the measures adopted to offer protection to the journalists and human rights advocates, b) the action of Instancia de Análisis de Ataques contra Defensores de Derechos Humanos*** *[Instance of Analysis of Attacks against Human Rights Advocates****]. Of the Ministry of Government, in the investigation of threats and assassinations od human rights advocates, c) the smear campaigns in different media against human rights advocates and measures taken to fight these practices*** (Parr. 24 a. b. y d. CCPR/C/GTM/QPR/4)
2. In Guatemala the defense of human rights of women is criminalized, particularly the right to defend rights. In the last few years this criminalization has incremented against feminist and advocates, as well as in policy makers, civil servants, that defend and promote human rights. Particularly those who promote sexual and reproductive rights, the right to live free of violence and women´s body, land and territory defenders. In this manner, the work of defending human rights is done under extreme violence and vulnerability, due to state and non-state agents that take actions of criminalization against those who decide to break stereotypes, models and fight to defend their individual and collective rights.
3. According to information of the Unit of Protection to Human Rights Advocates in Guatemala -UDEFEGUA [*acronym in Spanish*], documented a total of 263 aggressions in 2016; of which 89 were against woman advocates (35%), and in January to June 2017, UDEFEGUA counted 236 aggressions against advocates, representing an 89.73% of the reported aggressions for 2016, and from the reported in 2017, 107 a 45.34% representing women. It is worth pointing that in the registries of 2017, 42 violent deaths of girls and adolescents, 41 from “Hogar Seguro Virgen de la Asunción” and the student of the public institute “Comercio II” that died violently when defending their rights, and were criminalized, through smear campaigns directed to denigrate their sexuality and integrity as women.
4. It is important to mention that from 2012 to date, a strategy of stigmatization against feminist and human rights advocates was implemented, being catalogued as enemies of the State, dangerous, Feminazis, a threat to peace, public, national and moral security, opponents of development among others. Are several accusations judicializing the defenders, for example for the offences of: usurpation and aggravated usurpation, terrorism, unlawful association, aggravated theft, fire, illegal detention, compulsion and threats, kidnap, obstruction of the public street, provocation to offend, of being illegal organizations or groups, defamation, conspiracy, attempted murder, threat against the security of services for the uses of public roads, disobedience, injuries, violation of the constitution, among others.
5. Great part of the aggressions against feminist and advocates show specific forms applied by the condition of being woman and of sex type such as sexual violation threats, violence and sexual harassment, defamation of the sex lives and to the condition of being women and their identity as feminist or advocate of human rights, were most of this violations go unpunishable, for the State does not recognize nor guarantee the labor made by the human rights advocates.
6. In the specific case, the work of Congress representative Sandra Nineth Moran Reyes is criminalized, in this sense, the association Ministros Evangelicos de Guatemala and other associations presented a series of resources with the purpose of requesting a preliminary trial against Representative Moran, one of the last preliminary trials she is accused of crimes such as: Violation to the Constitution, abuse of authority, resolutions that violate the constitution, apology of the felony, usurpation of functions. This pre-trial was requested due the fact, Moran, started a series of actions promoted women’s human rights defense and complaints that started due to the severe violations to sexual and reproductive rights committed against girls and teenagers.
7. In the same manner, Asociacion la Familia Importa, presented a request for pre-trial against the Human Rights Prosecutor, for distributing the human rights, Sexual and Reproductive and Attention to Pregnancy, manual, in which the Supreme Court CSJ, formed by the Tribunal de Amparo [*court of protection*] gave protection to the assosiation la Asociación la Familia Importa, tje result of such measure was to criminalize the Human Rights Prosecutor for promoting the women’s human rights, besides limiting the functioning of the Human Rights Office.
8. The resistance and defense made by the organizations, leaders, feminists and human rights advocate at national and territorial level, that demand Access to basic services, defense of natural goods and its territories, and the free exercise, is criminalized and the answer of the State is to impose a state of siege such as: “*the 1st of May of 2012, a State of Siege was imposed in Santa Cruz Barillas, Huehuetenango, on May 1st of 2013 in Jalapa, Mataquescuintla, Santa Rosa, and on September 22nd of 2014 in San Juan Sacatepequez”,* in this last one, days later, Barbara Diaz Surin was captured, member of the 12 communities in resistance, for the presumption of responsibility of murder. (At the moment the situation of the advocate is unknown). Another incident was on January 12 of 2017, Laira Leonor Vasquez was murdered, active member in the resistance against mining San Rafael las Flores. (Sector de Mujeres. 2017:24) reinforcing militarization and sexual violence against women, besides several accusations and prosecution presented against the advocates.

1. This has generated arbitrary arrests, defamation through national and local media, as penal prosecution. In one of the media, malicious litigation was used, in which state agents used all structures of the state to violate and criminalize the advocates
2. **Recommendations**: a) Investigate the events of criminalization and prosecution against human rights advocates and feminists, were the perpetrators are individualized and redress the damage caused. B) Creation of the National Politic of human Rights and politic of Protection to advocates of human rights, so the work of the feminist is noticed and recognized, to include the approach on human rights of women in this document and assignation od resources from the State for the implementation of this politic. C) The promotion from the State of measures and campaigns of awareness and recognition of the work of human rights advocates. D) To guarantee the free exercise to defend human rights.
3. **Question for the constructive dialogue:** 1) Provide information of the measures taken to guarantee live, security and Integrity of the human rights advocates. 2) Report what is the Budget the Stated destined to comply with the protection and attention of the advocates of human rights.
1. Through the media it was known that the Congress of the Republic was preparing to remove the Prosecutor of Human Rights from his charge. See https://www.publinews.gt/gt/noticias/2018/01/18/pdh-jordan-rodas-se-pronuncia-rumores-acciones-congreso-destituirlo.html [↑](#footnote-ref-1)
2. For more information see: http://republica.gt/2017/12/12/csj-ordena-a-la-pdh-no-distribuir-manual-sobre-derechos-sexuales/ y http://www.prensalibre.com/guatemala/comunitario/manual-de-reproduccion-sexual-de-la-pdh-promovia-el-aborto. [↑](#footnote-ref-2)
3. Representatives present a pre-trial: https://www.congreso.gob.gt/noticia/?PRESENTAN-AMPARO-CONTRA-PROHIBICI%C3%93N-DE-DIFUNDIR-MANUAL-DE-DERECHOS-SEXUALES-9137 [↑](#footnote-ref-3)
4. https://elperiodico.com.gt/nacion/2017/04/27/diputados-guatemaltecos-arremeten-contra-matrimonio-homosexual-y-aborto/ [↑](#footnote-ref-4)
5. For more information on the location of the specialized courts see: http://ww2.oj.gob.gt/estadisticafemicidio/ [↑](#footnote-ref-5)
6. http://www.corteidh.or.cr/docs/casos/articulos/seriec\_277\_esp.pdf [↑](#footnote-ref-6)
7. http://www.corteidh.or.cr/docs/casos/articulos/seriec\_307\_esp.pdf [↑](#footnote-ref-7)
8. For more information see 1434-2017 The supreme Court of Pre-Trial **DECLARES:** “**A**. Leaves under suspense the presentation and distribution of the manual of Human Rights, sexual and reproductive rights and attention to pregnancy in children and teenagers. B. orders the cease of the presentation and distribution, and the cease of creating other manuals or activities that support abortion or abortive practices, its presentation as a right, the promotion of it legalization or transgression to human live from its conception, and other fundamental human rights recognized and guaranteed in the Politic Constitution of the Republic and laws related to such rights, c. must contravene the effects such manual caused, through the distribution of material related to human rights guaranteed by the constitution of the Republic of Guatemala and through any other measure to end such effects [↑](#footnote-ref-8)