



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: AS/follow-up/Guatemala/76

14 July 2020

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined eighth and ninth periodic reports of Guatemala, at the Committee's sixty-eighth session, held in November 2017. At the end of that session, the Committee's concluding observations (CEDAW/C/GTM/CO/8-9) were transmitted to your Permanent Mission. You may recall that in paragraph 55 on follow-up on the concluding observations, the Committee requested Guatemala to provide, within two years, written information on the steps taken to implement the recommendations contained in 15 (a), 25 (b), 35 (b) and 41 (a) of the concluding observations.

The Committee welcomes the follow-up report received with a two-month delay in January 2020 (CEDAW/C/GTM/FCO/8-9) under the CEDAW follow-up procedure. At its seventy-sixth session, held remotely due to COVID-19 pandemic in July 2020, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15 (a)** of the concluding observations, urging the State party to “**strengthen the mandate of the Presidential Secretariat for Women, elevate it to the ministerial level, allocate adequate resources to it and improve its operational efficiency**”:

The Committee notes that during the reporting period the State party had provided approval of the Internal Organic Regulations, which aimed to obtain the corresponding financing to the Presidential Secretariat for Women (SEPREM) and to link its work with public policy management, in 2018. As per information provided by the State party, it is noted that efforts were made earlier for the functioning of the mandate of the SEPREM such as with the increase in budget allocation to the institution from 27,943,750 Guatemalan Quetzal (GQ) to 29,242,500 GQ between 2017 and 2019. The Committee, however, regrets that as per the latter reports, through a press release at the presidential level, an announcement has been made for the abolition of SEPREM and that the Vice Secretary of SEPREM, who was acting as Secretary has been dismissed.

The Committee is also informed of the series of events which have unfolded in the State party since early 2020, such as removal of the Secretary of SEPREM in February and that legal recourses sought through constitutional court by the Ombudsman, CSOs and individuals in defence of SEPREM have proven to be of no avail.

Her Excellency
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The Committee thus expresses concern on the impacts of these developments, which have further weakened the mandate of the SEPREM, contrary to the recommendation of the Committee. The Committee considers that the recommendation **has been rejected and not implemented**.

The Committee notes that the information provided by the State party fails to fully respond to recommendation. It thus considers that the quality of the information provided is **not satisfactory**.

The Committee recommends that, in relation to **paragraph 15 (a)** of the concluding observations, the State party:

1. **The independent functioning of the SEPREM be reinstated with further strengthening of the mandate and provide information regarding the institutional status in its next periodic report;**
2. **Appoint without delay, the Secretary, Vice-Secretary and capacitate with adequate human resources for the discharge of the roles of the SEPREM.**
3. **Adopt the Initiative No. 4977 to create the Ministry of Women's Affairs by amending the Decree No. 114-97 of the Congress of the Republic of Guatemala, allocate adequate resources to the SEPREM or the Ministry, and provide information, in its next periodic report.**

In relation to the recommendation made in **paragraph 25 (b)** of the concluding observations, urging the State party to **“proceed with the prompt investigation of the allegations of abuse and trafficking at the Hogar Seguro Virgen de la Asunción residential institution and bring those responsible for the deaths and injuries of the girls to justice without impunity and ensure that events of this type are not repeated”**:

The Committee takes note of the creation of the Congress of the Republic of Guatemala Commission of Inquiry to investigate the deaths and injuries of girls at the Hogar Seguro Virgen de la Asunción and the steps taken by the State party to prosecute eight suspects. However, it is concerned about the protracted prosecution process since both the hearing of the first statement of the third stage and the indictment against four accused persons have not been completed. Regarding prevention, the Committee welcomes the two protocols for the police on the criminal investigation of child abuse and sexual violence in 2018 and 2019, as well as the development of a protocol for human trafficking. It also welcomes a ruling, which granted one of the survivors protective measures and contributing towards non-repetition of these events. Furthermore, the Committee takes note of the State party's efforts in the monitoring of children in temporary homes and the Hogar Seguro Virgen de la Asunción. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 25 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Accelerate the investigation of the allegations of abuse and trafficking at the Hogar Seguro Virgen de la Asunción residential institution and prosecution of those responsible for the deaths and injuries of the girls to justice without impunity and ensure that events of this type are not repeated, including through training for the public officials to enhance their respect for human rights.

Regarding the recommendation made in **paragraph 35 (b)** of the concluding observations, urging the State party to “**expedite the ratification of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), and establish a minimum wage and social security provided by law for all workers**”:

The Committee takes note of the information provided by the State party that a minimum wage for domestic work is provided by the Governmental Agreement 537-2013 and the minimum wage was slightly increased from 2017 to 2018. However, it notes with concern a report that the Labour Code does not reflect the minimum wage for domestic work and the outcome of the National Employment and Income Survey indicating that 80 per cent of women domestic workers do not have access to employment benefits and only two per cent have access to social security. The Committee also considers that the Programme for the Protection of Domestic Workers (PRECAPI), which provides domestic workers with benefits for an accident, maternity pay and medical check-up for their children, has not been effectively utilized.

Furthermore, the Committee is concerned on the lack of progress in the adoption of the Bill No 4981, which includes the approval of the Domestic Workers Convention (No. 189) of the ILO, since the dialogue with the State party regardless of the campaign conducted by the National Women’s Office calling for the ratification. The Committee considers that the State party did not take steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 35 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

Expedite the adoption of the Bill No 4981 to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), and establish a minimum wage and social security provided by law for all workers.

With regard to the recommendation made in **paragraph 41 (a)** of the concluding observations, urging the State party to “**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**”:

The Committee welcomes that the State party presented and considered the Bill No. 5398, which proposes to establish a council to promote the participation of Garifuna women. It also takes note of the involvement of CSO representatives in the Women Sectoral Dialogue in the context of the National Policy for Decent Employment 2017-2032. However, the Committee regrets that the State party does not provide information on the participation of rural, indigenous and Garifuna women in rural organizations and in the development and implementation of policies, programmes and initiatives listed in the report, including whether the CSO representatives in the Women Sectoral Dialogue included rural, indigenous and Garifuna women. Therefore, the Committee considers that there is a **lack of sufficient information to make an assessment**.

The Committee notes that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.



The Committee recommends that, in relation to **paragraph 41 (a)** of the concluding observations, the State party provide, **in its next periodic report**, clear information on actions taken to:

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.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Lia Nadaraia

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Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women