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14 August 2003

GTM41861.FE

Guatemala: Recourses and protection available to a woman who was harassed by a police officer who attempted to rape her or solicit sexual favours from her (2002-2003)
Research Directorate, Immigration and Refugee Board, Ottawa

Although specific information on the recourses and protection available to a woman who was sexually harassed by a police officer could not be found among the sources consulted by the Research Directorate, some sources did indicate that the authorities were unable to protect women from a wave of violent crime which had claimed the lives of 158 women since early 2003 (CIMAC 8 July 2003; see also CIMAC 9 July 2003; *La Hora* 4 July 2003; *La Tertulia* 18-24 May 2003).

An article in the 18-24 May 2003 issue of *La Tertulia* indicated that the majority of those who murdered women did so with total impunity because the investigations never led to any arrests. A prosecutor from Zone 14 explained that police investigations are limited by a lack of evidence as to who committed the crimes (*La Tertulia* 18-24 May 2003). The motives behind these murders are also difficult to establish because witnesses are hesitant to provide information about the crimes out of fear of reprisal (*ibid.*). According to Carmen López de Cáceres, director of the National Commission for the Follow-Up and Support of the Strengthening of Justice (Comisión Nacional para el Seguimiento y Apoyo al Fortalecimiento de la Justicia), what is disturbing about this situation is that the Public Ministry (Ministerio Público) and the National Civil Police (Policía Nacional Civil, PNC) did not investigate these deaths, and that the government remained indifferent (*ibid.*).

An article published on 4 July 2003 in *La Hora* noted that the Women's Public Prosecutor's Office (Fiscalía de la Mujer), the government agency responsible for investigating crimes against women, receives approximately 1,000 complaints each month for crimes such as murder, sexual abuse, incest, rape and kidnapping. Sources in the Public Ministry stated that the Women's Public Prosecutor's Office studies each case filed with it, despite its limited personnel (*La Hora* 4 July 2003). However, according to the Network to Oppose Violence Against Women (Red de la No Violencia contra las Mujeres), the Women's Public Prosecutor's Office is swamped with some 1,200 cases every month and is in need of more resources (CIMAC 9 July 2003). Moreover, because the Public Prosecutor only has representatives in Quetzaltenango and Guatemala City, many women in rural areas are forced to travel to these cities to file a complaint, while others do not even bother because they lack the means (*ibid.*).

With regard to legal recourses, the Inter-American Commission on Human Rights (IACHR) recognized in a 29 March 2003 press release that the Guatemalan government had launched major initiatives to protect the rights of women, but added that "anachronistic legal provisions subsist that perpetuate forms of discrimination" against women. The IACHR also indicated that local organizations emphasized the need to establish legal sanctions for sexual harassment (29 Mar. 2003).

A May 2003 article from *Mujeres Hoy* noted that the increase in the number of women who were raped or murdered in March and April 2003 emphasized the urgent need for the government to approve the proposed Law on Sexual Harassment (Ley de Acoso Sexual), which [translation] "was frozen" by the legislature (15 May

2003). A 13 June 2003 article in *La Hora* indicated that the Centre for Women's Research, Training and Support (Centro de Investigación, Capacitación y Apoyo a la Mujer, CICAM) was disappointed by Congress' decision to omit the three articles on sexual harassment, kidnapping and genocide that were to have been added to the Penal Code as part of an initiative to reform this legal instrument that was presented to the legislature in March 2002.

See GTM40575.E of 19 December 2002 for information on the protection offered to victims of domestic violence, and GTM40950.E of 13 June 2003 on government efforts to deal with crime. Section 5 in *Country Reports 2002* also contains information on discrimination against women in Guatemala and can be consulted at the following address: <<http://www.state.gov/g/drl/rls/hrrpt/2002/18333.htm>>.

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 to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

Comunicación e Información de la Mujer (CIMAC). 9 July 2003. Lorena Seijo. "Protestan en Guatemala por violencia contra las mujeres." <<http://www.cimacnoticias.com/noticias/03jul/03070914.html>> [Accessed 12 Aug. 2003]

_____. 8 July 2003. "Asesinan a 158 mujeres en Guatemala." <<http://www.cimacnoticias.com/noticias/03jul/03070805.html>> [Accessed 7 Aug. 2003]

La Hora [Guatemala City]. 4 July 2003. "Más de cinco mil denuncias conoce Fiscalía de la Mujer." <http://www.lahora.com.gt/03/07/04/paginas/nac_1.htm> [Accessed 12 Aug. 2003]

_____. 13 June 2003. "Código Penal, un logro para la mujer." <http://www.lahora.com.gt/03/06/13/paginas/nac_4.htm> [Accessed 12 Aug. 2003]

Inter-American Commission on Human Rights (IACHR). 29 March 2003. "Preliminary Observations of the Inter-American Commission on Human Rights on Culminating its Visit to Guatemala." (press release) <<http://www.cidh.org/Comunicados/English/2003/8.03.htm>> [Accessed 7 Aug. 2003]

Mujeres Hoy. 15 May 2003. "Guatemala: Más de 200 indígenas violadas y asesinadas." <<http://www.mujereshoy.com/secciones/708.shtml>> [Accessed 11 Aug. 2003]

La Tertulia [Guatemala City]. 18-24 May 2003. Francisco Mauricio Martínez. "Acosadas por la muerte." <<http://www.la-tertulia.net/eds/2003/200318.ht>> [Accessed 12 Aug. 2003]

Additional Sources Consulted

Attempts to obtain information from the Agrupación de Mujeres Tierra Viva were unsuccessful.

Attempts to obtain information from the Grupo Guatemalteco de Mujeres (GGM) were unsuccessful.

Attempts to obtain information from the Red de la No Violencia contra las Mujeres were unsuccessful.

Dialog

The Guatemala Human Rights Commission/USA (GHRC/USA) could not provide the information requested.

IRB Databases

World News Connection/Dialog

Internet sites, including:

Amnesty International

Country Reports 2002

Chapines.centramerica.com

Freedom House

Guatemala Hoy [Guatemala City]

Human Rights Watch

Isis Internacional

Search engine:

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