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18 December 2006

GTM101747.E

Guatemala: Domestic violence; recourse and services available to victims (2005 - September 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Situation

According to the Human Rights Ombudsman of Guatemala (Procurador de los Derechos Humanos de Guatemala), domestic violence in Guatemala is [translation] "quantitatively alarming" and widespread in the majority of administrative districts (*departamentos*) (Guatemala June 2005, 68).

According to Giovanna Lemus of Guatemala's Network to Oppose Violence Against Women (Red de la No Violencia Contra la Mujer), as reported in *El País*, Guatemalan society is an environment in which aggression towards women is perceived as "natural" (18 Sept. 2006). The results of a survey conducted by the company Vox Latina and published by the Guatemalan daily *Prensa Libre*, showed that only 17 percent of women surveyed reported that they had not been victim of mistreatment at home (17 Sept.).

Nineth Montenegro, President of the Congressional Women's Commission, indicated to the *Guatemala Human Rights Update* (GHRU) that 417 women were killed between January and September 2006, but that "only [12] femicide suspects [had] been imprisoned" (11 Sept. 2006). The GHRU also reports that, according to estimates from the National Civil Police (Policía Nacional Civil, PNC), 380 women died violent deaths during the same period (11 Sept. 2006). For the year 2005, the PNC reportedly registered 665 violent deaths of women, up from the 527 violent deaths registered in 2004, 383 in 2003 and 163 in 2002 (AI 18 July 2006). For the year 2004, the administrative district of Guatemala [which includes Guatemala City and surrounding areas] had the highest numbers of domestic violence and homicides; in this district, 783 cases of domestic violence against women and 230 murders of women were registered by the PNC out of country-wide totals of 2,264 and 497 respectively (Guatemala June 2005, 69).

According to the GHRU, the PNC "maintains that most of the femicides are the result of revenge killings or the women's involvement in drug-trafficking and organized crime" (11 Sept. 2006). However, in an interview with *El País*, Giovanna Lemus declared that the main cause of murders of Guatemalan women is domestic violence (18 Sept. 2006). In an article in the "newsjournal" *Off Our Backs*, which provides news and information about women's lives and feminist activism (Off Our Backs n.d), Jen Sauer reports that one-third of women murdered in Guatemala are killed by a male relative (1 Mar. 2005).

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Legislation

Guatemala is a signatory of the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* as well as to the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women* (Guatemala n.d.a.; Guatemala June 2005, 88).

Amnesty International (AI) reports the existence of a law that criminalizes sex with a minor woman only if she is "honest" (23 May 2006). In December 2005, a law that permitted a rapist to escape prosecution by marrying his victim was suspended by the Constitutional Court (AI 23 May 2006).

In 2000, legislation was passed to create the Presidential Secretariat for Women (Secretaría Presidencial de la Mujer - SEPREM) and the National Coordinator for the Prevention of Domestic Violence and Violence Against Women (Coordinadora Nacional de Prevención de la Violencia Intrafamiliar y Contra la Mujer - CONAPREVI) (Guatemala June 2005, 88). Both organizations have developed plans and policies to address violence against women (ibid.). However, in a June 2005 report, the Guatemalan Human Rights Ombudsman indicates that, beyond the creation of institutions and the enactment of certain laws, the Guatemalan government has not taken concrete and measurable action to counteract violence against women (Guatemala June 2005, 89). Furthermore, the Ministry of the Interior did not respond to the Ombudsman when asked about measures taken to address killings of women (ibid., 87).

Police and courts

The Women's Prosecutor's Office (Fiscalía de la Mujer), a sub-division of the Public Prosecutor's Office (Ministerio Público), is in charge of supporting the investigative work of the PNC and of conducting prosecution work for cases involving women (Guatemala n.d.c).

An 18 September 2006 article in *El País* cites Giovanna Lemus as saying that victims of domestic violence do not have adequate support from the Guatemalan authorities once their aggressor has been reported. According to *Off Our Backs*, 31 percent of women killed had previously reported threats to the police (1 Mar. 2005).

A July 2006 Amnesty International report on the killings of women in Guatemala indicates that, by the end of 2005, of the 224 cases of murder of women and girls being investigated by the PNC, 100 had been "archived" (18 July 2006). The PNC reportedly explained that, in these cases, evidence was insufficient, that families wanted the investigations to come to a close or some witnesses would not talk for fear of reprisal (AI 18 July 2006). Referring to statistics from the Human Rights Ombudsman of Guatemala, AI notes that "up to 70 percent of killings of women and girls in Guatemala are not investigated and no arrests are made in 97 percent of cases" (ibid.).

Other governmental measures

The First Lady's Secretary for Community Services (Secretaría de Obras Sociales de la Esposa del Presidente - SOSEP) operates two shelters in Guatemala City that provide refuge for victims of domestic violence and their children for a maximum of five days (Guatemala n.d.b.). SOSEP units also offer legal and psychological support to victims and aggressors, and lead public campaigns to raise awareness on domestic violence (ibid. n.d.b.). The SOSEP Web site states that its work also consists of strengthening the Program to Prevent and Eradicate Family Violence (Programa de Prevención y Erradicación de la Violencia Intrafamiliar, PROPEVI) in the different administrative districts by facilitating the proper registration of domestic violence cases and implementing training programs (ibid. n.d.a).

A 5 July 2006 *Prensa Libre* article indicates that SOSEP's first statistical report on domestic violence states that they helped 10,997 victims over the years, and that their telephone line "1515" provided guidance to 6,928 people. From January to July 2006, SOSEP shelters reportedly provided refuge to 18 women and 39 children (*Prensa Libre* 5 July 2006).

Non-governmental organizations

The Director of the Guatemalan Women's Group (Grupo Guatemalteco de Mujeres, GGM), Giovanna Lemus, reportedly stated that women groups would pressure the president of Guatemala to make more resources available to the Women's Prosecutor's Office so that proper investigations of the murders of women are conducted by the Public Prosecutor's Office (CIMAC/CERIGUA 21 July 2004).

Off Our Backs reports that a demonstration against violence against women took place in front of the National Palace of Culture in February 2005 (1 Mar. 2005).

The women's rights project of the Human Rights Legal Action Centre (Centro para la Acción Legal en Derechos Humanos - CALDH) focuses on the labour rights of women but also campaigns for justice in cases of violence against women (n.d.).

Sources report that the offices of several groups fighting for women's rights were broken into, including the offices of CALDH and Lesbiradas (CIMAC/CERIGUA 21 July 2004), and the Women's Sector (Sector de Mujeres) (ibid.; *Weekly News Update on the Americas* 11 June 2006). The Women's Sector is an association of groups who work with women who are victims of violence, including: Tierra Viva, the Network to Oppose Violence Against Women, Women's Voices (Voces de Mujeres), the Guatemala Archbishop's Office for Human Rights (Oficina de Derechos Humanos del Arzobispado de Guatemala - ODHAG), the Collective of Liberated Lesbians (Colectivo Lesbianas Liberadas or Lesbiradas) and the Group for Mutual Support (Grupo de Apoyo Mutuo - GAM) (CIMAC/CERIGUA 21 July 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Oral sources: Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), Centro para la Acción Legal en Derechos Humanos (CALDH), Grupo Guatemalteco de Mujeres (GGM) and the Coordinadora Nacional de Prevención de la Violencia Intrafamiliar y Contra la Mujer (CONAPREVI) did not respond within the time constraints of this response.

Internet sites, including: Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), Organization of American States (OAS), Pan American Health Organization, Policía Nacional Civil de Guatemala, Tierra Viva, Women's International League for Peace and Freedom.


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