



International Seminar on Security and Justice for

Indigenous Women in Guatemala

Guatemala City, Guatemala

29-30 November 2012

The report that follows is the direct result of organizational and advocacy efforts by Luz Mendez, Brisna Caxaj and their team in Guatemala City and Melina Lito of UN-based Global Action to Prevent War and Armed Conflict (GAPW). The organizers' goal to put together and host an assessment and planning workshop that brought together indigenous and other voices from Guatemalan civil society as well as officials from the government, UN women and other international agencies was successfully achieved.

In addition to Luz, Brisna and Melina, there were others whose deep interest in the women of Guatemala were evidenced by their generous and active presence at the workshop, specifically Nan and Michael Frydland, Vajra Kilgour and Connie Newton. In addition to a heavy focus on access to justice for indigenous women, the dimension of illicit weapons and their impact on levels of violence against women was capably introduced by Hector Guerra of the International Action Network on Small Arms (IANSA), GAPW's Katherine Prizeman and Carmen Rosa de Leon of IEPADES in Guatemala. Indeed some of the participants reported that they had not previously had discussions focused on weapons-related violence against women and welcomed the inclusion of this issue into our deliberations.

Over the duration of two days, the issues and challenges that continue to impact women of Guatemala – from the need for more robust specialized courts to an unresponsive security sector –received careful attention. Part of the focus was on revisiting the violence inflicted a generation ago, the wounds which have yet to be healed, and the justice that has remained painfully elusive. The other part of the focus was on developing consensus recommendations that could be presented at the Commission on the Status of Women (CSW) meetings in New York in March 2013, focused on the *Elimination and Prevention of all Forms of Violence against Women and Girls*. It is essential to many of us working on these issues in New York and in many other communities that the rare opportunity provided by CSW to discuss armed violence against women not be squandered or compromised. GAPW was able to channel the recommendations from this seminar to the Committee on the Elimination of Discrimination against Women (CEDAW) in Geneva, and was able to weigh in on CEDAW's requests for input to their proposed General Recommendation on Access to Justice. Additionally, GAPW has held discussions with officials of the International Criminal Court (ICC) regarding the hopeful way in which legal engagement on these

issues in Guatemala has provided a helpful model for how national jurisdictions can be successfully employed to keep cases of gross violence out beyond the reach of international tribunals.

Guatemala, currently a member of the UN Security Council, has been a strong and often progressive voice at the UN for overdue policy reform and state accountability, including on issues of Women, Peace and Security. While many of the women present at our event would acknowledge that discernable changes have also occurred in Guatemalan society – resulting in somewhat reduced levels of femicide and related violence against women – there remains much to be done in order to create a culture that promotes equal access to justice and protection, respects indigenous languages and cultural expressions, and ends once and for all the last vestiges of impunity for horrific crimes committed over the past generation and even into the present. In this regard, one must remain optimistic about the significant impact current developments underway in Guatemala will have on post-conflict reconstruction, reintegration and even transitional justice mechanisms. One major development is the recently concluded trial of José Efraín Ríos Montt, a former military dictator accused of committing systematic and widespread attacks against the Maya Ixil, one of Guatemala's ethnic groups. The guilty verdict in his case is not only significant for the Guatemalan government which has often refused to recognize the armed conflict in the 1980s as genocide, but is also a historic moment for those working on preventing mass atrocity crimes at the international level. The clear verdict in the case, issued by a three judge tribunal (www.aljazeera.com/news/americas/2013/05/201351022581616808.html) will also help create the necessary political and judicial sphere for women's organizations seeking judicial recognition, at the national level, for crimes of sexual slavery indigenous women endured during the armed conflict. Likewise, a trial and favorable verdict in the sexual slavery case being pursued by Ms. Mendez and her colleagues will be a historic moment for women's rights.

Embedded in the report below is the desire to have the positive and respected face of the Guatemalan presence at the UN in New York reflected in the security, gender and indigenous policies implemented by the government in Guatemala City. It is clear from the UN context that Guatemala is poised for new levels of global leadership in several core areas of the UN's work. A more determined effort to end impunity for femicide and related crimes, promote full access to indigenous women, and end the illicit trade in arms and narcotics would go a long way towards building trust and confidence in Guatemala's emerging leadership by the international community.

In our extensive travels, we have come to realize just how many people – diplomats, environmentalists, gender experts, language students, tourists and more – are rooting for Guatemala to succeed. This land of courage, color and challenge continues to inspire our imagination and expand our commitments. Guatemala's path can lead to hopeful prospects for justice and participation in many parts of the world. The first task though is to lower levels of impunity and raise levels of access in Guatemala itself. The women of this beautiful and anxious country are showing us the way.

Seminar Report

On November 29-30 2012, the Global Action team co-hosted a two-day *International Seminar on Security and Justice for Women* in Guatemala City, led by our partners at Union Nacional De Mujeres Guatemaltecas (UNAMG) and endorsed by UN Women.

The purpose of the seminar was to evaluate some of the structural and political challenges associated with security and justice for women in Guatemala, especially as they pertain to indigenous women. The seminar brought together women's civil society organizations and state officials as well as members of various indigenous communities. Discussions over the two days focused on the crime of femicide, ending impunity for sexual violence, the impact of small arms and light weapons on violence against women, and the status of national and international legal frameworks in place that can effectively promote security and justice for women.

The intent of the seminar organizers was to generate recommendations from each of the four panels which could then be used to influence discussions at the 57th session of the Commission on the Status of Women (CSW), held in New York in March 2013. Recommendations listed below each summary of panel discussions are intended primarily for a national audience and directed largely to the Guatemalan government, while recommendations at the end of this report highlight critical areas of attention for the international community in promoting women's rights.

The event was particularly timely because it coincided with the Security Council Open Debate on Women Peace and Security, which was rescheduled for 30 November at UN Headquarters in New York. It was also important to be able to engage in frank discussions about the advancement of women's rights in a country which currently sits on the Security Council. Finally, the event reinforced the gap that exists between the international political dynamics around Women Peace and Security and the practical necessities that are needed to advance women's rights in diverse cultures worldwide.

Following opening remarks readers will find an overview of the panel discussions on femicide, ending impunity, the impact of small arms and the legal frameworks in place for promoting women's rights.

Opening Remarks – Dr. Robert Zuber, Executive Director, Global Action to Prevent War, New York

At the beginning, I want to express our deep thanks to the organizers and funders, to UN Women, and to all of you for coming together and insisting that governments and civil society honor their social and human rights obligations to all people – including and especially our indigenous sisters and brothers.

Three days ago, I was at the University of South Africa to participate in a project to promote indigenous knowledge forms. The academics there generally talked too much and listened too little. Sadly, their good intentions were undermined by their inability to fully appreciate the full range of challenges that continue to jeopardize efforts to address indigenous women's physical integrity as well as their economic health and freedom of cultural expression.

But you do understand the challenges and that is one of the reasons that we are here. A colleague in New York asked us, why Guatemala and why now? For one thing, we enjoy good

relations with the Guatemalan Mission at the United Nations. Your diplomats in New York really are trying to find ways to more effectively guarantee women's safety and integrity. Guatemala of course is currently on the Security Council and, were it not for Hurricane Sandy, would have used its Council presidency in October to lead a debate on international efforts to address women's participation, sexual violence and more. That debate will now be held tomorrow in New York under the presidency of India. It will be interesting for us later on to compare levels of urgency of those Council voices with the urgency of the challenges in this room.

And beyond the Council, it is important to keep the attention of the world on issues impacting indigenous women. We are committed to ensuring that recommendations from this meeting will inform both the work of both the Commission on the Status of Women in March and high level discussions on reparations as a component of sexual-related prosecutions that we will organize for spring with the UN Trust Fund for Women and the office of the chief prosecutor of the ICC.

And of course Guatemala is a place where so much hopeful NGO activity takes place. All of you are testament to the fact that justice and healing are still possible. I can tell you this: Wherever your stories and struggles direct us, that is where we will all go.

We know that Guatemala has work still to be done to eliminate violence against indigenous women. Virtually all countries, in fact, have fallen short of the ideals of gender justice and respect for indigenous peoples. As NGOs we have fallen short as well. I have fallen short in my own life. But where there is room to grow, we must grow. Where there are opportunities to change, we must seize them. Where hands of reconciliation are extended, we must hold on to them. Where hands of reconciliation are not extended, we must offer energy and commitment and sound policy until we can all hold on to the same hope.

Given all the good work you have done here to honor the pain of your ancestors and seize important moments to bring a more lasting justice, where else but Guatemala? Who else but you?

Over the next two days, we will be honored to witness a small part of your wisdom and struggles. We have full confidence that what you do here will touch women's lives in South Africa, New York and in many other places far beyond your borders. Thank you for all you do. Let's get started.

Panel 1: Femicide and other forms of violence against women

This panel featured presentations from Maria Eugenia Solis, Asesora Juridica del Procurador de los Derechos Humanos, Victoria Chanquin, of the Grupo Guatemalteco de Mujeres (GGM), and Maria Guadalupe Garcia, Asociacion Mama Maquin.

Speaking on *the political and structural challenges to address violence against women in the judicial system*, Ms. Solis noted that the mentality of communities has to be changed to ensure that violence against women is not only an issue taken up by women, but that steps are also taken to ensure that men

are included in the process of identifying and addressing this violence. Efforts must be taken to ensure that prevention is a personal, family, and state responsibility. Additionally, on the structural challenges concerning violence against women, Ms. Solis pointed out that the unequal relationship between women and men is not often addressed in the context of policies regarding women's participation, violence prevention and efforts to strengthen relevant laws. Another challenge lies with examining how prevention and protection policies are currently carried out by the government, including the (excessive) willingness to use the army.

Focusing on *trends and analysis of femicide and other forms of violence against women*, Ms. Chanquin, provided a power point presentation with statistics highlighting incidences of violence against women, noting that from January to October 2012, there were 535 violent deaths, with a monthly average of 54 deaths. Ms. Chanquin also provided analysis on why some seasons of the year are particularly dangerous for women. Finally, Ms. Chanquin noted that not all violent forms of violence against women are in the form of femicide but that femicide is a special form of violence wherein women are attacked specifically because of their sex.

As the final speaker on this panel, Ms. Garcia structured her remarks around the *main manifestations of violence against indigenous and rural women*. Ms. Garcia stressed that it is important to understand both the roots of this violence and the complexities associated with addressing violence in a patriarchal state. Removing the roots of violence from community and family life is essential to the continued development of Mayan culture. Ms. Garcia made reference to characteristics dating back to colonization that continue to dominate Guatemala's social norms. She also noted some of the barriers that the Mayan community is facing in interacting with government officials as well as the cultural characteristics that give women value only if they are accompanied by men. Such societal perceptions often place women in positions where they feel they must tolerate relationships that are not based on respect. This is especially evident in instances when women have tried to access judicial processes to get relief for crimes suffered against them, instances where justices and officials of the court too often place the blame for abuse on the women themselves. Finally, Ms. Garcia called for more discussions not only on domestic violence against women, but also on political and economic violence which can be as much a source of concern to Guatemalan communities as domestic violence.

Several key points were raised during this discussion, including but not limited to indigenous women's obstacles to participation such as illiteracy and cultural notions that the value of women is dependent on the presence of a man. Questions were also raised how incidences of violence and deaths that are excluded from police reports can possibly be addressed within the Guatemala criminal justice system.

Overall, the panel and the discussion highlighted not only the structural and political challenges to overcoming violence against women, especially femicide, but reinforced the need to balance breaking the silence and reporting incidences of violence against women with ensuring that adequate and effective judicial measures are in place to hold hearings and seek prosecutions for such crimes. After all, judicial recognition of abuse can be one of the essential components of achieving security and justice in post-conflict societies; this in turn can promote community healing and effective reintegration processes.

Panel Recommendations:

- Provide more **attention to the demands and needs** of local women for justice and participation, increasing their visibility at the national and international levels.
- Implement a **national information system** to highlight incidences of violence against women and strengthen responses designed to eradicate such violence.
- **Increase information and training programs** for rural women, with international cooperation and support, to help them become more aware of the rights available to them as established by international instruments such as CEDAW.
- **Strengthen the capacity of relevant State institutions** dealing with women's rights, not only to improve preventive, community-based measures regarding violence against women and girls, but also to promote women's participation in social and political life.
- **More resources** should be made available to support the work of those prosecuting gender-based violence through national specialized courts, and more high profile individuals should be encouraged to stand for election to prominent positions with these courts.
- Create a **secular educational system** with limited interference from the church, specifically in the area of sexual and reproductive rights, and ensure that medical services for girls are provided by licensed and properly certified medical professionals.
- Promote **comprehensive services and trainings** within the security and justice sectors to support victims and their rehabilitation, ensuring that police officials are equipped with adequate training on how to address the needs of women victims; how to collect statistics; how to record instances of violence; and how to overcome communication barriers.

Panel 2: Efforts to put an end to impunity for violence against women

This panel featured presentations from Ana Maria Rodriguez Cortez, Jueza Presidenta del Tribunal de Femicidio de Guatemala; Isabel Solis, Consultora de Equipo de Estudios Comunitarios y Accion Social (ECAP); and Lucia Moran, Mujeres Transformando el Mundo (MTM).

The first speaker on this panel, Ms. Cortez tackled the topic of *advances and obstacles in the implementation of the Femicide Specialized Courts and access to justice for women*. Ms. Cortez focused her comments on the first femicide courts under Article 15 that were established in 2010, the strength of which is the coordinated work undertaken through dedicated units, including a unit on 'customer service.' Through these processes, oral hearings have been organized through which victims have been able to express their demands and opinions on why their case should be heard in court. Ms. Cortez also discussed the administration of such specialized courts, including but not limited to the need for more sophisticated communication tools and interpretation/translation services. The creation of such a specialized court under Article 15 amounts to significant progress for the advancement of women's rights in Guatemala, especially since the government has required training for relevant officials on how to prosecute abuses under the law, thus resulting in more convictions for those accused of violence against women. At the same time, while progress has been made, challenges remain especially with ensuring support for this form of specialized justice and broadening its coverage, improving obstacles with implementing the law, and monitoring the work of judicial officials.

In her power point presentation on *indigenous women's access to redress and justice for human rights violations during the armed conflict*, Ms. Solis reinforced the persistence of colonial, racist, and 'chauvinist' ideologies that continue to influence both local and national institutions, including within the judicial and executive bodies of the State. In reinforcing some of these notions, Ms. Solis differentiated between two types of violence- generalized and political—comparing incidences of violence committed by community members with violence committed by the military or police; the former clearly does not have the same ideological purpose and political impact. Focusing on the political, Ms. Solis highlighted difficulties in getting such instances of violence against indigenous women processed and prosecuted, especially since women seeking to report such cases have experienced threats or intimidation. Even if cases are reported they are not necessarily processed fully or fairly. Therefore, there is a need to identify the contexts in which women are being abused, how many cases (especially of political violence) are actually prosecuted, and how many cases have been left unresolved.

The last speaker on this panel, Ms. Lucia Moran tackled the *advances and challenges in women's access to justice for sexual violence during armed conflict: specifically the criminal process for addressing sexual slavery in Sepur Zarco*. Ms. Moran focused her comments on one particular case of sexual violence and sexual slavery that is unfolding in Guatemala, dating back to the violence against the indigenous women during the internal armed conflict of the 1980s. The case highlights violence against 15 Q'ichii women belonging to different communities, mainly in the North of the country. This is an opportunity for these women to tell Guatemala the truth and to obtain international support for their objective,, but the concern is that the judicial system in place is not yet well equipped to handle the challenges associated with prosecuting these cases. Of special concern is the lack of prosecutors with experience of working on cases of violence against indigenous women and also the lack of strong, evidence-gathering capacities at the national level. Such obstacles make it more difficult to properly present the case and to produce the evidence needed for convictions.

Overall, the panelists reinforced calls for judicial reform and the strengthening of national judicial processes to facilitate processing and prosecuting of claims of sexual violence against women. The strengthening process also requires educating judicial officials about instances of violence against women, helping to ensure that judicial mechanisms are in place to make the reporting and trial process more accessible for all members of the community, but especially for indigenous victims of community and political violence.

Panel Recommendations:

- Guarantee the **safety and respect of women** presenting complaints on sexual violence within a strong and sustainable, national judicial system, including by implementing a more transparent process to avoid corruption within that system as well as ensuring that women from both rural and urban areas have access to such a system either in their native language or through the use of translators and interpreters.
- To promote safety, an **indicator system** should be established through the judicial system monitoring different aspects of violence against women, including physical, psychological, economic, political and domestic violence.

- **Specialized courts and tribunals**, presided by officials with a thorough knowledge of the range of violence and abuses against women, should encourage the use of various scientific tools to gather evidence supporting abuse complaints.
- **Educate community members** on combating violence against women through processes that are equally accessible to all members and using a variety of communication tools that are appropriate to and understood by all members.
- Promote a culture where **reparations** as seen as a form of gender justice and community healing, and not as a form of amnesty for perpetrators.
- Ensure a **system of accountability and transparency** for financial resources allocated to the advancement and development of gender justice programs.
- **Allocate adequate resources** for strengthening information systems to fully inform women of national and international instruments and options at their disposal for pursuing justice in instances of past and present sexual abuse.
- **More opportunities should be leveraged** for discussion and consensus building among civil society groups in hopes of creating a united vision and voice with which to approach government officials.

Panel 3: The Impact of Small Arms and Light Weapons (SALW) in Violence against Women

This panel featured presentations from Carmen Rosa de Leon, Institute for Sustainable Development and Teaching (IEPADES), Hector Guerra, International Action Network on Small Arms, and Katherine Prizeman, Global Action to Prevent War and Armed Conflict.

While discussing the *spread of small and light weapons in Guatemala and its impact on violence against women*, Ms. Rosa highlighted the status of various forms of violence against women, including trends regarding homicides, particularly addressing the main security problem affecting women in Guatemala—domestic violence. Although it remains a top concern, domestic violence surprisingly remains the form of violence that is least reported to local authorities. In her power point presentation, Ms. Rosa noted that such violence is prevalent across Guatemala and that most deaths related to domestic violence are the result of the prevalence and use of firearms – reinforced by the lack of political capacity and will to seize illicit weapons, investigate instances of trafficking in these weapons, or properly prosecute violators. The negative impact of small arms is further heightened when arms-related violence is underreported, which occurs in part because resources (courts, prosecutors, educators) are often not readily available to all survivors of violence. In addition, reporting of violence is also hindered by the lack of security within families and communities and the sobering prevalence of small arms in the family home. Essentially the more guns in communities and families, the less reporting of gun related violence. The use of a gun against a woman is a clear source of intimidation, inhibiting the filing of reports to the police because of the fear of additional, retaliatory violence.

Speaking on the *flow of small arms in the region and their impact*, Hector Guerra geared his remarks to explaining how violence is perpetrated—mainly through the use of, or threat of use of mostly illicit weapons. The damage caused by the proliferation of small arms and light weapons over many years has been staggering. For many countries, illicit small arms truly are one of the ‘weapons of mass

destruction.’ Mr. Guerra also noted that, every minute, a person dies from armed violence. Within that same minute, 50 new arms are released into the world.

Finally, as the last speaker on the panel, Ms. Prizeman discussed *the multilateral structure of the United Nations on illicit small arms and the ‘gender and disarmament’ resolution sponsored by the government of Trinidad and Tobago*. In her power point presentation, Ms. Prizeman focused on the Arms Trade Treaty negotiations and the review of the UN Programme of Action on Small Arms and Light Weapons (UNPoA), both of which took place at UN Headquarters in New York in summer 2012. Noting that the objective of the Arms Trade Treaty is to promote the elimination of suffering from the illegal diversion of weapons, Mr. Prizeman provided an overview of the status of the discussions after the month-long negotiations ended in July 2012, and offered a forward look for the next round of negotiations in March 2013. Viewing disarmament processes through a gender lens, the illicit flow of small arms can clearly be a source of violence and intimidation for women, deterring their participation in social and political life, employment, education, and more. To reflect some of the impacts that small arms have on women, Trinidad and Tobago has sponsored the *Women, Disarmament, and Non-Proliferation and Arms Control* resolution in the First Committee of the UN General Assembly. First adopted in 2010, the resolution was subsequently reviewed and re-adopted, though without making an explicit reference to Security Council Resolution 1325 on Women, Peace and Security. Finally, Ms. Prizeman reviewed the gender references in the Arms Trade Treaty and the UN Programme of Action (UNPoA) and put forward recommendations on behalf of GAPW for more forward momentum on these linkages.

The panel sparked an interesting discussion among the participants and raised some thought-provoking questions such as how community and national disarmament can be initiated and sustained. The panel also sparked comments from the audience, recognizing that security concerns have been primarily addressed from a male-dominated perspective and applauding the fact that, slowly, women are beginning to discuss the impact of weapons in their communities. Overall, this group of presentations was significant in highlighting the impact of illicit small arms in Guatemala, as well as underscoring the limited access to security and judicial processes by women impacted by gun violence. The panel was also significant in highlighting international mechanisms that are in place to promote both the elimination of such violence and the need for women’s participation in disarmament and peace processes. While the objective of this panel was to increase awareness regarding the array of international tools currently in place or under consideration, the question of if and how these capacities are translated at the national and local level remains a concern and a challenge.

Panel Recommendations:

- Promote **robust national legislation** forbidding illicit arms and ammunition trafficking, as well as restricting possession of weapons by children, non-state actors and other who are developmentally or psychologically challenged.
- **Increase resources** for prosecuting illicit trafficking in/possession of small arms and other lethal weapons.
- Provide **safe spaces** for women to report gun-related violence against themselves or others in their families or communities.

- Ensure **full participation** by women in all aspects of the local or national security sector, including police forces.
- At the international level, ensure that **relevant treaties and protocols** adequately reflect the need for greater participation by women as well as the particular and often devastating circumstances of gun violence against women.
- Also at the international level, ensure that **sufficient capacity assistance** is available to help governments like Guatemala translate international frameworks into actionable national policy.

Panel 4: The International Framework in the Promotion of Security and Justice for Women

This panel featured presentations from Luz Mendez, UNAMG, Melina Lito, GAPW, and Sandino Asturias, Guatemala Studies Center.

Addressing the *international legal framework to promote the participation of women in political processes promoting security and justice in Guatemala*, Luz Mendez provided an overview of the legal instruments in place for advancing women’s rights and reinforced the notion that Guatemalan women must have a sense of ‘ownership’ of such instruments in order to utilize them towards the advancement of such rights. Ms. Mendez reinforced the strategies, struggles and challenges that remain as we seek to put an end to violence against women. From CEDAW and the Inter-American Convention on Prevention, Punishment and Eradication of Violence against Women, to the Vienna Declaration and Programme of Action, the Beijing Platform of Action, and the UN Security Council Women, Peace and Security resolutions, Ms. Mendez highlighted some of the past, helpful uses of such instruments, especially in developing and ratifying the Guatemala Peace Accords. She noted that these instruments can be useful now in reforming national instruments and ensuring that reformed institutions have strong tools at their disposal to promote and protect women’s rights.

In regards to sexual violence, Ms. Mendez made reference to the growing international consensus that systematic sexual violence can constitute a crime as grave as crimes against humanity, war crimes, or genocide. Finally, in discussing priorities for forward movement of women’s rights in Guatemala, Ms. Mendez reminded the audience about the struggles that women had to face in advocating for Security Council Resolution 1325 and also highlighted the significance of this resolution in the advancement of women’s rights. More than a ‘gift’ granted by the Security Council, this resolution creates opportunities for gender justice beyond what the Council is willing to promote itself. In that light, Ms. Mendez called for abolishing sexual slavery for indigenous women; ending impunity for crimes already committed; ensuring that appropriate measures and resources are available to help pursue justice for victims; and guaranteeing robust reconstruction processes for women in Guatemala – all as main priorities for the State going forward.

On the issue of the *political dynamics around Security Council Resolution 1325 and lessons learned from the implementation of National Action Plans*, Melina Lito gave an overview of the current divisions among Security Council members that create challenges in reaching a Council-wide consensus on gender issues. Ms. Lito also touched on some of the challenges with adopting and implementing Security Council Resolution 1325-inspired National Action Plans (NAP), including but not limited to financial

issues, consensus on priority issues, levels of civil society participation, and the need for more robust monitoring mechanisms. In the case of Guatemala and its NAP, Ms. Lito noted the need to ensure that the priority issues discussed in the NAP are complementary to SCR 1325 but also to other international instruments advocating for women's rights, including CEDAW. It is also important that diverse women's voices from civil society be integrated into development of the NAP in order to ensure that local communities feel a sense of ownership in the process. Finally, Ms. Lito discussed the significance of having an international mechanism that can monitor and exert the political pressure necessary to properly develop, adopt and robustly implement a NAP.

As the final speaker on this panel, Mr. Sandino Asturias focused explicitly on the *harmonization of national and international legislation for the implementation of the Rome Statute of the International Criminal Court*. Guatemala is a Rome Statute signatory and Mr. Asturias focused his remarks on national implementation of the statute and modes of potential collaboration with the ICC. Part of this implementation requires ensuring that the national legal framework is developed to an extent that allows for full complementarity. There is also a need to reform the national legal framework to make sure that it is reflective of the current security and judicial needs of both the State and the ICC. He specifically mentioned the need to add sexual slavery to the Guatemalan penal code as well as the category of 'crimes against humanity.' Mr. Asturias noted that the 'peace accords' process represents an important tool to help promote women's rights within and beyond Guatemala. Monitoring the development and implementation of international criminal law is also an important step in advancing and enriching the national legal framework.

Overall, the objective of the panel was to provide an overview of the international instruments that have been established, mostly in recent years, to underscore and support the struggle for women's rights. Such instruments are essential tools for women in both urban and rural areas, in their capacities as state officials, community leaders, or community members, to utilize in communicating with their governments about rights essential for their full development as human beings and their participation in all aspects of society.

Panel Recommendations:

- Ensure that national legal instruments, Security Council Resolutions and other international tools take into account the **diverse types of violence** inflicted against women, the **diverse circumstances** in which that violence occurs, and the full range of internationally recognized atrocity crimes with sexual violence implications.
- On the design and implementation of a Guatemalan National Action Plan (NAP), efforts should ensure a **robust gender focus** on national security agencies and judicial policies, full and robust civil society participation and clear budget lines to support NAP-related activities.
- **Training curriculum** for judges and legal officials as well as university curriculum and community training materials should be updated to reflect more sensitivity to the issues and implications of violence against women.

- Create **oversight measures** that include robust civil society participation to help determine and remediate state deficiencies in preventing violence against women, in increasing women's visibility, and in educating women (especially indigenous women) about their rights and legal options.
- More mechanisms for **local policy consultation** on how to make national legal structures more robust and accountable should be established and funded, and their use by decision makers should be strongly encouraged.
- On reparations, **more reflection and testimony by women** is necessary to ensure that the government is abiding by pledges to compensate women survivors.
- **Cultural diversity** within the context of promoting police, justice and security sector reforms must command a high priority

Final Session

This two-day event concluded with brief concluding remarks by Dr. Zuber of GAPW and Maya Alvarado of UNAMG. Finally, Madame Maria Machicado, Executive Director of UN Women Guatemala, took the floor to share comments that UN Women's Executive Director, Michele Bachelet, was making at the UN Security Council chamber that same day.

The following is a speech delivered by Michelle Bachelet, United Nations Under-Secretary-General and UN Women Executive Director, at the Open Debate of Security Council on Women and Peace and Security. New York, 30 November 2012.

It is an honor to address the Security Council and present the report of the Secretary-General on women and peace and security.

I join the Deputy Secretary-General in thanking the Presidency of India and the previous Council President, Guatemala, for encouraging us to address the role of women's civil society organizations in the prevention and resolution of armed conflict and peacebuilding. We are grateful that this Open Debate was rescheduled after last month's hurricane. We thank the Council for having met exceptionally on 31 October to adopt the Presidential Statement, which welcomed the enhanced participation, representation, and involvement of women in the prevention and resolution of armed conflict and in peacebuilding. I also thank our partner, the Department of Peacekeeping Operations and its Under-Secretary-General, Mr. Hervé Ladsous, and Ms. Binta Diop, speaking for civil society, for their participation here today.

The very origin of Security Council resolution 1325 is the courage, leadership and the accomplishments of women's civil society organizations that promote peace under what are often unimaginably difficult circumstances.

Today we will hear many examples of the contributions of women leaders and civil society organizations. I would like to draw your attention to what women's groups in Mali are doing right now to contribute to non-violent solutions to the crisis. In spite of their absence from official conflict resolution processes, women leaders in the North are using informal channels to call on

the leaders of armed groups to participate in peace dialogues. Just two weeks ago, nearly 1,000 women leaders and members of civil society groups gathered in Bamako and delivered a common call for peace, expressing solidarity across ethnic and other divisions and recommended specific measures to protect women's rights and prevent violence against women and children. They asserted that now is the time to dedicate funding to reparations, care and the empowerment of survivors.

Wherever there is conflict, whether in Mali, Syria, the Middle East, or Eastern DRC, women must be part of the solution.

Mr. President, Distinguished Delegates,

The Secretary-General's report assesses the state of implementation of resolution 1325 in the areas of conflict prevention, women's protection, participation, and gender-responsive relief and recovery. The report notes the rising number of countries and regional organizations with strategies on women, peace and security, including the recently announced Pacific Regional Action Plan.

In the area of conflict prevention, the report finds that more actors, including the Security Council, are engaged in early warning to detect threats to women and girls. However, effective prevention of violence against women and girls remain a challenge.

One need look no further than Syria or Mali to find situations where conflict has severely affected women and children. Sexual and gender-based crimes persist, along with other abuses that affect women differently from men, such as forced displacement, loss of means of survival, and limited access to basic services.

In the area of participation, particularly in formal peace processes, the report notes that while some good examples exist, specific efforts are needed to increase the number of women on official delegations. Of the 14 peace negotiations co-led by the UN in 2011, only four had delegations that included a woman. Of nine peace agreements signed in 2011, only two – Yemen and Somalia – contained provisions on women and peace and security.

In the area of elections, the report shows the value of temporary special measures to increase numbers of women candidates. Yet out of nine post-conflict elections last year, only one, Uganda, employed an electoral gender quota, producing a 35 per cent female parliament. In the other eight elections, women won between four and 13 per cent of seats.

In the area of protection, the report finds that mechanisms such as community patrols, access to legal aid, rapid response and surge teams have multiplied in the past year. There have been initiatives to establish integrated services, address fuel and lighting needs, and train security personnel. And women's protection is now part of standard operating procedures for security sector personnel in some contexts.

Despite progress, the report finds persistent protection gaps as well as obstacles to women's and girl's access to justice. We therefore welcome the attention in the Presidential Statement to mission drawdown and the imperative of preventing any erosion of the protection environment during transitions.

In the area of relief and recovery, the report finds that post-conflict financial allocations to women's empowerment and gender equality are low but increasing. The percentage of project spending targeting gender specific needs rose from an estimated 5.7 per cent as of 2010 to 7.1 per cent this year. This is an improvement but is still far from the 15 per cent minimum spending target set in the Secretary-General's action plan on gender-responsive peacebuilding.

The report emphasizes the need for stronger attention to women's post-conflict employment and other forms of livelihood support.

The report has a special section on gender-responsive prevention and resolution of conflict. It notes that gender expertise and the participation of women in official peace processes is decisive in ensuring greater sensitivity of the subsequent accord to women's rights and gender equality. For this to happen, gender issues must be addressed at the earliest possible stages – right from the start of dialogue and peace negotiations.

The report welcomes opportunities created in the past year for women to participate in international strategy and donor conferences, including in the Central African Republic, Afghanistan and South Sudan. However, it notes that insufficient attention is given to improving women's access to national or international peace dialogues. Greater efforts must be made to invite women to participate in conflict resolution forums.

To ensure greater progress, the report recommends action in three broad areas.

First, consistent implementation of international norms and standards on the human rights of women and girls is needed across all efforts to prevent and resolve conflict and build peace.

The report calls for systematic attention to women and peace and security commitments across the Security Council's actions. It notes in particular the need to sustain implementation of these commitments in situations of mission drawdown and transition.

Second, when it comes to women's participation and representation, determination is needed to provide more opportunities, eliminate obstacles, and build capacity for influence.

The report cites the need for more women mediators, advisers, negotiators and observers in peace processes, and more women in senior management of international and regional organizations, and calls for measures to address obstacles to their participation. In elections, temporary special measures help to encourage women's participation as voters and candidates. Special attention to the protection of women human rights defenders is called for. In UN missions, sector-specific gender experts can advance mainstreaming. Capacity building of women's organizations during and after armed conflict will help amplify women's influence.

Finally, there is a need for continued improvement of tracking and accountability systems for the implementation of women and peace and security commitments, including at regional and national levels.

It is recommended that challenges in national and regional implementation of women and peace and security commitments be assessed, including in upcoming reviews of National Action Plans. The need for increased coordination and consistent tracking of results at the UN is also noted.

Mr. President, Distinguished Delegates:

To summarize, we need determined leadership and dedicated systems to realise changes on the ground.

With regard to leadership, I note the recent significant appointments of women to strategic international and regional peace and security roles. I welcome the appointment of Ms. Zainab Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Leila Zerrougui, Special Representative of the Secretary-General for Children and Armed Conflict, and Ms. Fatou Bensouda, chief prosecutor of the International Criminal Court. I also welcome the appointment of Ms. Nkosazana Dlamini-Zuma as chair of the African Union Commission, and Ms Mari Skåre as the NATO special representative on women, peace and security.

While these high level appointments are welcome, I note with concern that the United Nations itself must do better in building the pipeline of women candidates for these positions. Since June 2010, women's share of senior UN positions (P5 to D2) in political missions has actually dropped from 23 per cent to 18 per cent, and in peacekeeping missions from 24 per cent to 21 per cent. The UN System is currently reviewing this situation to take appropriate action.

To conclude, the Secretary-General's report notes that we are not seeing results at the pace that we expected or that women rightfully expect of us. For this, we need to ensure that women have opportunities to play their full role in peace and security. We know there is no shortage of women's leadership. However, as the Secretary-General's report points out, there IS a shortage of opportunities for women to engage in conflict resolution and peacebuilding. We must create these opportunities.

Creating these opportunities is not impossible, but it takes a special effort. It requires determination to make a priority of preventing gender-based violence in conflict. It requires determination to investigate and prosecute abuses of women's rights, or to insist on including women in a donor conference or a peace negotiation. This determination is not a matter of simply 'going through the motions'. It is about 'going the extra mile'.

UN Women and our partners in the UN system and civil society are here to go that extra mile with you.

I thank you.

Workshop Conclusion and International Recommendations

All of the organizers believed that this interesting and well-attended workshop served effectively as a forum for increasing awareness regarding the frameworks in place for promoting women's empowerment and protection; but also for having candid discussions on the state of legislation and legal processes impacting women in contemporary Guatemalan society.

Since this seminar, we have had many opportunities to influence policymakers with these key recommendations, including at the CSW in New York as well as at CEDAW in Geneva. With the year 2015 fast-approaching, during which will participate in a review of the post-2015 Millennium Development Goals as well as the 15th anniversary of Security Council Resolution 1325 (2000), there will be many opportunities for policymakers to make significant developments in advancing women's rights. In that light, we wish to highlight the following **recommendations** which we urge relevant stakeholders at the international level to consider when developing gender policies:

- International and national agencies should do more to fund and promote **comprehensive services** in the security and justice sectors to support women victims, ensure their rehabilitation, and prevent re-victimization.
- In that light, police and other officials should be **assured adequate training** on how to address the needs of women victims; how to collect statistics; how to record instances of violence; how to overcome communication barriers; and how to address stigmas that often impede women's access to justice.
- **Specialized courts and tribunals** should be established at the national level and presided over by officials with a thorough knowledge of violence and abuses against women. These courts should also make use of various scientific tools available through the international community to gather evidence supporting complaints on abuse of women. Such courts should give the testimony of survivors of violence and abuse the legal weight necessary to be considered as admissible evidence in trials and criminal proceedings.
- Working with international donors, national officials and NGOs, more resources should be allocated to **strengthen information systems** to fully inform women (in multiple languages and dialects) of international instruments and options at their disposal for combating community violence and pursuing justice in instances of past and present sexual abuse.
- More practical measures should be taken at national and international levels **to combat the illicit flow of small arms and light weapons**, ensure women's full participation in all aspects of the local and national security sector, and promote a culture of protection by providing safe spaces for women to report gun-related violence against themselves or others in their families or communities.
- The international community should do more to ensure that **national laws are amended** to correspond to the highest levels of jurisprudence as well as to standards of international criminal law as embodied in the International Criminal Court and related tribunals. The ICC should remain a court of last resort as national legal mechanisms are supported in applying domestic remedies, even in the most severe and systemic instances of abuse.

- Promoting and protecting **cultural diversity** within the context of the reform of police, justice and security sectors must command a higher priority.

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