

## TABLE OF CONTENTS

TAB	DESCRIPTION	PAGES
<b>I.</b>	<b>COUNTRY CONDITIONS REPORTS AND OTHER MATERIALS</b>	
<b>S</b>	<p><b>Expert Declaration of Elisa Portillo Najera, Center for Gender and Refugee Studies, October 17, 2016, available at <a href="http://cgrs.uchastings.edu/">http://cgrs.uchastings.edu/</a></b></p> <ul style="list-style-type: none"> <li>• Describing the inadequacies of the Guatemalan legal system in regards to punishing perpetrators of violence against women</li> <li>• Explaining how the patriarchal culture of Guatemalan society and deeply entrenched biases regarding the status of women affects violence against women</li> </ul>	
<b>T</b>	<p><b>Expert Declaration of Claudia Paz y Paz Bailey, Center for Gender and Refugee Studies, October 13, 2016, available at: <a href="http://cgrs.uchastings.edu/">http://cgrs.uchastings.edu/</a></b></p> <ul style="list-style-type: none"> <li>• Describing the prevalence of violence against women in Guatemalan, its roots in the patriarchal relationships established during colonization, and how it has worsened since the Guatemalan Civil War (1960-1996)</li> <li>• Describing “the impunity with which men beat, rape and kill women in Guatemala”</li> </ul>	
<b>U</b>	<p><b>Telesur, <i>Women’s Murderers Evade Justice as Femicide Surges in Guatemala</i>, May 23, 2016, available at: <a href="http://www.telesurtv.net/english/news/Womens-Murderers-Evade-Justice-as-Femicide-Surges-in-Guatemala-20160523-0034.html">http://www.telesurtv.net/english/news/Womens-Murderers-Evade-Justice-as-Femicide-Surges-in-Guatemala-20160523-0034.html</a></b></p> <ul style="list-style-type: none"> <li>• “Between April 1, 2015 and March 31, 2016, a total of 262 cases of femicide were reported, according to the Prosecutor’s Office — up from 198 reported cases the previous year.”</li> <li>• “Femicide now figures as the third most common crime resulting in death in the country, after manslaughter and murder.”</li> <li>• “[T]he number of sentences handed down for femicide compared to the number of cases reported shows a lasting trend of impunity for fatal gender violence. According to a report from the Prosecutor’s Office, between 2015 and 2016, just 74 sentences were issues while reports of femicide continued to mount.”</li> <li>• “Guatemala ... has one of the highest rates of femicide in the world.”</li> </ul>	

V	<p><b>United States Department of State, <i>Guatemala 2016 Human Rights Report</i>, April 12, 2017, available at: <a href="https://www.state.gov/documents/organization/265802.pdf">https://www.state.gov/documents/organization/265802.pdf</a></b></p> <ul style="list-style-type: none"> <li>• “Police had minimal training or capacity to investigate sexual crimes or assist survivors of such crimes, and the government did not enforce the law effectively. The PDH Ombudsman for Women and activists agreed that full investigation and prosecution of domestic violence and rape cases took an average of two to three years if the victims had access to legal representation. Impunity for perpetrators remained very high. Rape survivors frequently did not report crimes due to lack of confidence in the justice system, social stigma, and fear of reprisal.”</li> <li>• “Rape and other sexual offenses remained serious problems. According to the Public Ministry, there were 11,399 reports of sexual or physical assault through August. During the same period, there were 610 convictions for sexual or physical assault on women, an increase from the 527 convictions in the same period the previous year.”</li> <li>• “[V]iolence against women, including domestic violence, remained a serious problem. The law prohibits domestic abuse, allows for the issuance of restraining orders against alleged aggressors and police protection for victims, and requires the PNC to intervene in violent situations in the home. The PNC often failed to respond to requests for assistance related to domestic violence, however, and women’s rights advocates reported that few officers received training to deal with domestic violence or assist survivors.”</li> <li>• “Femicide remained a significant problem. Sexual assault, torture, and mutilation were frequently evident in killings. The NGO Mutual Support Group, using government data, reported 565 violent deaths of women through the end of September. As of that month, authorities convicted 56 individuals for femicide. NGOs expressed concern that sentences were sometimes lenient.”</li> <li>• “Sexual and domestic violence remained serious problems.”</li> </ul>	
W	<p><b>United Nations High Commissioner for Human Rights, <i>Annual Report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala</i>, January 11, 2017, available at: <a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/004/56/PDF/G1700456.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/004/56/PDF/G1700456.pdf?OpenElement</a></b></p> <ul style="list-style-type: none"> <li>• “Despite a modest reduction in the number of violent deaths over the past two years, Guatemala continues to face serious problems of violence and organized crime ... As at November 2016, 4,579 violent deaths, including of 635 women (72 more than the previous year) had been recorded. The leading causes of the deaths were</li> </ul>	

	<p>firearms ... and asphyxiation ... In several cases linked to extortion, 44 persons, including 15 women, had been killed by dismemberment or beheading. Disturbingly, human body parts were found in public spaces in various municipalities. In 2016, lynchings resulted in the deaths of 16 people, including 1 woman, and the injury of 73 people, including 3 women.”</p> <ul style="list-style-type: none"> <li>• “Violence against women remains a serious problem in Guatemala.”</li> <li>• “In 2016, the 4,327 cases involving crimes of femicide and other forms of violence against women were submitted to the judiciary – an increase of 38 per cent over the number of cases submitted in 2015.”</li> <li>• “The National Registry of Persons reported an alarming 1,103 pregnancies of girls between 10 and 14 years old, and 37,655 pregnancies of girls between 15 and 19 years old. Urgent measures are needed to address this problem, including measures to prevent sexual violence, to facilitate comprehensive sexuality education and access to sexual and reproductive health services, and to strengthen inter-institutional coordination.”</li> </ul>	
<p><b>X</b></p>	<p><b>Amnesty International, <i>Guatemala: Major Human Rights Challenges Still Pending: Amnesty International Submission for the UN Universal Periodic Review, 28<sup>th</sup> Session of the UPR Working Group, November 2017, March 2017, available at</i></b>  <a href="https://www.amnesty.org/en/documents/amr34/6554/2017/en/">https://www.amnesty.org/en/documents/amr34/6554/2017/en/</a></p> <ul style="list-style-type: none"> <li>• “The level of violence against women in Guatemala remains alarmingly high. The National Institute of Forensic Science registered 774 violent deaths of women in 2014, 766 in 2015, and 739 in 2016, and carried out examinations into 6561 sexual assaults against women in 2014, and 6930 in 2015. According to the Attorney General’s Office, violence against women ranks first in the number of complaints filed.”</li> <li>• “According to a study published by CICIG in 2014, impunity prevails in 80-97% of the cases of femicide and violence against women. Although the number of sentences issued by special courts on femicide and violence against women has increased, these courts do not exist in every department of Guatemala.”</li> <li>• “The high levels of child and adolescent pregnancies are of particular concern; they highlight the need for institutional measures to prevent sexual violence and ensure access to adequate health services, information and sexuality education. Between January and August 2015, the Observatory on Sexual and Reproductive Health reported 4,431 cases of pregnancies among girls under 14 years of age, and 64,398 pregnancies among adolescents aged 15-19. Between January and July 2016, 38,758 pregnancies among girls aged 10-19 were registered.”</li> </ul>	

Y	<p><b>Inter-American Commission on Human Rights, <i>Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion</i>, December 31, 2015, pages 105-111, full report available at: <a href="http://www.oas.org/en/iachr/reports/pdfs/guatemala2016-en.pdf">www.oas.org/en/iachr/reports/pdfs/guatemala2016-en.pdf</a></b></p> <ul style="list-style-type: none"> <li>• “Several international organizations have spoken out emphatically about the seriousness of the problem of violence against women in Guatemala and the generalized impunity surrounding such crimes ... This grave problem besetting Guatemalan society is echoed by the failure of the State to perform due diligence to prevent, investigate, and punish acts of violence against women even as the problem is becoming more acute.”</li> </ul>	
Z	<p><b>Expert Declaration of Nancy K. D. Lemon, Center for Gender and Refugee Studies, July 29, 2016, available at: <a href="http://cgrs.uchastings.edu/">http://cgrs.uchastings.edu/</a></b></p> <ul style="list-style-type: none"> <li>• “Gender is one – if not <i>the</i> – primary motivating factor for domestic violence. Statistics, comparative cross-cultural studies of domestic violence, and behaviors exhibited by male batterers show that disparities between the socially or culturally constructed roles assigned to women and those assigned to men are at the root of domestic violence. Being female, in short, is the strongest risk factor for whether an individual will become a victim of partner violence.”</li> <li>• “Ultimately, the batterer does not view marriage as a partnership where husband and wife make joint decisions, but as a relationship in which he, as the man, has unilateral authority to make the rules, and the abused, as a woman, must submit to his authority. Thus, a battered woman is viewed not as a partner, but as property.”</li> <li>• “Because the batterer views the woman as his property, he believes he has an absolute right to her body, whether for sex or for reproduction ... Reproductive control ‘occurs when women’s partners demand or enforce their own reproductive intentions whether in direct conflict with or without interest in the woman’s intentions, through the use of intimidation, threats, and/or actual violence.’”</li> <li>• “Jealousy reflects batterers’ belief that men have the right to own the women to whom they are married or intimately related. The batterer himself may believe he has a right to as many partners as he wants, but that his wife or partner is exclusively his, because he “owns” her. This is the expression of a societal norm that women are the property of men to whom they are related, whether the men are their husbands or fathers.”</li> <li>• “One common misconception is that an abuser’s use of alcohol and other substances is one external variable that drives domestic violence. This is not true. Indeed, numerous studies by academics, practitioners, and government agencies, including the U.S. Department of Health and Human Services, have concluded that alcohol and other substance abuse is not the cause of domestic violence. Research also shows that alcohol and most drugs do not produce the physiological effects that cause</li> </ul>	

	<p>violent behavior... There is no evidence to suggest that alcohol use or dependence in batterers is linked to other forms of coercive behavior, such as economic control, sexual violence, and intimidation, which are part of the typical pattern of domestic violence. When substance abuse and domestic violence occur simultaneously, “the choice to batter often precedes the drinking or drugging,” and “there is a pre-existing pattern of dominant and controlling behavior by the perpetrator toward his traditional victim.”</p>	
<b>AA</b>	<p><b>Guatemala, CIA WORLD FACTBOOK</b>, available at <a href="https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html">https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html</a> (last visited August 18, 2017).</p> <ul style="list-style-type: none"> <li>• Guatemala is only 108, 889 square kilometers, roughly the size of the state of Pennsylvania.</li> </ul>	
<b>BB</b>	<p><b>Considerations for Asylum Officers Adjudicating Asylum Claims from Women, Memorandum to All INS Officers/HQASM Coordinators from Phyllis Coven, Department of Justice Office of International Affairs, May 26, 1996</b>, available at <a href="http://www.state.gov/s/l/65633.htm">http://www.state.gov/s/l/65633.htm</a></p> <ul style="list-style-type: none"> <li>• “[R]ape...sexual abuse and domestic violence...are forms of mistreatment directed at girls and women and they may serve as evidence of past persecution on account of one or more of the five grounds.”</li> <li>• “Severe sexual abuse does not differ analytically from beatings, torture, or other forms of physical violence that are commonly held to amount to persecution.”</li> </ul>	
<b>CC</b>	<p><b>Matter of L-R-, Department of Homeland Security Supplemental Brief, April 13, 2009</b>, available at <a href="http://cgrs.uchastings.edu/sites/default/files/Matter_of_LR_DHS_Brief_4_13_2009.pdf">http://cgrs.uchastings.edu/sites/default/files/Matter_of_LR_DHS_Brief_4_13_2009.pdf</a></p> <ul style="list-style-type: none"> <li>• DHS "accepts that in some cases a victim of domestic violence may be a member of a cognizable particular social group and may be able to show that her abuse was or would be persecution on account of such membership."</li> <li>• An intimate relationship may also be considered immutable where “economic, social, physical or other constraints made it impossible for the applicant to leave the relationship during the period when the persecution was inflicted” or “if the abuser would not recognize a divorce or separation as ending the abuser's right to abuse the victim.”</li> </ul>	

- |  |  |  |
|--|--|--|
|  | <ul style="list-style-type: none"><li>• DHS suggests two social groups: (1) “Mexican women in a domestic relationship who are unable to leave;” and (2) “Mexican women who are viewed as property by virtue of their position within a domestic relationship.”</li></ul> |  |
|--|--|--|