



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 November 2023

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the tenth periodic report of Guatemala*

1. The Committee considered the tenth periodic report of Guatemala (CEDAW/C/GTM/10) at its 2007th and 2008th meetings (see CEDAW/C/SR.2007 and CEDAW/C/SR.2008), held on 13 October 2023. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/GTM/Q/10, and the responses of Guatemala are contained in CEDAW/C/GTM/RQ/10.

A. Introduction

2. The Committee appreciates the submission by the State party of its tenth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/GTM/FCO/8-9) and its written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Presidential Secretary for Women, Ana Leticia Aguilar Theissen, and included representatives of Congress, the Constitutional Court, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Presidential Commission for Peace and Human Rights, the Ministry of Governance, the Ministry of Development, the Ministry of Intercultural and Bilingual Education, the Ministry of Public Finance, the Ministry of Public Health and Social Assistance, the Ministry of Labour and Social Security, the Ministry of Foreign Affairs, the National Institute of Statistics, the Public Prosecutor's Office, the Office for the Defence of Indigenous Women's Rights, the Indigenous Development Fund and the Permanent Mission of Guatemala to the United Nations Office and other international organizations in Geneva.

* Adopted by the Committee at its eighty-sixth session (9–27 October 2023).



B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2017 of the State party's previous reports in undertaking legislative reforms, in particular the adoption of the following:

(a) Decree No. 11-2022, introducing amendments to the Criminal Code addressing the grooming of children and adolescents and extortion of money using information and communications technology or other technological means in violation of privacy;

(b) Decree No. 16-2018, declaring 8 March national day for the victims of the tragedy that occurred in the Virgen de la Asunción safe home and approving a lifetime pension for survivors.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National Plan for the Prevention and Eradication of Violence against Women for the period 2020-2029;

(b) Policy on access to justice for Indigenous persons for the period 2017–2025, improving Indigenous women's access to justice, and the establishment by the Public Prosecution Service of the Indigenous Peoples Secretariat to implement, monitor and evaluate the policy;

(c) State Policy and Action Plan for the Comprehensive Protection of Children and Adolescents for the period 2017–2032;

(d) National Action Plan on the implementation of Security Council resolution [1325 \(2000\)](#) on women, peace and security, adopted in 2017.

C. Sustainable Development Goals

6. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of Guatemala and to adopt relevant policies and strategies to that effect.

D. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites Congress, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Context

8. The Committee notes the outcomes of the democratic elections announced on 28 August 2023 by the Supreme Electoral Tribunal of Guatemala. It also notes that the new President and Vice-President of Guatemala were elected as a result of peaceful and free elections, with active participation of women, in particular Indigenous women, following an electoral campaign based on the promise of reversing regressive trends in women's rights and providing opportunities to women and other groups that have been historically marginalized. It further notes that the transition of power, officially recognized by the current President, is scheduled to take place on 14 January 2024. The Committee is deeply concerned, however, about evidence of sustained measures, including by judicial authorities, to negate and delegitimize the results of the elections, which is incompatible with international human rights law, the Guatemalan Constitution and national legislation, actions that have caused civic unrest.

9. The Committee recommends that the State party guarantee the safety, non-prosecution, freedom of peaceful assembly and freedom of expression of all women in the women's movement, Indigenous women and women human rights defenders at all times and that it respect the rule of law and safeguard democracy.

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

10. The Committee notes the 43 court decisions referring to the Convention issued between 2017 and 2022, as well as other dissemination efforts and capacity-building activities relating to the Convention undertaken by the State party. However, it notes with concern women's limited awareness of their human rights and the remedies available to claim them, in particular among rural women, women living in poverty, women with disabilities, Indigenous women, Garifuna women, women of African descent and lesbian, bisexual, transgender and intersex women.

11. The Committee recommends that the State party intensify its efforts to widely disseminate and raise awareness of the Convention, the Optional Protocol thereto and the Committee's general recommendations in languages used in the State party, including Indigenous languages, in particular among rural women, women living in poverty, women with disabilities, Indigenous women, Garifuna women, women of African descent and lesbian, bisexual, transgender and intersex women, and to educate women on their rights under the Convention and the legal remedies available to claim those rights.

Definition of equality and non-discrimination

12. The Committee notes the decision of the Constitutional Court in case No. 559-2020 upholding women's right to non-discrimination in the workplace and in family relations. It remains concerned, however, about the absence of a comprehensive definition of the term "discrimination against women" in its legislation, in line with articles 1 and 2 of the Convention, as well as of comprehensive anti-discrimination legislation and adequate sanctions. It notes with concern the limited implementation of existing laws and policies to address intersecting forms of discrimination against women, in particular rural women, women living in poverty, women with disabilities Indigenous women, Garifuna women, women of African descent, migrant women and lesbian, bisexual, transgender and intersex women.

13. **Reiterating its previous recommendations (CEDAW/C/GUA/CO/7, para. 12, and CEDAW/C/GTM/CO/8-9, para. 11), the Committee urges the State party to adopt a comprehensive definition of discrimination against women covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, which is to end all forms of discrimination against all women and girls everywhere.**

Women's access to justice

14. The Committee notes the efforts of the State party to facilitate women's access to justice through targeted policies. However, the Committee notes with concern:

(a) The economic barriers to women's access to justice and the limited availability of free legal aid;

(b) Barriers to access to justice faced by Indigenous women, Garifuna women, women of African descent, economically disadvantaged women and women with disabilities, such as legal illiteracy, judicial bias and limited access to information on available remedies for complaining about intersecting forms of discrimination;

(c) The continued adjournments in the proceedings in the *Hogar Seguro Virgen de la Asunción* case, which results in denial of justice and of closure for the victims and delay in the payment of pensions to the surviving victims.

15. **The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) **Expand public legal aid services that are adequately funded to ensure free legal aid to women without sufficient means in criminal, civil and administrative proceedings relating to gender-based violence and discrimination against women;**

(b) **Strengthen access to justice for Indigenous women, Garifuna women, women of African descent, economically disadvantaged women and women with disabilities, including by addressing linguistic barriers, ensuring that courts are accessible and disseminating information about the legal remedies available for claiming their rights;**

(c) **Expedite proceedings in the *Hogar Seguro Virgen de la Asunción* case and ensure that survivors receive adequate lifetime pensions without delay.**

Women and peace and security

16. The Committee notes with appreciation the advancements in some of the cases of serious human rights violations committed during the internal armed conflict and the invaluable contribution of civil society groups, in particular women's groups, to the peace processes in the State party. However, the Committee notes with concern that the prolonged proceedings, owing, inter alia, to the exercise by the accused of their right to appeal, have so far prevented the victims from accessing the reparations ordered by the Trial Court.

17. **Recalling its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party, in cooperation with representatives of women's civil society organizations:**

(a) **Ensure the right to reparation for women victims of serious human rights violations that occurred during the internal armed conflict by implementing the Dignified and Transformative Reparation Policy and enforce the reparation measures ordered by the courts;**

(b) **Accelerate compliance with the 16 collective reparation measures for the dignified and transformative reparation ordered by the court in the Sepur Zarco case;**

(c) **Strengthen measures for the effective implementation of the National Action Plan on the implementation of Security Council resolution 1325 (2000) on women, peace and security and allocate a special budget for the organizations' advocacy events on women's equal participation in the peacekeeping and peacebuilding process.**

National machinery for the advancement of women and gender mainstreaming

18. The Committee notes with concern the State party's reluctance to adopt draft law No. 4977 to elevate the Presidential Secretariat for Women to the rank of a ministry. It remains concerned about the limited resources, authority and capacity of as well as the coordination among the different institutions with a mandate to promote women's rights, including the Office for the Defence of Indigenous Women's Rights and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women. It notes with concern the insufficient budget allocations for institutional strengthening, coordination and the implementation of policies such as National Plan for the Prevention and Eradication of Violence against Women.

19. **Recalling its previous concluding observations (CEDAW/C/GTM/CO/8-9, para. 15), the Committee recommends that the State party elevate the Presidential Secretariat for Women to ministerial rank, strengthen its mandate and allocate adequate resources to it. It also recommends strengthening the human, technical and financial resources of the Office for the Defence of Indigenous Women's Rights and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women and ensure enhanced coordination among them.**

Temporary special measures

20. The Committee notes with concern that the State party has not adopted any temporary special measures aimed at accelerating substantive equality of women and men, in line with article 4 of the Convention, in all areas where women are underrepresented or disadvantaged, including in political, public and economic life, education, employment, health care and social security.

21. **Recalling its previous concluding observations (CEDAW/C/GTM/CO/8-9, para. 17), the Committee recommends that the State party adopt temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality of women and men in all areas of the Convention where women are underrepresented or disadvantaged, including in political, public and economic life, education, employment, health care and social security.**

Stereotypes

22. The Committee acknowledges the measures taken by the State party to implement the national communication policy, which requires that all information campaigns, including audiovisual materials, be reviewed before being disseminated

to ensure that they contain no discriminatory gender stereotypes. However, the Committee notes with concern the persistence of discriminatory gender stereotypes relating to the roles and responsibilities of women and men in the family and in society, which exacerbate the high levels of violence against women and girls in the State party, including femicide, sexual and domestic violence and sexual harassment.

23. Reiterating its previous concluding observations (CEDAW/C/GTM/CO/8-9, para. 19), the Committee recommends that the State party:

(a) Ensure the implementation of the National Plan for the Prevention and Eradication of Violence against Women 2020-2029 and its guidelines on social and gender norms, including by allocating adequate resources for the effective implementation and monitoring and evaluation of the Plan;

(b) Strengthen measures, including awareness-raising and education campaigns targeting political, religious and Indigenous leaders, teachers, girls and boys, and women and men, to eliminate stereotypes regarding the roles and responsibilities of women and men in the family and in society and promote equal sharing of domestic responsibilities between women and men;

(c) Ensure that measures to address gender stereotypes are implemented with a particular focus on Indigenous women, Garifuna women, women of African descent, women with disabilities, migrant women and lesbian, bisexual, transgender and intersex women;

(d) Assess the effectiveness of the measures taken to eliminate discriminatory gender stereotypes and provide information on the results achieved in its next periodic report.

Gender-based violence against women

24. The Committee notes the establishment of special courts for femicide and other forms of violence against women in 17 departments of the State party, as well as a mechanism for the immediate search for missing women (the Isabel-Claudina alert system). The Committee is deeply concerned, however, about the prevalence of gender-based violence against women and girls in the State party. It notes with concern in particular:

(a) The sharp increase in femicides, cases of rape, incest, assault and other sexual crimes and domestic violence, as well as the disappearances of women and girls;

(b) The lack of adequate resources to implement the Comprehensive Care Model for Women Victims of Violence and for victim protection measures;

(c) The precarious financial situation of the Comprehensive Support Centres for Women Survivors of Violence relating to the provision of essential victim support services, due to recurrent delays in the transfer of funds and their limited geographical coverage;

(d) The limited geographical coverage of the remote services for filing complaints about gender-based violence against women, which are not accessible in many languages used in the State party, and the costs involved, preventing many victims from bringing complaints, especially rural women, Indigenous women, women of African descent and Garifuna women, women living in poverty and women with disabilities;

(e) The increased incidence of HIV/AIDS among women and girls resulting, inter alia, from sexual violence and assault, in particular against Indigenous women and women of African descent;

(f) The high rates of gender-based violence, including killings, against lesbian, bisexual, transgender and intersex women, stigmatization and lack of protection, as well as the low prosecution and conviction rates in such cases.

25. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.2 of the Sustainable Developments Goals, which is to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and other types of exploitation, the Committee urges the State party to:

(a) **Strengthen measures to prevent, prosecute and punish cases of gender-based violence against women, including by issuing and effectively enforcing protection orders, and impose adequate deterrent penalties for non-compliance with such orders;**

(b) **Allocate adequate human, technical and financial resources to the Public Prosecutor's Office to adequately implement the Comprehensive Care Model for Women Victims of Violence and for the protection of victims;**

(c) **Accelerate the transfer of the corresponding funds for the Comprehensive Support Centres for Women Survivors of Violence, adopt a dedicated budget line to ensure sustainable funding and increase the number of adequately funded Comprehensive Support Centres for Women Survivors of Violence providing comprehensive victim support services across the State party;**

(d) **Increase the geographical and linguistic coverage and reduce the costs for victims of the remote services for filing complaints about gender-based violence against women, prioritizing areas of high incidence;**

(e) **Ensure that women victims of sexual violence have immediate and free access to medical treatment, including post-exposure prophylaxis to prevent HIV and other sexually transmitted infections;**

(f) **Prevent, investigate, prosecute and adequately punish perpetrators of hate crimes against lesbian, bisexual, transgender and intersex women and develop a system for the collection and analysis of data on violence against lesbian, bisexual and transgender women.**

Trafficking and exploitation of prostitution

26. The Committee notes that the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons operates one specialized temporary shelter for women victims of trafficking and their children if they are subject to court-ordered protection measures. However, the Committee notes with concern:

(a) The lack of preventive measures and low prosecution and conviction rates in cases of trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour in the State party, as well as the heightened risk of sex trafficking for Indigenous women, Garifuna women and women of African descent, rural women, migrant women and internally displaced women;

(b) The insufficient number of specialized shelters in the State party, in particular in rural areas, and the decrease in funding for shelters;

(c) The lack of a comprehensive law on trafficking in women and girls that provides for modern prevention measures and victim support services.

27. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:

(a) **Strengthen measures to investigate all reported cases of trafficking in women, prosecute and adequately punish perpetrators, while ensuring that victims of trafficking and sexually exploited women and girls are protected, with a specific focus on Indigenous woman, Garifuna woman and women of African descent and rural, migrant and internally displaced women;**

(b) **Allocate sufficient funding to ensure adequate support services for victims of trafficking, including specialized shelters, and increase the number of shelters, particularly in rural areas;**

(c) **Amend the Law against Sexual Violence, Exploitation and Trafficking in Persons (2009) to bring it in line with international standards.**

Equal participation in political and public life

28. The Committee notes with concern:

(a) That only 32 out of 160 members of Congress are women and that only 12 out of 340 mayors are women, in each case including only one Indigenous woman;

(b) That the 2023 election process posed numerous challenges for participation of women, particularly Indigenous women, who expressed concern about the limited availability of information on the electoral process in their languages and the negative portrayals of Indigenous women, girls and children in election campaigns;

(c) The lack of effective temporary special measures to achieve substantive equality of women and men in political and public life, in particular as regards women from disadvantaged groups, including Indigenous and Garifuna woman and women of African descent;

(d) Reports of discriminatory messages, threats, intimidation and violence against women in politics or women holding public positions, who are frequently exposed to a climate of fear.

29. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party strengthen its efforts to promote women's equal representation in Congress, occupancy of government posts, the judiciary and the public service at the national, State and local levels by adopting targeted measures, including temporary special measures, such as gender parity quotas and preferential recruitment of women to the public service, in particular at decision-making levels, and amending the Electoral and Political Parties Law to require gender parity in the structures of political parties and on electoral lists and provide for adequate sanctions in case of non-compliance; and prevent, protect women candidates from political violence and prosecute and adequately punish perpetrators.

Women human rights defenders

30. The Committee is deeply concerned at the targeted attacks, harassment, intimidation, criminalization and cases of reprisals directed against women human rights defenders in judicial functions, as exemplified by the cases of former prosecutor Virginia Laparra and Claudia Gonzalez, former member of the International Commission against Impunity in Guatemala, who sought to ensure the rule of law and fight impunity and corruption in the State party.

31. **The Committee urges the State party to eradicate the arbitrary use of criminal law, including for arrest warrants and pretrial detention, as reprisals against women human rights defenders in judicial functions to obstruct their legally mandated work; and to refer the cases of Virginia Laparra and Claudia Gonzalez for retrial and immediately release them pending trial, as has been called for by other United Nations mechanisms.**

32. The Committee reiterates its concern about attacks, gender-based violence and killings, intimidation, stigmatization, criminalization, illegal detention and defamation campaigns targeting women human rights defenders, including journalists and media workers, unionists, Indigenous women environmental activists and women advocating for the rights of lesbian, bisexual, transgender and intersex women.

33. **The Committee urges the State party to protect all women human rights defenders from any attacks, gender-based violence, harassment, intimidation and other reprisals for their legitimate work and prosecute and adequately punish perpetrators of such violent acts, including public officials and to ensure that women human rights defenders and activists can freely carry out their legitimate work and exercise their rights to freedom of expression, peaceful assembly and association.**

Education

34. The Committee remains concerned about the low educational attainment of girls, whose schooling is equivalent to 5.3 years on average and the high illiteracy rate (48 per cent) among Indigenous women. It notes with concern:

(a) The high rates of dropout from school among girls due to poverty, engagement in unpaid domestic work, early pregnancy and child marriage;

(b) Persistent discrimination faced by women and girls with disabilities in educational institutions;

(c) That the Comprehensive Sexuality Education Strategy has not been implemented in practice owing to contrary decisions by the Ministry of Education;

(d) That only 66 per cent of schools in the State party are estimated to comply with minimum infrastructure conditions, such as, inter alia, running water and adequate sanitation and access to electricity;

(e) The low representation of girls in technical and vocational training programmes, particularly science, technology, engineering and mathematics and information and communications technology (ICT), which limits their employment opportunities and economic independence as adults.

35. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and Sustainable Development Goals target 4.1 which is by 2030, to ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party:**

(a) **Intensify efforts, through the Ministry of Education, to increase the inclusion and effective retention and reinsertion of girls in school, in particular at the secondary level, with special attention to Indigenous girls, including through scholarships and free school meals;**

(b) **Ensure that all women and girls with disabilities have access to quality inclusive education and adopt a national anti-bullying policy to provide safe and inclusive educational environments to women and girls, including women and girls with disabilities, free from discrimination, harassment and violence;**

(c) **Approve draft law No. 6157 on comprehensive sexuality education to ensure the implementation of mandatory universal, age-appropriate and comprehensive gender and sexuality education, including education on responsible sexual behaviour, with special attention to the prevention of early pregnancy and sexually transmitted diseases;**

(d) **Enhance school infrastructures, particularly in rural and remote areas, to promote girls' access to education;**

(e) **Adopt temporary special measures, including financial incentives and scholarships, to significantly promote enrolment of women and girls in non-traditional fields of study, including science, technology, engineering and mathematics and information and communications technology.**

Employment

36. The Committee notes the efforts of the State party to address sexual harassment and abuse in the workplace. However, it notes with concern:

(a) The high unemployment and self-employment rates among women and their concentration in the informal economy;

(b) The limited employment opportunities in the State party for rural women, women with disabilities, Indigenous women, Garifuna women, women of African descent and migrant women, as well as lesbian, bisexual, transgender and intersex women;

(c) That the State party has not ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189); the ILO Violence and Harassment Convention, 2019 (No. 190); and the ILO Maternity Protection Convention, 2000 (No. 183).

37. The Committee recommends that the State party promote access of women to formal employment, including rural women, women with disabilities, Indigenous and Garifuna women, women of African descent, migrant women and lesbian, bisexual, transgender and intersex women, and ratify, without delay the ILO Domestic Workers Convention, 2011 (No. 189); the ILO Violence and Harassment Convention, 2019 (No. 190); and the ILO Maternity Protection Convention, 2000 (No. 183).

Health

38. The Committee notes with concern regression in women's access to sexual and reproductive rights in the State party, in particular:

(a) The criminalization of abortion, except in cases of threats to the life of the pregnant woman, and women's limited access to safe abortion and post-abortion services, as well as the alarming rate of maternal mortality;

(b) The high rate of mother-to-child transmission of HIV and that only 44 per cent of pregnant women living with HIV have access to antiretroviral drugs;

(c) Certain provisions in draft law No. 6153 on support of the dignification of gestational death, such as the obligation of medical personnel to establish a prenatal deaths registry which could potentially be used to prosecute women who have undergone an abortion and lack of an intersectional perspective to address the realities faced by Indigenous women;

(d) That the Public Policy on Protection of Life and the Institutional Framework of the Family 2021–2032 prioritizes the promotion of sexual abstinence

as the only effective measure for reducing early pregnancy rates and sexually transmitted diseases among adolescents.

39. **In line with its previous concluding observations (CEDAW/C/GTM/CO/8-9, para. 37), general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, which are, respectively, by 2030, to reduce the global maternal mortality to less than 70 per 100,000 live births and, by 2030, to ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes, the Committee recommends that the State party:**

(a) **Amend article 139 of the Penal Code to legalize abortion and decriminalize it in all cases and ensure that women and adolescent girls have adequate access to safe abortion and post-abortion services to ensure full realization of the rights of women, their equality and their economic and bodily autonomy to make free choices about their reproductive rights; and strengthen measures to counter the alarming rate of maternal mortality;**

(b) **Implement an effective national strategy for preventing mother-to-child HIV transmission and ensure that women and girls living with HIV have access to sexual and reproductive health services, free from discrimination and stigmatization;**

(c) **Withdraw or amend draft law No. 6153 on support for the dignification of gestational death to bring it into line with international standards;**

(d) **Amend public policies, including the Public Policy on Protection of Life and the Institutional Framework of the Family 2021–2032, to ensure that adolescents have access to information on family planning in accessible formats and Indigenous languages, as well as to affordable modern contraceptives.**

Economic empowerment of women

40. While the Committee welcomes the measures taken by the State party to promote women's economic empowerment, including through the Social Bonus, Family Bonus and Life programmes, it nevertheless notes with concern:

(a) The absence of access to social security for self-employed women and informal sector workers;

(b) The delay in the adoption of draft law No. 5452, which provides for the approval of the Women's Economic Development Act, aimed at promoting the economic empowerment of women, facilitating access to economic and productive resources and technology;

(c) The lack of protection of the collective intellectual property rights of Indigenous women, which have been violated in the case of the Mayan weavers, whose designs and fabrics have been used for commercial purposes without their consent and without any financial compensation;

(d) Women's unwaged care burden and the absence of free or subsidized childcare facilities in rural and urban areas.

41. **The Committee recommends that the State party:**

(a) **Revise the social security/national insurance system to include self-employed women and women in the informal sector;**

(b) **Urgently approve the Women's Economic Development Act and continue to promote women's economic empowerment by ensuring that women have access to entrepreneurship opportunities, low-interest loans without collateral, other forms of financial credit, cash transfers, adequate food, water and sanitation, and social protection;**

(c) **Urgently adopt draft law No. 6136 for the protection of collective intellectual property relating to textiles and clothing of Indigenous peoples and communities;**

(d) **Establish free and/or subsidized childcare facilities in communities, workplaces and housing complexes in the public and private sectors in urban and rural areas.**

Rural women

42. The Committee notes with concern that rural women have limited access to productive means, education, health care and other basic services, as well as landownership and land use, as they constitute only 7.8 per cent of landowners in the State party. It also notes with concern their underrepresentation in the adoption and implementation of projects of the territorial councils for rural development and that they rarely participate in the economic benefits of such projects.

43. **In line with its general recommendation No. 34 (2016) on the rights of rural women and Sustainable Development Goals target 5.a, which is to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws, the Committee recommends that the State party:**

(a) **Ensure that rural women have equal access as men to landownership and land use and conduct awareness-raising campaigns to dismantle patriarchal attitudes and discriminatory gender stereotypes which are prevalent in rural areas;**

(b) **Ensure effective participation of rural women in the adoption, implementation and economic benefits of rural development projects and in territorial governance structures, especially at decision-making levels;**

(c) **Ensure that rural women have access to productive means, education, health care and other basic services.**

Disadvantaged groups of women

Indigenous women, Garifuna women and women of African descent

44. The Committee notes with concern that Indigenous women, Garifuna women and women of African descent, who account for 44 per cent of the State party's population, face intersecting forms of discrimination, including economic and social inequalities. It is concerned about cases of forced evictions of Indigenous women and women of African descent from lands traditionally occupied or used by them and the exploitation of those lands by private, non-State actors.

45. **In the light of general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party protect Indigenous women, Garifuna women and women of African descent from illegal occupation and forced evictions from lands traditionally occupied or used by them, strengthen procedural safeguards against forced evictions and reparations for victims, provide for adequate sanctions and ensure that they**

participate equally in benefit sharing decision-making processes regarding the use of traditional lands.

Internally displaced, refugee, asylum-seeking and migrant women

46. The Committee notes with concern:

(a) That the State party does not recognize internally displaced persons in its legal framework and that it does not systematically collect data on the causes of women's internal displacement, such as forced evictions from land, gender-based violence and threats against them made by State and private actors or companies or organized criminal groups, as well as data on environmental degradation and its impact on women's internal displacement;

(b) That refugee, asylum-seeking and migrant women and girls face intersecting forms of discrimination and disproportionate levels of gender-based violence and that undocumented migrant women are exposed to a high risk of sexual exploitation, forced labour and recruitment by human trafficking networks.

47. In line with its general recommendations No. 26 (2008) on women migrant workers and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

(a) **Recognize internally displaced persons by law and conduct research to formulate policy responses and identify and address the root causes of women's internal displacement;**

(b) **Address intersecting forms of discrimination against refugee, asylum-seeking and migrant women, prevent and protect them from gender-based violence and prosecute and adequately punish perpetrators.**

Lesbian, bisexual, transgender and intersex women

48. The Committee notes with concern that despite the high levels of violence against and the stigma borne by LGBTIQ+ people in the State party, there is a lack of public policies to prevent, investigate, prosecute and punish such violence. It also notes with concern that several legislative initiatives were introduced between 2020 and 2022 to undermine the rights of lesbian, bisexual, transgender and intersex women, including the draft law to protect children and adolescents on gender identity disorders, which has been introduced in Congress and the draft law for the protection of life and the family, which has been shelved for the time being. It further notes with concern that the Public Policy on Protection of Life and the Institutional Framework of the Family 2021–2032 recognizes neither the rights of lesbian, bisexual, transgender and intersex women nor diverse families and that Decree No. 9-2022, declaring 9 March as the Day of Life and Family, promotes language that discriminates against lesbian, bisexual, transgender and intersex women.

49. The Committee recommends that the State party prevent and protect lesbian, bisexual, transgender and intersex women from gender-based violence and take measures, such as public awareness-raising campaigns, to address their stigmatization. It also recommends that the State party definitively discontinue the draft law to protect children and adolescents on gender identity disorders and the draft law for the protection of life and the family. It further recommends that it approve draft law No. 5395 on gender identity and design a comprehensive national LGBTIQ+ public policy in accordance with international standards.

Women with disabilities

50. The Committee notes with concern that women and girls with disabilities, especially Indigenous women, face intersecting forms of discrimination and violations of their rights in the State party, such as not being able to marry or have children, separation from their children and forced sterilization. It also notes with concern that women with disabilities have limited access to physical infrastructures, information and communications technology, justice, education, employment and health care.

51. The Committee recommends that the State party prohibit the forced sterilization and separation from their children of women with disabilities and strengthen the legal protection of women with disabilities, ensure that they have access to physical infrastructures, information and communications technology, justice, education, employment and health care, including by implementing the Law on Persons with Disabilities, approving draft law No. 5529 on the promotion of work, employment and entrepreneurship for persons with disabilities and enforcing Decree No. 3-2020, which recognizes and approves the sign language of Guatemala.

Climate change and disaster risk reduction

52. The Committee notes with concern:

(a) That climate change has a differentiated impact on Indigenous women, as it results in the loss of their ecosystems, community habitats and livelihoods and the disruption of food and water supply and ancestral knowledge;

(b) That women, in particular rural women, Garifuna women, women of African descent, women living in poverty and refugee and migrant women, are disproportionately affected by climate change, as they often live in exposed areas and lack the conditions necessary to increase their climate resilience;

(c) That the State party has only signed but not ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) of 2018.

53. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) **Ensure the participation of Indigenous women in consultation processes related to extractive activities, economic initiatives, logging, development, investment, tourism, climate mitigation and adaptation programmes, and conservation projects and that any use of their territories is subject to their free, prior and informed consent and adequate compensation;**

(b) **Include a gender perspective in national policies and action plans on climate change and disaster risk reduction and ensure the meaningful participation of women from diverse backgrounds in the formulation and implementation of such policies;**

(c) **Expedite the ratification of the Escazú Agreement.**

Marriage and family relations

54. The Committee notes that Decree No. 13-2017 amends the Civil Code to set the minimum age of marriage and for entering into a union at 18 years for women and men, without exceptions, and that the National Registry of Persons is carrying out

awareness- raising campaigns to address the underregistration of marriages and to sensitize the general public on the prohibition of child marriage. However, it notes with concern:

(a) The high prevalence of child marriage and that many girls enter into a union before they are 18 years of age, even when the law prohibits it, with serious negative consequences for their health and education, and that provisions relating to the age of sexual consent in the Penal Code have still not been amended to ensure the protection of girls between 14 and 18 years of age;

(b) The stringent legal process for recognizing and registering de facto unions in the State party, which fails to protect the rights of women and the children resulting from such unions;

(c) The high number of early pregnancies and unregistered births, often resulting from incestuous sexual violations;

(d) That the Public Policy on Protection of Life and the Institutional Framework of the Family 2021–2032 and Decree No. 9-2022 declaring 9 March as the Day of Life and Family are not in conformity with international human rights standards, including the Convention, as both promote discrimination against and stigmatization of diverse forms of families, imperil the right to choose whether and/or when to have a family and discriminate against lesbian, bisexual, transgender and intersex women.

55. The Committee, in line with its previous concluding observations (CEDAW/C/GTM/CO/8-9, para. 47), recommends that the State party:

(a) **Ensure the strict application of Decree No. 13-2017, urgently harmonize the provisions of the Penal Code relating to the age of sexual consent (articles 173 and 173 bis), in line with article 16 (2) of the Convention and joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices;**

(b) **Facilitate the process to recognize de facto unions and promote their registration to ensure that women enjoy adequate legal protection during such unions and after their dissolution, in line with the Committee’s general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;**

(c) **Address the root causes of early pregnancy, including socioeconomic vulnerability, limited access to education and sexual violence within families, and increase access of girls and adolescents to registration offices, including through information campaigns and other targeted measures addressing sociocultural barriers;**

(d) **Ensure that all measures and public discourse related to the Public Policy on Protection of Life and the Institutional Framework of the Family 2021–2032 and the Day of Life and Family promote respect and understanding for diverse forms of families and the right to choose whether and/or when to have a family, in line with international standards.**

Data collection and analysis

56. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, geographical location and other relevant factors, and use measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the

Convention and the gender-related targets of the Sustainable Development Goals.

Beijing Declaration and Platform for Action

57. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

2030 Agenda for Sustainable Development

58. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

59. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Congress and the judiciary, to enable their full implementation.

Technical assistance

60. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

61. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to which it is not yet a party.

Follow-up to the concluding observations

62. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 17 (a), 29, 39 (a) and 45 above.

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Preparation of the next report

63. The Committee will establish and communicate the due date of the eleventh periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

64. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).
