



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Responses to the list of issues and questions for
consideration of the sixth periodic report**

Guatemala

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1. Constitution, laws and mechanisms for the advancement of women

1.1 Economic and human resources available to the National Office for Women's Affairs (ONAM) and the Presidential Secretariat for Women (SEPREM)

1.1.1 National Office for Women's Affairs (ONAM)

The National Office for Women's Affairs (ONAM) was established pursuant to Governmental Agreement No. 24-81 of 10 June 1981 in implementation of Guatemala's international commitments to the Inter-American Commission of Women (IACW) and the International Labour Organization (ILO). It is attached to the Ministry of Labour and Social Security and aims to promote the involvement of women in the country's development.

The main objectives of ONAM are as follows: (1) to promote the full participation of women, the amendment of legislation on discrimination against women and the promulgation of new laws; (2) to raise the population's awareness of women's rights and provide training in that area; (3) to encourage the Government to ensure that women are included in policies, plans and strategies.

Its functions include:

- Gathering and analysing information on the situation of women in all areas of national life;
- Studying specific sectors of the labour market in which women should begin to participate or increase their participation on the basis of equal opportunities and rights;
- Promoting and coordinating the development of programmes and projects designed to involve women in the country's development process.

ONAM has a centralized organizational structure, consisting of a General Assembly composed of volunteers from the public sector, private institutions, university representatives and non-governmental organizations (NGOs). The members of the General Assembly are grouped into four standing committees: promotion and publicity; research and projects; legislation; and education and training. They work on a voluntary basis to implement the planned activities.

The central office of ONAM has three employees whose posts are funded by the State: an Executive Director, who also acts as the Secretary of the Executive Board; a Secretary, who is responsible for administrative matters; and an official responsible for the Documentation Centre, who also assists the Secretary. At the decentralized level, ONAM carries out its activities through six regional headquarters, which are located in the departments of Alta Verapaz, Chimaltenango, Huehuetenango, Petén, Quiché and San Marcos. These regional headquarters are housed in the offices of the Ministry of Labour and Social Security, which bears their staffing and operating expenses. The organizational structure of the decentralized offices, each of which has a general assembly and standing committees, mirrors that of the central office.

As of 2006, ONAM has a reduced budget of 25,000 quetzales (\$3,310), which falls within the framework of the budget of the Ministry of Labour and Social Security, with which to meet the operating costs of its central office. Given its financial limitations, ONAM is not in a position to implement projects and activities

that fully achieve its objectives. Consequently, its activities depend on the voluntary efforts of its members, donations and advisory services provided by professionals from NGOs which are members of ONAM.

In recent years, ONAM has focused on the amendment of legislation that discriminates against women. Proposed amendments to a number of provisions of the Labour Code, the Civil Service Act, the Criminal Code, the Act on Elections and Political Parties and the Education Act have been before Congress since 2003. This year, ONAM has drafted a number of funding proposals for a project designed to ascertain the progress of those legislative proposals in Congress with a view to defining new strategies to expedite their approval.

In the context of the implementation of the National Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunity Plan 2001-2006, ONAM is responsible for taking forward the elements relating to equality in the labour market and equality before the law.

ONAM is part of the Inter-Institutional Coordinating Office for the Comprehensive Development of Guatemalan Women, which was established in 2004 and is composed of the Office for the Defence of Indigenous Women's Rights (DEMI), the National Women's Forum, the First Lady's Social Work Secretariat (SOSEP) and the Presidential Secretariat for Women (SEPREM). The objective of this initiative is to identify common areas of action with a view to complementing and coordinating the efforts undertaken in the area of women's rights by the executive branch's mechanisms for the advancement of women.

1.1.2 Presidential Secretariat for Women (SEPREM)

The Presidential Secretariat for Women (SEPREM) was established pursuant to Governmental Agreement No. 200-2000 as a result of the political démarches of women's organizations, which were calling for the establishment of a guiding entity that would promote public policies with a gender perspective. SEPREM, which is situated at the highest level of the executive branch, is an advisory and coordinating body for public policies to promote the comprehensive development of Guatemalan women and the fostering of a democratic culture. Its strategic, political and operational functions are defined in the governmental agreement by which it was established and in the Urban and Rural Development Councils Act. These functions are, inter alia, to:

- Ensure compliance with the peace agreements and the international commitments signed and ratified by Guatemala regarding women's human rights;
- Develop government initiatives regarding women's economic, social, cultural and political development;
- Promote coordination among public sector institutions so that they foster public policies aimed at the advancement of women, particularly implementation of the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006;
- Participate in the Urban and Rural Development Councils system, both at the national and at the regional and departmental levels, through its respective representatives;

- Accompany women's organizations in selecting their representatives to the Urban and Rural Development Councils system;
- Facilitate dialogue between government authorities and women's organizations, in order to strengthen the comprehensive development of Guatemalan women in the economic, political and social spheres.

At the central level, the Presidential Secretariat for Women comprises the Senior Management Office, the Internal Auditing Unit, the Office of Legal and Technical Advice and the Directorates for the Promotion of Women, comprising Institutional Capacity-Building; Planning, Monitoring and Evaluation; International Cooperation; Communication and Public Relations; and Financial and Administrative Issues. There is also a Documentation Centre. SEPREM also has an Advisory Board, which is part of the SEPREM structure and is made up of representatives of ministries, State secretariats and social funds.

The core staff comprises 43 people, while at the decentralized level there are only nine regional representatives covering 22 of the country's 23 departments. Given the low number of people at the regional level, it has been decided that the regional representatives should focus primarily on the regional and departmental development councils. The municipal level is covered only in response to specific requests.

The SEPREM budget for the period 2000-2006 is set out in the table below. It should be pointed out that, as a result of government austerity measures in 2004 the budget of all government institutions was cut by over 20 per cent; for SEPREM, the approved budget was reduced by 19.2 per cent. In addition to its share of the national budget, since its inception SEPREM has arranged for and received financial support from international cooperation, enabling it to continue its work.

The current Government's political will to promote women's mechanisms in the executive branch is demonstrated by the fact that in 2006 it increased the budget for SEPREM and DEMI by 50 per cent and almost 240 per cent respectively, as will be seen in section 1.4 on DEMI.

Table 1
Presidential Secretariat for Women
Approved budgets

2000-2006 (figures in quetzales)

<i>Description</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Total	514 178.00	4 950 000.00	5 918 950.00	5 918 950.00	5 918 950.00	10 188 517.00	15 000 000.00
SEPREM	514 178.00	4 950 000.00	5 918 950.00	5 918 950.00	5 689 550.00	5 411 117.00	11 682 400.00
0 Personnel services	321 888.00	2 186 246.00	4 408 678.00	4 618 868.00	4 543 868.00	4 565 868.00	4 565 868.00
1 Non-personnel services	21 790.00	839 227.00	930 172.00	1 073 694.00	986 582.00	672 100.00	3 056 867.00
2 Materials and supplies	3 500.00	924 527.00	353 100.00	189 900.00	159 100.00	138 149.00	1 131 615.00
3 Property, premises, equipment and intangibles	167 000.00	550 000.00	227 000.00	36 488.00	0.00	0.00	898 050.00
4 Current transfers	0.00	450 000.00	0.00	0.00	0.00	35 000.00	2 030 000.00
CONAPREVI	0.00	0.00	0.00	0.00	229 400.00	177 400.00	1 400 000.00
0 Personnel services	0.00	0.00	0.00	0.00	75 000.00	75 000.00	75 000.00
1 Non-personnel services	0.00	0.00	0.00	0.00	87 112.00	88 000.00	755 000.00
2 Materials and supplies	0.00	0.00	0.00	0.00	30 800.00	14 400.00	140 000.00
3 Property, premises, equipment and intangibles	0.00	0.00	0.00	0.00	36 488.00	0.00	430 000.00
EXTERNAL DONATIONS	0.00	0.00	0.00	0.00	0.00	4 600 000.00	1 917 600.00
1 Non-personnel services	0.00	0.00	0.00	0.00	0.00	4 600 000.00	1 842 600.00
2 Materials and supplies	0.00	0.00	0.00	0.00	0.00	0.00	75 000.00

Source: Internal documents of the Presidential Secretariat for Women, March 2006.

The Presidential Secretariat's priority areas of action are to:

- Strengthen its own political position in State bodies and at the international level and that of the National Policy for the Advancement and Development of Guatemalan Women;
- Strengthen gender mainstreaming in the key bodies and guiding entities;
- Strengthen mechanisms for dialogue between the State and civil society;
- Strengthen the monitoring system of the National Policy for the Advancement and Development of Guatemalan Women.

The main difference between the functions and role of SEPREM and those of ONAM is that the former is an advisory and coordinating body for public policy on behalf of women and is therefore responsible for promoting the mainstreaming of the goals of the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 in the policies, plans, programmes and projects of the various government institutions, at the national and decentralized levels. ONAM, meanwhile, has been focusing its efforts on promoting implementation of the aforementioned policy's goals relating to employment and the law.

In those geographical areas where both SEPREM and ONAM have regional offices, their staff work in coordination, particularly with regard to the composition and functioning of Women's Commissions in the Development Councils and in accompanying women's organizations in inviting applications and selecting their representatives to the Development Councils. As a guiding entity for public policy for women, SEPREM does not directly implement programmes and projects, unlike ONAM, which does have such a mandate.

1.2 Mechanisms for inter-institutional coordination

Mechanisms for inter-institutional coordination should not be viewed separately; they function at various levels and complement each other so that actions can be targeted with precision. This prevents duplication when allocating resources and functions.

1.2.1 Inter-Institutional Advisory Board of the Presidential Secretariat for Women (SEPREM)

The Advisory Board is the body that supports and advises SEPREM, which in turn is responsible for ensuring that the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 is implemented in the government units that it represents. By virtue of article 13 of the regulations of SEPREM, the Advisory Board comprises one woman delegate from each of the State Ministries and those government units or institutions that are responsible for implementing public policies. It currently comprises 29 representatives and meets once a month. The Advisory Board of SEPREM is therefore one of the most important coordination mechanisms for mainstreaming actions benefiting women into sectoral plans and programmes.

The Advisory Board's functions are, inter alia, to:

- Ensure observance of and compliance with the commitments made by the State of Guatemala in national and international bodies relating to women;
- Coordinate with State entities, in particular SEPREM, on the implementation of joint actions within the remit of the Units and/or various women's bodies;
- Ensure gender mainstreaming in the policies, programmes and projects of Ministries and other government bodies;
- Offer advice on the design, follow-up and evaluation of the policies, programmes and projects implemented by ministries and other government bodies to promote gender mainstreaming and women's participation;
- Formulate affirmative actions that help eliminate gender inequalities;
- Conduct participatory research on women's needs and incorporate them into the policies of ministries and/or institutions.

In order to give effect to the above, each of the participating institutions is responsible for drawing up annual action plans and providing annual progress reports, taking account of the following areas of action:

- Develop strategies in order to establish mechanisms that enable policies for women to be brought into line with and mainstreamed into ministerial and/or sectoral policies;
- Undertake, as a fundamental objective, to give effect to the overall goals established in the National Policy for the Advancement and Development of Guatemalan Women.
- Generate actions to mobilize resources towards programmes and proposals that safeguard, develop and strengthen the Equal Opportunity Plan 2001-2006.

1.2.2 Inter-Institutional Coordinating Office for the Comprehensive Development of Guatemalan Women

As previously mentioned, this coordination mechanism is made up of ONAM, DEMI, the National Women's Forum, SOSEP and SEPREM, and was established following a process promoted by SEPREM in 2004. Its aim is to establish coordination with those executive-branch institutions that work for the advancement of women and promote policies and develop programmes aimed at women, in order to identify common areas of work with a view to developing a common agenda that promotes the development of Guatemalan women from an inter-institutional perspective.

In 2005, the various institutions making up the Inter-Institutional Coordinating Office proposed fostering actions to address the issue of the comprehensive security of women, in accordance with their respective competencies, nature, mandates and area of influence. The actions identified refer to preventing domestic violence, monitoring compliance with labour laws designed to protect women, drawing up and launching the National Pact for the Comprehensive Security of Guatemalan Women, strengthening women's participation in the Development Councils, and health and nutrition education. Despite having a common plan of action, progress has been limited and the coordination strategy therefore needs to be reviewed.

1.2.3 National Pact for the Comprehensive Security of Guatemalan Women

The Presidential Secretariat for Women has made security for women one of its priorities and has developed a National Pact for the Comprehensive Security of Women in compliance with the National Policy for the Promotion and Development of Guatemalan Women. The aim of the Pact is to mobilize political, social and financial support to combat women's vulnerability in the field of security on a comprehensive basis, focusing on the promotion and protection of the human rights of men and women from all social and cultural groups.

One of the major aspects of the Pact is the establishment of strategic partnerships, the coordination of joint actions of central and decentralized government bodies and the creation of institutions to ensure public safety and to encourage indigenous women's organizations, the private sector, churches, communication media and society as a whole to meet the practical demands of society with respect to women's security.

The Pact covers the following fields:

- Legal protection for women;
- Economic and food security for women and their families;
- Security for women in their homes, families, communities and cities;
- Security in health care and education;
- Security for migrant women;
- Security for migrant women and the prevention of trafficking in persons;
- Security and risk management for women.

At the end of 2005, the Presidential Secretariat for Women initiated a series of consultations in 15 departments, with a view to reaching a consensus on the Pact. Workshops were held to examine the topic of security and prioritize the participants' needs in the field of security for women. The consultations led to a joint draft proposal which includes strategies and measures in each field.

During the first few months of 2006, basic agreements were established with several municipalities to disseminate the Pact and prioritize the actions to be implemented in those municipalities.

1.2.4 Commission on Femicide

The Commission was set up to respond to the security needs of the general population and to address femicide in particular. It is also responsible for implementing any recommendations made by the United Nations Special Rapporteur on violence against women, its causes and consequences, Ms. Y. Ertürk.

The principal aim of the Commission is to develop a strategy and plan of action which will enable the three government bodies and civil society to address femicide in a comprehensive and coordinated manner. Focal points include government investigation, training of staff of the judicial system, raising awareness of the need to prevent violence against women through the media and lobbying Congress to approve the security laws and proposed amendments to the Criminal Code designed to eliminate violence against women.

The Commission includes representatives from the three branches of government, the Office of the Procurator-General, the Office of the Public Prosecutor and the Office of the Human Rights Procurator. The President of the Republic has appointed SEPREM to coordinate this effort. On 8 March 2006, the heads of the three government branches issued a joint statement recognizing the need to take a coordinated approach to the problem of femicide.

1.2.5 Other mechanisms for inter-institutional coordination

The Presidential Secretariat for Women regularly carries out policy-coordination activities within the various government departments (general, social and rural development), with the Ministers and Deputy Ministers and with other authorities, through bilateral follow-up meetings, to implement actions involving the Advisory Board.

This coordination performs two important functions. It makes it possible to monitor and update the ministries' implementation of the National Policy for the Advancement and Development of Guatemalan Women and the coordination of the Policy with other sectoral policies and to monitor and update the aspects of the Policy which are linked to the work of SEPREM.

1.3 Results of the analysis of legislation in force undertaken with a view to promoting reforms that take account of women's needs

One of SEPREM's functions is to carry out an ongoing analysis of the legislation in force. In 2003 and 2004, it analysed 10 national laws in relation to 10 international laws. Both the Civil Code and the Act establishing the family courts were reviewed. Based on that review, amendments were proposed to regulate equality in marriage, parental authority, access to land, prompt access to justice for women and succession. The analysis also revealed the necessity of amending the Health Code, the Family Violence Act and the Labour Code and the need for a specific law on maternity leave.

The proposed amendments to articles 55, 80, 81 and 89 of the Civil Code and the Act establishing the family courts were submitted to the legislature in 2002 but were not included in the legislative agenda. SEPREM attempted to have the amendments put on the agenda in 2004 but they were archived, due to the change in government.

Initiative No. 3367 proposes the establishment of a specific law for the comprehensive and equal protection of spouses and families. The initiative was given a first reading but does not cover engagement and the age at which persons may become engaged. Given that it does not include all the aspects proposed in the aforementioned Civil Code amendments, it is important for SEPREM to resubmit the amendments to the legislature.

Article 200 of chapter VII of the Criminal Code exonerates a perpetrator of sexual assault if he marries the victim, provided that she is over 12 years of age. That is inconsistent with the provisions of both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Office of the Human Rights Procurator has therefore brought an action of unconstitutionality regarding this article.

The Constitutional Court ordered the suspension of article 200 in case No. 2818-2005. The validity of the action of unconstitutionality is currently being examined by the courts. It should be noted that initiative No. 2630 to amend the Criminal Code contains a provision which repeals article 200 and the exoneration of perpetrators of sexual assault.

Once article 200 has been repealed, another action of unconstitutionality will be brought in respect of the Code of Civil Procedure to ensure that the prosecution of sexual crimes against women will no longer be subject to approval by a private institution and will be investigated by the Public Prosecutor's Office.

In 2005, the Inter-Institutional Group against Trafficking in Persons, which is administered by the Ministry of Foreign Affairs and includes the Presidential Secretariat for Women, obtained the amendment of article 194 of the Criminal Code on trafficking in persons and women and children in particular.

The Supreme Court is now in the process of examining the proposed amendment of the Code of General Procedure, taking into account recommendations by the legislature. The current objective is to amend the Criminal Code, as such a reform would constitute significant legislative progress for women. Once the reform has been adopted, amendments to the Code of Criminal Procedure will be drafted.

1.4 Impact of the Office for the Defence of Indigenous Women's Rights (DEMI)

DEMI was established pursuant to Governmental Agreement No. 525-99 in compliance with the Agreement on Identity and Rights of Indigenous Peoples, with the active participation of various indigenous women's organizations. It is attached to the Presidential Human Rights Commission (COPREDEH). DEMI is a government body which includes indigenous women and whose primary objective is to encourage actions for the promotion, defence and full exercise of indigenous women's rights.

The Office's primary functions are to:

- Encourage and develop, in collaboration with governmental and non-governmental bodies, actions to promote public policies, plans and programmes for the prevention and elimination of all forms of violence and discrimination against indigenous women;
- Channel and follow up complaints brought by indigenous women;
- Develop, coordinate and execute education, training and outreach programmes on the human rights of indigenous women;
- Study and propose draft bills on the human rights of indigenous women;
- Provide legal, social and psychological assistance to indigenous women who have undergone physical, psychological or sexual violence and ethnic discrimination, taking into account their language and culture;
- Submit recommendations to the Government and to society on ways to address indigenous women's issues.

At the national level, DEMI consists of a consultative council with representatives from 22 linguistic communities and a coordinating board composed

of eight women from those communities. The National Defender is appointed by the President of the Republic, based on a short list prepared by the coordinating board.

The central office has a staff of 21 women and men. There are six regional offices, each with a delegate, in Cobán de Alta Verapaz, Quetzaltenango, Huehuetenango, Suchitepéquez, Quiché and Petén. The regional offices in Quiché and Alta Verapaz are each staffed by a delegate, a lawyer and a social worker and two assistants. The other offices have a staff of only two persons, from the legal and social work unit, but it is expected that the teams will be completed by May 2006. At the regional level, the delegates identify violations of indigenous women's human rights and propose measures and programmes for the protection and full exercise of those rights.

The Defender of Indigenous Women reports that the actions of DEMI have been limited by a lack of funds since the beginning of her mandate, although the budget allocations were increased this year. The following table gives the budget figures since the establishment of the Office.

Table 2
Summary of budget allocations for the Office for the Defence of Indigenous Women's Rights
1999-2006 (Figures in quetzales)

<i>Year</i>	<i>Total budget</i>
1999	2 000 000.00
2000	1 855 922.00
2001	2 332 828.00
2002	2 241 214.00
2003	2 217 511.00
2004	1 700 000.00
2005	1 900 000.00
2006	4 555 240.00

Source: 2006 DEMI internal document.

1.5 Impact of the National Policy and existing mechanisms for monitoring and evaluating its implementation

It is important to point out that SEPREM is a relatively new body and that its political positioning required a concentration of efforts in various areas. In 2001 and 2002, the Secretariat focused on promoting the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 in the ministries and other government bodies and on strengthening its structure and mobilizing financial and human resources.

It is only in recent years that SEPREM began its role as consultant and coordinator of the National Policy among the government bodies. Given that the Policy has been in effect for only a short time, it is not yet possible to evaluate the impact of its implementation.

Taking into account what has been stated previously, the main results achieved thus far are:

- Gender issues are a priority in the Government's agenda and programme and in some substantive sectoral policies, including the National Decentralization Policy, the Strategic National Plan to Support Local Development Initiatives, the Human Rights Policy and the Policy on the Prevention of Youth Violence.
- The National Policy has been taken into account in departmental development plans in those departments where such plans have already been elaborated. Budgetary allocations have also been made to programmes and projects for women.
- Women's participation in civic and political life has increased at various levels through the Development Councils.

With respect to the existing mechanisms for monitoring and evaluating the implementation of the National Policy and the Equal Opportunity Plan 2001-2006, SEPREM relies on its Advisory Board, through which participating institutions track progress and report to the Secretariat on it. In 2002, SEPREM created an instrument for monitoring the actions of each of the ministries, funds and secretariats in implementing the National Policy. This led to the introduction of a format highlighting policy goals, Policy-based actions planned for each institution, actions carried out, internal and external factors that were conducive to implementation, internal and external obstacles to processes and actions and lastly, the results achieved.

This instrument was supplemented by another that dealt specifically with the goals of each mechanism, the activity, the number of women or women's organizations benefiting, the municipalities and departments targeted by those actions, challenges and observations. It should be noted that monitoring was based on the annual plan of operations of each ministry's female delegation with a view to achieving the specific goal assigned to it under the Policy.

One difficulty in this monitoring process was the lack of Policy indicators, as they were still being formulated at the time; hence, the Policy goals were the only monitoring criterion.

Work has now begun on designing a monitoring system, starting with an assessment of the current monitoring situation. Conceptual and methodological frameworks have been established and their respective instruments are now being electronically installed in order to ensure that all actors in the implementation of the Policy are connected to them and that information is available electronically. Through the system, it will be possible to monitor each ministry's efforts to incorporate and institutionalize the Policy and to promote the advancement of women as well as SEPREM activities to help facilitate implementation by government institutions.

One very positive development is that this system will be connected to the indicators that were jointly developed and reviewed by SEPREM and the National Statistical Institute. In addition, this year, SEPREM launched a process for evaluating and updating the Policy and the Equal Opportunity Plan 2001-2006. This evaluation process, which is scheduled to conclude in 2007, includes a number of phases, as follows: (a) elaboration of the design for evaluating the Policy, (b) the

evaluation itself, (c) dissemination of the evaluation results, and (d) adaptation and/or updating of the Policy. It should be noted that the new Policy will include strategic actions for indigenous and rural women contained in the current agendas, and that other issues related to the main thrust of the Policy will be updated.

In the course of the evaluation, consideration will be given to a number of lines of action to be executed in a complementary and coordinated fashion, including information and dissemination of the process, the complementarity and coordination of efforts and actions, training in the process and participation of women's organizations and government institutions, particularly the Office for the Defence of Indigenous Women's Rights (DEMI) and the Presidential General Secretariat for Planning (SEGEPLAN), in that process.

The process is part of a much broader operation that includes and is supplemented by the elaboration of a baseline, a Policy monitoring system and an assessment of the situation of women, as well as other actions outlined in the programme to combat exclusion being carried out by the Government of Guatemala and the European Union.

1.6 Definition of the offences of domestic violence and discrimination on the grounds of gender

Initiative No. 2630 to criminalize domestic violence in the Criminal Code, an initiative on which the Commission on Women and the Commission on Children and the Family have issued a favourable opinion, is now before the Congress of the Republic. In addition to criminalizing domestic violence, the initiative would redefine and increase the seriousness of other crimes, such as rape. It would also eliminate the concept of "virtue" in the article on statutory rape, as it is believed to have a subjective value that is contrary to women's human rights. That article currently addresses two types of statutory rape: (a) rape that occurs as a result of a woman's inexperience or her trust being taken advantage of and (b) rape that occurs through deception. Both deal with carnal knowledge of a woman of virtue and in both, the victim's age is taken into consideration. In the first category, the victim of the crime is a girl over 12 years of age and under 14 years of age, whose trust is won over and who is taken advantage of because of her inexperience; the second category consists of minors who are tricked or lured by false promises of marriage.

The analysis by the Commission on Minors of the Congress of the Republic contemplates the criminalization of commercial sexual exploitation, sex trafficking and tourism, and illegal adoption.

1.7 Amendments to the Code of Criminal Procedure designed to improve women's access to the justice system

Guatemala does not have a Code of Criminal Procedure but rather a Code of Penal Procedure. At present, no reforms have been proposed, pending the adoption of initiative No. 2630, to be followed by a campaign to reform the Code of Penal Procedure.

1.8 Amendments to articles 55, 80, 81 and 89 of the Civil Code concerning equality in marriage and family relations

The current initiative to introduce Act No. 3367 is aimed at establishing a special law for the integral protection of marriage and family with a view to protecting all the individuals concerned. It is a broad-ranging marriage-protection law and therefore covers the principle of equality in the family in general. The initiative has already been discussed on first reading; however, it has no provisions on betrothal and marriageable age. As this is a general law, it does not supersede the Civil Code; SEPREM will have to resubmit its proposal to amend the Civil Code.

2. Gender stereotypes

2.1 Measures and steps taken to eliminate gender stereotypes

The Subcommittee on Gender of the Advisory Commission for Education Reform has carried out a number of activities with a view to mainstreaming a gender perspective in the curriculum, teaching materials and teacher training during the period 2004-2006. In 2004, the textbooks used by primary-school boys and girls were reviewed and analysed with a view to eliminating ethnic and gender stereotypes. Relevant observations and recommendations were elaborated for incorporation by the Ministry of Education. While these observations were incorporated into the new textbooks, there is still a shortage of textbooks in the schools and the old editions are still in use. Hence, not all pupils have textbooks that include the observations. This year also saw the elaboration of methodology handbooks that address the issues of equality and ethnic and gender equity. The handbooks are entitled “If we learn together and in the same conditions, we will have a better life”. These materials were designed for use by the Ministry of Education technical team that writes the textbooks and by primary-school teachers.

In 2005, the Subcommittee on Gender did an analysis of the document entitled “Elements of Educational Policy 2005-2008” and submitted its findings to the Advisory Commission on Education Reform. The booklet entitled “If we learn together and in the same conditions, we will have a better life” has been approved for circulation in 2006, and a proposal to amend the National Education Act, submitted by the Ministry of Education, is being analysed.

3. Violence against women

3.1 National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI)

The National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI) 2004-2014 sets out a strategy for the prevention, treatment and reduction of domestic violence and violence against women, as well as institution-building. It is conceived as a national strategy under the responsibility of the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI), whose functions include assessing and promoting public policies to reduce domestic violence and violence against women.

As this is a national-consensus strategy, PLANOVI has established decentralization, multiculturalism and inter-agency coordination as guiding

principles and mechanisms for its implementation. The Plan contemplates developing evaluation and monitoring mechanisms through processes designed to systematize results and determine the impact that the Plan has had on reducing domestic violence and violence against women.

In 2004, PLANОВI was submitted to the authorities of three government agencies, to implementing institutions and to international cooperation entities. PLANОВI has been introduced in workshops held in the departments of Quetzaltenango, Petén, Escuintla, Zacapa, Jutiapa, Jalapa, Chimaltenango, Quiché, Totonicapán, Alta and Baja Verapaz, Progreso and the Municipality of Villa Nueva. These workshops were offered to male and female civil servants in a number of government institutions, Development Council representatives, and women's and community organizations.

The lack of funds for its dissemination and application has been a major obstacle to the implementation of PLANОВI. At this time, CONAPREVI is seeking renewed pledges from the institutions working with it, to which end an inter-agency agreement for the strengthening of CONAPREVI — and the implementation of PLANОВI 2004-2014 — will soon be signed.

3.2 Violence against women, its causes and consequences in Guatemala

Research on violence against women has been carried out mainly by women's and civil-society organizations. Studies have focused on the causes and effects of femicide. As a result, the Government established a Commission on Femicide, charged with elaborating a strategy to address the issue in an integral and coordinated manner.

The Ministry of Public Health and Social Welfare publishes information that contributes to an understanding of the causes and effects of violence against women. A module for investigating the phenomenon was included in its National Survey on Maternal and Child Health (ENSMI 2002). Issues relating to gender and sexually transmitted infections, which are intimately bound up with the issue of violence, have also been added. Research has revealed that:

- (a) Of those participating in the survey, 25.3 per cent had been victims of verbal abuse in the past year;
- (b) Among those participating, 8.6 per cent had been victims of physical abuse and 3.5 per cent, of sexual abuse;
- (c) Elderly, uneducated, rural and indigenous women are more likely to be victims of violence;
- (d) The main perpetrators are husbands, fathers, brothers, stepfathers and boyfriends;
- (e) The most frequent form of violence is verbal abuse;
- (f) Of all female victims of violence, 25 per cent sought help. That percentage consisted of women who were better educated, lived in urban areas or were divorced or separated;
- (g) The main reasons women did not seek help were fear of reprisals by the perpetrator or uncertainty about where to turn;

(h) Of those in the survey, 48.9 per cent of urban women and 40.1 per cent of rural women indicated that they had had their first sexual relations before they were 12 years old;

(i) Among women who had been raped before they were 12 years old, 44.4 per cent said that they had been raped for the first time before they were 10 years old; 38 per cent, when they were between 12 and 14 years of age; and 20 per cent, before they were 7 years old.

CONAPREVI has finished reviewing a form for the statistical recording of incidents of domestic violence, with input from the relevant institutions. In the course of the current year, training in how to use it will be provided. The instrument contains specific information that will facilitate keeping statistical records of cases. The National Statistical Institute and the judiciary have begun work on a special form to report incidents of violence against women, which will be submitted to CONAPREVI for review and approval. In addition to setting up CONAPREVI, other important government measures to prevent, respond to and prosecute violence against women in all its forms and throughout the territory include:

- Programme for the Prevention and Eradication of Domestic Violence (PROPEVI) of the First Lady's Social Work Secretariat (SOSEP);
- National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI).

PROPEVI offers the following services:

- Domestic-violence hotline, which in 2005 handled 1,888 calls;
- Two shelters;
- Psychological counselling for female and male victims and perpetrators;
- Education and training in educational institutions; and
- Briefings on legal remedies.

The Legal Unit of the Office for the Defence of Women's Human Rights (DEFEM) handled a total of 454 cases representing various types of legal complaints (civil, criminal, labour, administrative and notarial). The Public Prosecutor's Office also provides psychological support services to women who file complaints with it.

Table 3
**Number of complaints of violence against women handled by the Public
 Prosecutor's Office**

2000-2003

<i>Year</i>	<i>Complaints</i>	<i>Charges filed</i>	<i>Discussions held</i>
2000	130 561	2 350	1 030
2001	222 436	2 140	675
2002	238 936	2 013	630
2003	229 572	2 969	968
Total	821 505	9 472	3 303

Source: COPREDEH.

The National Civil Police receives complaints and is authorized to carry out searches in pursuing perpetrators.

Table 4
Number of complaints of violence against women

2005

<i>Complaints</i>	<i>Number</i>
Domestic violence	7 170
Assault	221
Threats	115
Rape	117
Child abuse	49
Total	7 672

Source: National Civil Police.

Table 5
Number of telephone calls handled, by reason for call and place received
2005

<i>Place received</i>	<i>Reason for call</i>	<i>No. of calls</i>
Police Office for Female Victims of Violence	Domestic violence	83
Office for Emergency Assistance to Female Victims of Violence	Commercial sexual exploitation	17
Office for Emergency Assistance to Female Victims of Violence	Child abuse	48
To police emergency telephone, No. 110	Domestic violence	10 351
Total		10 499

Source: National Civil Police.

Table 6
Number of judgements in cases of violence against women by type of offence
January-September 2005

<i>Type of offence</i>	<i>Judgement</i>	<i>Amount</i>
Rape	Acquittal	20
Rape	Conviction	41
Rape with increased penalty	Acquittal	11
Rape with increased penalty	Conviction	28
Statutory rape (inexperience or abuse of trust)	Conviction	6
Statutory rape	Acquittal	2
Statutory rape	Conviction	11
Abduction	Conviction	2
Statutory abduction	Conviction	6
Total		127

Source: Office of the President of the Judiciary and the Supreme Court of Justice.

Table 7
Number of convictions
2003-2005

<i>Year</i>	<i>Number</i>
2003	24
2004	35
2005	7
Total	66

Source: Study on Femicide in Central America (questionnaire, Network for Non-violence against Women).

3.3 Strengthening of justice institutions and the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI)

For 2006 a budget of \$184,000¹ has been allocated, representing 9.33 per cent of the budget of the Presidential Secretariat for Women, from which CONAPREVI gets its funding and which defines its distribution and budgetary periods.

3.4 Abolition of legislation on violence against girls which is inconsistent with provisions of international conventions and treaties

Article 200 of chapter VII of the Criminal Code exonerates a perpetrator of rape if he marries the victim, provided that the victim is over 12 years of age, which is inconsistent with the provisions of both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. As mentioned before, the Office of the Human Rights Procurator of Guatemala has filed a motion of unconstitutionality regarding this article. The Constitutional Court will determine the validity of the arguments of the interested parties in order to rule on the matter.

3.5 Protection and rehabilitation of poor young women at risk for recruitment and exploitation by youth gangs

The Secretariat for Social Welfare has conducted various activities directed at the general population. No specific activities have been reported for women, and there is no gender-disaggregated information on participation. The following activities have been conducted:

- Census of street children and youth in Guatemala City;
- Raising awareness in schools for boys, girls and parents to prevent children from ending up on the street;
- Workshops for adolescents in educational centres;
- Recreational and sports workshops for street children and youth;
- Vacation schools for children and adolescents in public schools emphasizing

¹ Source: Draft budget of income and expenditure 2006, Ministry of Public Finance. Exchange rate used = 7.60 x 1.00.

occupational therapy and play;

- Forum on the perception among the National Civil Police of street children and youth.

3.6 Gender and violence indicators in the public health system

The Ministry of Public Health and Social Welfare (MSPAS), as part of its statistical registry, includes cases of domestic violence and gender-based violence. In 2002 the National Survey of Maternal and Child Health (ENSMI) included a module to investigate this problem. It also added topics related to gender and sexually-transmitted diseases and aspects of the problems of violence. MSPAS participated in and endorsed the report of the Statistical Registry of Cases of Gender-Based Violence with the National Statistical Institute, which is ready to apply it.

On the subject of interaction with other institutions, the Ministry of Public Health signed a tripartite letter of agreement to address cases of family and gender-based violence with the College of Physicians and Surgeons of Guatemala and the Public Prosecutor's Office. It formed the Gender Analysis Committee, in which governmental and non-governmental organizations are participating, and also wrote and published the Protocol for treatment of victims of sexual violence and has trained 60 people in its application, consisting of forensic physicians in national hospitals and health-care staff in three of the country's departments.

In addition, it has trained health-care staff in health centres in a gender perspective, violence and masculinity and has initiated a process of training for men in masculinity, human rights and an approach to family violence.

4. Trafficking in women and exploitation of prostitution

4.1 Preventive and protective measures and punishment for those responsible for trafficking in women and children for the purpose of sexual exploitation

The Secretariat for Social Welfare is conducting the following activities to eradicate the phenomenon of trafficking in and sexual exploitation of boys, girls and adolescents:

- Establishment of the National Committee against Commercial Sexual Exploitation (CONAPESC) in progress;
- Endorsement of the Plan to Combat Sexual Exploitation 2005-2006 by the Coordinating Group against the Commercial Sexual Exploitation of Boys, Girls and Adolescents coordinated by the Secretariat for Social Welfare;
- Campaign to raise awareness among the people and public officials;
- Training for teachers and directors of schools in areas at risk on the vulnerability of children and adolescents to this problem;
- Implementation of the methodology based on the Strategic Programme Impact Framework (SPIF) by UNICEF and the USAID AIDS Project for Central America (PASCA) with the Coordinating Group, through which problems are detected and solutions proposed on the topic of sexual exploitation;

- Implementation of a database with the goal of making available reliable and up-to-date information on victims of commercial sexual exploitation treated in the programmes of the Secretariat for Social Welfare.

Among its achievements, the Coordinating Group has developed a proposal for reform of the Criminal Code to criminalize commercial sexual exploitation, trafficking and sex tourism, as well as illegal adoptions. This proposal is currently before the legislature and included in initiative No. 2630 mentioned above.

Additionally, the Ministry of Foreign Affairs has conducted the following activities. In 2003 it formed an Inter-Institutional Group against Trafficking in Persons, of which the Presidential Secretariat for Women is a member. An achievement in 2005 was the reform of article 194 of the Criminal Code, on trafficking in persons, which had previously regulated white slavery. With this reform the offence was broadened to include trafficking in persons, including such forms of this scourge as forced prostitution and slavery, pornography or other forms of sexual exploitation, begging, forced labour or service, forced marriage, irregular adoption, slavery or similar practices.

This reform harmonized domestic legislation with the content of international instruments, in order to promote effective cooperation to prevent and combat transnational organized crime, and thus to prevent, suppress and punish trafficking in persons, especially women, children and vulnerable groups. This reform was carried out under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Currently there is a draft bill against trafficking in persons and illicit trafficking in migrants. Its objective is the prevention and protection of victims of trafficking through regulation of shelters, a critical route for reporting, and other aspects of trafficking and violation of the human rights of migrants. This is not a punitive law, as even though this offence is criminalized in article 194 of the Criminal Code, by law the same offence cannot be punished twice.

This proposal is being consolidated by the Ministry of Foreign Affairs and later will be transmitted to the members of the Inter-Institutional Group against Trafficking in Persons and Illicit Trafficking in Migrants for its endorsement and decision before being sent to Congress.

In March 2006, the Presidential Secretariat for Women supported the issuing of a guide from a gender and human-rights perspective to facilitate coordination among the Central American countries, Panama, Belize, Mexico and the United States and institutions involved in the process of repatriation of minor victims of trafficking, which is attached to this document. At a later date a specific document for women will be issued.

4.2 Human rights of women sex workers from neighbouring countries

Within the Central American Security Commission there has been follow-up to the Regional Plan against Organized Crime, which includes among its priorities for action the topic of illicit trafficking of migrants and illicit trafficking in persons. Furthermore, considering the positive experience of cooperation between Guatemala and El Salvador, the Regional Border Security Plan process has continued. The topic of crimes against women was included in the work of the Committee of Chiefs of

Police of Central America and the Caribbean. This Committee has reported to the Security Commission twice a year on progress in those areas.

The Secretariat of Social Welfare has taken the following measures:

- Opening of a home for children and adolescents of both sexes, national migrants and deported foreigners;
- Safe repatriation for children and adolescents as migrants, with human transportation.

In observance of the Palermo Protocol: “Strengthening international cooperation to prevent and combat trafficking in persons and protect its victims”, in 2004 the National Civil Police created an anti-trafficking unit to combat smuggling and trafficking in persons for the sex trade. During 2004 and 2005, the Anti-Trafficking Unit carried out various activities, some of which are highlighted as follows.

Table 8
Women in prostitution rescued by the Criminal Investigation Division of the Anti-Trafficking Unit of the National Civil Police

2004

<i>Country of origin</i>	<i>Number of women rescued</i>
El Salvador	579
Honduras	241
Nicaragua	272
Costa Rica	48
Panama	4
Venezuela	1
Mexico	1
Total	1 146

Source: Prepared by the authors with data from the Anti-Trafficking Unit of the National Civil Police.

In 2004, the Anti-Trafficking Unit deported 81 undocumented persons who were en route to the United States. In the same year, the Unit rescued 20 minors who were working as prostitutes; 23 were rescued in 2005. It also detained a number of individuals for various offences connected with trafficking in persons, the details of which are set out in the table below:

Table 9
Persons detained by the Criminal Investigation Division of the Anti-Trafficking Unit of the National Civil Police for various offences connected with trafficking in persons
2004-2005

<i>Type of offence</i>	<i>2004</i>	<i>2005</i>
Trafficking in persons	99	51
Corruption of minors	12	35
Trafficking in documented persons	1	46
Total	112	132

Source: Prepared by the authors with data from the Anti-Trafficking Unit of the National Civil Police.

In 2005, 654 undocumented women from various countries were deported.

5. Equal participation of women in political life

A proposal to amend the Act on Elections and Political Parties was submitted to Congress in August 2005, but it has not yet been approved. The current Chairperson of the Congressional Committee on Women, together with the Agency for Political Equality, which is composed of the Women's Civic and Political Coalition and the Commission for the Strengthening of Justice, are working to take the process forward. The proposal imposes a quota of 44 per cent for women's participation and also lays down penalties for any political parties that fail to comply with its provisions. It also provides for a system of alternation, meaning that candidates for the various political posts would take turns at putting themselves forward for election.

5.1 Measures taken to implement the quota system

At the present time, the proposal in question is at a standstill, since it is not part of the current legislative agenda. It will therefore take some time to achieve the changes, since a joint effort on the part of women's organizations and State institutions is required. Generally speaking, the measures taken have been extremely limited; the most significant action is being taken, in a discreet manner, by the Agency for Political Equality, which has continued to lobby at various levels to have the proposal to include quotas in the Act on Political Parties reconsidered.

5.2 Training programmes for women leaders

At present, women's organizations are making a sustained effort to train female leaders of social organizations. For some years, a number of women's and civil-society institutions and organizations have been promoting training schools geared towards indigenous and mixed-race women and those in urban and rural areas. Some of these schools have focused on building the capacity of women to participate in the various political arenas.

Other training programmes have been aimed at women from grass-roots organizations. Indeed, the Presidential Secretariat for Women (SEPREM) and the National Women's Forum designed a training programme for women involved in the urban and rural Development Councils, which consists of eight modules on the decentralization laws, participation in the Development Councils, public policies, the planning process, resources and social auditing. The Development Councils are currently regarded as one of the most important forums for women's participation in the decision-making of local and central government.

The Guatemalan Fund for Indigenous Development (FODIGUA) and the Peace Secretariat support the training of indigenous women leaders in areas relating to political participation.

5.3 Awareness-raising campaigns to promote women's participation in social and political life

As far as awareness-raising campaigns to promote women's participation in social and political life are concerned, women's organizations have conducted a number of campaigns to draw up agendas, including the Rural Women campaign and the campaigns launched jointly by a group of organizations on the overall theme of "We, the women". At the State level, the Supreme Electoral Tribunal launched a campaign to encourage women to vote in the most recent elections.

5.4 Measures taken to implement the Committee's recommendations

In December 2004, the Government of Guatemala concluded a financing agreement with the European Union with a view to implementing the programme entitled "The fight against exclusion in Guatemala". The programme's objective is to promote the social, economic and political inclusion of poor rural women, particularly indigenous women, by:

- Strengthening the State's institutional capacity to implement the National Policy for the Advancement and Development of Guatemalan Women, and to ensure coordination, complementarity and follow-up;
- Reducing discrimination against indigenous women in the public sector at the national, departmental and municipal levels, in the services provided by the private sector and within the community;
- Strengthening the organizational, political and methodological abilities of indigenous and rural women with a view to increasing their involvement in public policies at the municipal, departmental and national levels.

The programme contains a component on social change which includes awareness-raising campaigns to promote women's social and political participation.

6. Women and education

6.1 School enrolment and dropout rates among women

Statistics on school enrolment and dropout rates, disaggregated by gender, level and rural and urban area:

Table 10
Net enrolment and dropout rates, by gender and area

2004

Level	Net school enrolment rate			School dropout rate				
	Male	Female	Difference in percentage points	Male	Female	Urban areas	Rural areas	Difference between urban and rural areas
Pre-primary	45.23	45.16	0.07	8.15	7.74	4.49	10.13	5.64
Primary	94.69	90.91	3.78	7.17	6.83	4.25	8.20	3.95
Basic	32.64	30.02	2.62	7.13	5.05	5.90	7.03	1.13
Diversified	16.96	18.09	5.86	5.86	4.87	5.19	8.00	2.81

Source: Prepared by the authors on the basis of information from the 2004 Statistical Yearbook of the Ministry of Education.

Table 11
Republic of Guatemala
Primary level
Dropout rate by area and gender, by department

2004

Department	Total			Urban			Rural		
	Total %	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %
Total	7.01	7.17	6.83	4.25	4.44	4.06	8.20	8.32	8.07
Guatemala	5.30	5.42	4.16	4.21	4.32	4.10	7.42	7.53	7.29
El Progreso	5.71	6.05	5.33	4.31	4.30	4.31	6.22	6.67	5.71
Sacatepéquez	5.24	5.19	5.29	4.43	4.28	4.59	7.25	7.45	7.02
Chimaltenango	2.88	2.92	2.85	1.83	1.97	1.68	3.54	3.49	3.58
Escuintla	8.45	8.85	8.00	5.67	6.27	5.03	9.68	9.95	9.37
Santa Rosa	7.20	7.49	6.88	5.00	5.57	4.41	7.77	7.98	7.53
Sololá	3.36	3.50	3.21	3.12	3.10	3.14	3.45	3.65	3.23
Totonicapán	4.07	4.40	3.72	3.12	3.85	2.31	4.22	4.49	3.94
Quetzaltenango	13.32	13.39	13.25	3.57	3.86	3.26	18.67	18.58	18.77
Suchitepéquez	5.01	5.03	4.99	3.71	4.04	3.35	5.62	5.48	5.79
Retalhuleu	8.26	8.34	8.17	5.34	5.32	5.37	9.24	9.34	9.12
San Marcos	5.77	5.85	5.69	3.12	3.33	2.91	6.17	6.22	6.12
Huehuetenango	6.90	6.68	7.15	4.77	4.68	4.87	7.29	7.04	7.58

Department	Total			Urban			Rural		
	Total %	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %
Quiché	6.71	6.84	6.57	4.57	4.85	4.27	7.05	7.14	6.94
Baja Verapaz	6.00	5.81	6.22	3.52	4.00	2.98	6.52	6.18	6.93
Alta Verapaz	9.27	9.14	9.43	4.22	3.93	4.56	10.20	10.07	10.36
Petén	11.25	12.10	10.33	5.10	5.41	4.76	12.04	12.94	11.06
Izabal	10.23	10.96	9.44	5.99	6.51	5.42	11.09	11.85	10.25
Zacapa	8.50	9.44	7.47	5.97	6.93	4.99	9.54	10.42	8.54
Chiquimula	6.48	7.20	5.72	5.91	6.86	4.95	6.66	7.30	5.96
Jalapa	6.65	6.77	6.50	3.96	4.36	3.55	7.41	7.44	7.38
Jutiapa	7.71	7.72	7.70	7.37	7.34	7.41	7.78	7.79	7.76

Source: 2004 Statistical Yearbook, Ministry of Education.

Table 12
Republic of Guatemala
Basic level
Dropout rate by area and gender, by department
2004

Department	Total			Urban			Rural		
	Total %	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %
Total	6.17	7.13	5.05	5.90	6.84	4.84	7.03	7.98	5.76
Guatemala	5.65	6.38	4.89	5.92	6.70	5.09	3.59	3.90	3.26
El Progreso	6.34	7.34	5.25	5.72	7.11	4.30	7.28	7.66	6.82
Sacatepéquez	-0.38	0.80	-1.87	-0.31	0.64	-1.52	-1.09	2.48	-5.79
Chimaltenango	4.53	4.90	4.06	4.79	5.36	4.09	3.71	3.56	3.92
Escuintla	4.18	5.49	2.58	2.36	3.32	1.28	9.62	11.37	7.08
Santa Rosa	5.45	6.02	4.81	4.87	5.29	4.42	6.68	7.51	5.68
Sololá	8.39	9.58	6.87	7.02	8.30	5.44	10.74	11.69	9.45
Totonicapán	5.56	7.15	3.80	3.21	4.99	1.22	7.82	9.23	6.26
Quetzaltenango	5.00	6.21	3.62	4.72	5.84	3.46	6.14	7.63	4.27
Suchitepéquez	5.84	6.64	4.68	5.11	5.81	4.16	8.03	9.03	6.44
Retalhuleu	5.46	6.48	4.01	5.43	6.60	3.88	5.52	6.27	4.29
San Marcos	4.46	5.31	3.36	3.12	4.09	1.99	5.76	6.42	4.84
Huehuetenango	5.52	6.70	4.07	5.23	6.30	3.98	6.50	7.90	4.42
Quiché	9.82	11.31	7.81	9.53	11.28	7.40	10.35	11.35	8.71
Baja Verapaz	4.28	4.79	3.57	3.72	4.36	2.93	5.98	5.92	6.07
Alta Verapaz	13.35	13.64	12.79	12.71	12.72	12.70	16.35	17.72	13.30
Petén	7.90	8.95	6.67	7.16	7.88	6.39	9.03	10.45	7.14
Izabal	8.60	9.56	7.55	8.06	9.15	6.94	9.57	10.25	8.75

Department	Total			Urban			Rural		
	Total %	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %
Zacapa	7.04	7.56	6.49	6.81	7.50	6.10	7.82	7.76	7.90
Chiquimula	7.35	9.03	5.79	7.07	8.72	5.57	8.30	10.00	6.58
Jalapa	8.79	9.45	8.04	8.78	10.02	7.50	8.80	8.22	9.60
Jutiapa	8.49	9.21	7.61	10.06	11.05	8.87	5.14	5.32	4.90

Source: 2004 Statistical Yearbook, Ministry of Education.

Table 13
Republic of Guatemala
Diversified level
Dropout rate by area and gender, by department
2004

Department	Total			Urban			Rural		
	Total %	Male %	Female %	Total %	Male %	Female %	Total %	Male %	Female %
Total	5.36	5.86	4.87	5.19	5.46	4.93	8.00	11.45	3.90
Guatemala	7.60	7.80	7.44	7.67	7.92	7.46	3.85	1.19	6.30
El Progreso	0.69	-3.99	5.01	0.37	-4.93	5.07	3.56	2.87	4.44
Sacatepéquez	-0.67	0.30	-1.50	-0.40	0.42	-1.06	-4.00	-0.73	-9.87
Chimaltenango	3.66	4.87	1.94	3.94	5.05	2.16	2.09	3.40	1.11
Escuintla	2.26	3.84	0.64	-0.08	-0.74	0.56	29.73	45.29	1.94
Santa Rosa	2.90	4.00	1.92	2.82	3.73	2.03	3.54	6.04	0.82
Sololá	-1.47	-0.59	-2.50	-0.61	-0.29	-0.97	-5.05	-1.75	-9.55
Totonicapán	-4.25	-5.60	-3.18	-5.03	-5.71	-4.34	-2.68	-5.24	-1.47
Quetzaltenango	1.93	3.59	0.26	1.63	3.18	0.06	23.00	34.33	13.07
Suchitepéquez	1.96	3.11	0.72	1.93	3.04	0.73	4.13	6.76	0.00
Retalhuleu	5.31	5.46	5.12	5.14	5.18	5.09	9.01	10.19	6.15
San Marcos	3.82	3.67	3.99	3.74	3.58	3.94	6.08	6.39	5.66
Huehuetenango	8.46	6.06	11.10	8.41	5.71	11.38	9.22	10.95	7.44
Quiché	13.44	15.49	11.27	14.37	16.87	11.83	3.77	3.86	3.64
Baja Verapaz	2.10	1.48	2.79	1.73	1.16	2.35	7.29	5.83	8.99
Alta Verapaz	15.19	17.24	12.01	11.38	12.93	9.42	26.94	26.98	26.80
Petén	4.94	4.83	5.03	5.12	4.89	5.34	4.51	4.69	4.37
Izabal	3.39	4.15	2.77	3.75	4.46	3.19	-2.71	0.53	-8.33
Zacapa	3.53	3.82	3.31	3.26	3.29	3.24	12.17	15.94	6.52
Chiquimula	0.65	-0.22	1.31	0.66	-0.23	1.32	0.00	0.00	0.00
Jalapa	1.04	1.05	1.04	0.48	1.22	-0.23	12.68	-5.36	19.46
Jutiapa	4.57	6.17	3.15	5.79	7.18	4.58	-16.04	-9.41	-22.84

Source: 2004 Statistical Yearbook, Ministry of Education.

6.2 Specific situation of indigenous and migrant women

The Ministry of Education does not have statistical information on the migrant population.

Table 14

Pre-primary kindergarten level, number of indigenous pupils enrolled All sectors, all regions, by area and gender

2004

Urban			Rural			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total
7 284	6 987	14 271	18 801	18 226	37 027	26 085	25 213	51 298

Source: Statistical Yearbook, Ministry of Education.

Table 15

Primary level, number of indigenous pupils enrolled All sectors, all regions, by area and gender

2004

Urban			Rural			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total
65 036	56 002	121 038	339 604	293 841	633 445	404 640	349 843	754 483

Source: Statistical Yearbook, Ministry of Education.

Table 16

Basic level, number of indigenous pupils enrolled All sectors, all regions, by area and gender

2004

Urban			Rural			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total
27 841	20 677	48 518	15 797	10 067	25 864	43 638	30 744	74 382

Source: Statistical Yearbook, Ministry of Education.

Table 17

Diversified level, number of indigenous pupils enrolled All sectors, all regions, by area and gender

2004

Urban			Rural			Total		
Male	Female	Total	Male	Female	Total	Male	Female	Total
12 883	9 922	22 805	2 003	1 277	3 280	14 886	11 199	26 085

Source: Statistical Yearbook, Ministry of Education.

6.3 Re-enrolment for girls and adolescents who drop out of school owing to pregnancy

The Ministry of Education reports that there are no special programmes to allow girls and adolescents who drop out of school owing to pregnancy to continue their education.

The Department of Extramural Education offers an accelerated primary-education programme for boys and girls who can already read and write and who, for various reasons, are not enrolled in regular primary education.

7. Women and employment

7.1 Enforcement of labour legislation for women working in the maquila industries

With a view to proposing and implementing measures to ensure that employers in the maquila industries comply with their obligations as managers, the Multi-Institutional Commission for Labour Relations in Guatemala was established in 2003 by Governmental Agreement No. 430-2003. The Commission is composed of governmental institutions and civil-society organizations, including the Ministry of Labour and Social Security, the Ministry of Economic Affairs, the Guatemalan Social Security Institute (IGSS), the Garment and Textiles Commission of the Guatemala Non-Traditional Products Exporters' Association (AGEXPRONT), the Human Rights Legal Action Centre (CALDH), the Women in Solidarity Organization (AMES) and the Local Development Research and Support Centre (CEADEL).

As a result of the work of the Multi-Institutional Commission for Labour Relations in Guatemala, the Special Labour Inspectors Unit was established to administer and monitor compliance with labour and social-security laws in the maquila garment and textile manufacturing industries. The Unit currently has 10 inspectors, who are responsible for investigating complaints brought by women in this sector. The function of the Commission is to ensure that labour inspectors carry out their duties and impose administrative sanctions on maquila factories which fail to pay women their benefits or the minimum salary, or violate women workers' human rights. They are working together with the Ministry of Labour to improve actions for the protection of women working in the maquila industries.

The Commission, supported in particular by CALDH and the Office of Conflict Resolution for the Maquila Industries, is promoting the ratification of the International Labour Organization (ILO) Convention concerning Occupational Health and Safety and the Working Environment (Convention No. 155).

7.2 Extent and impact of violations of labour rights in the maquila industries

With respect to the Act on Promotion and Development of Export and Maquila Activities and Decree No. 65-89, or the "Free Zones Act", no company has yet been penalized by the rescinding of tax benefits.

7.3 Status of migrant and rural women working in the maquila industries

With regard to migrant women, including indigenous women, the Ministry of Foreign Affairs is currently developing a draft policy on migrants. The Presidential

Secretariat for Women has reviewed the policy and has incorporated into it a cross-cutting gender/human rights focus. Its main components are the following:

- The regularization of the immigration status of undocumented Guatemalan women living in the United States, Canada and Mexico, including the right to family reunification;
- Efforts to develop mechanisms aimed at achieving the legal, dignified and safe migration of women temporary workers;
- Protecting, and preventing violations of, the human rights of Guatemalan women who have to migrate with an irregular status to North America;
- Institutional strengthening of the Ministry of Foreign Affairs, based on a comprehensive policy for the monitoring and protection of migrant Guatemalan women.

In 2004, Guatemala signed the instrument of accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

7.4 Project for the Promotion and Defence of Women Workers' Rights and its impact

The Project for the Promotion and Defence of Women Workers' Rights has achieved significant success across the country in the labour sector, as illustrated by the following table:

Table 18
Activities in 2004

<i>Activity</i>	<i>Outcome</i>	<i>Participants</i>	
		<i>Women</i>	<i>Men</i>
2 training and coordination workshops on women workers' rights	59 inspectors from metropolitan headquarters trained (44 men and 15 women)	15	44
2 skills-development workshops on the complaints procedure, for staff of departmental offices	27 inspectors and administrative staff of the Ministry of Labour (11 women and 16 men)	11	16
8 workshops on the dissemination of information to women workers and to employers	37 inspectors and administrative staff of the Ministry of Labour (22 men and 15 women)	15	22
21 workshops for women workers on their rights and obligations	639 women workers from various manufacturing sectors informed about their rights		
13 workshops for employers on their obligations as managers	262 employers from 13 departmental offices (147 men and 115 women)	115	147
3 workshops for civil-society organizations	61 women	61	
2 forums, held at the Mariano Gálvez University and the Office of the Human Rights Procurator (PDH)	62	48	14
4 talks with social-sector organizations	239	213	26
1 commemoration of 8 March	96 female staff of the Ministry	96	
Participation in the Women's Health Fair	100 assistants		
Orientation on labour rights and the administrative procedure for bringing complaints	275 male and female workers	240	35
Handling complaints	37	23	14
Consultations	431		

Source: Report of the Project for the Promotion and Defence of Women Workers' Rights.

Table 19
**Activities carried out under the Project for the Promotion and Defence
of Women Workers' Rights**

2005

<i>Activity</i>	<i>Outcome</i>	<i>Participants</i>	
		<i>Women</i>	<i>Men</i>
4 skills-development workshops on the complaints procedure, for staff of departmental offices	41 inspectors and administrative staff of the Ministry of Labour based at departmental offices	29	12
1 information workshop for employers from one region, on national and international rights of female and male workers	76 employers from Jalapa, Santa Rosa and Jutiapa	37	39
Pilot study on comparative advantages of hiring women	90 employers interviewed	—	—
Situational study on awareness and use of services provided by the Ministry of Labour	1,100 women workers from 20 departmental offices	1 100	—
3 workshops for labour inspectors from 3 regions on rights of female domestic workers, based on a memorandum of understanding with the Support Centre for Household Workers (CENTRACAP)	44 persons	—	—
3 workshops on rights of female domestic workers in three departments	91 female domestic workers	91	—
25 talks held at 10 education centres and technical institutes, on labour rights and self-esteem	942 girls, boys, adolescents and adult men and women	775	167
Commemoration of 8 March	96 female staff from the Ministry	96	—
14 women workers awarded the "Order of Labour Excellence"	14 women workers from the public and private sectors	14	—
Total number of persons involved		2 142	218

Source: Compiled from information provided by the Ministry of Labour and Social Security.

7.5 Discriminatory treatment of women workers in the area of social-security benefits for spouses

None of the relevant bodies plans to revoke the regulation. The Ministry of Labour and Social Security is unaware of any planned reform of the regulations on IGSS social security coverage.

7.6 Situation of women employed in the informal sector

Table 20
Persons employed in informal and formal activities for 10 years or more
2003

<i>Economic activity</i>	<i>Total</i>		<i>Women</i>		<i>Men</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Informal	3 445 512	70.4	1 383 815	76.1	2 061 697	67
Formal	1 447 641	29.6	434 456	23.9	1 013 185	33

Source: National Statistical Institute (INE), National Employment and Income Survey (ENEI) January-March 2003.

The National Employment and Income Survey (ENEI) for September-November 2004 states that, out of the total number of men and women who had been working for 10 years or more, 1,456,969 were employed in urban areas and 2,185,811 were employed in rural areas. Although the survey does not include data disaggregated by economic activity, the Ministry of Labour indicates that the most common informal activities include the sale of clothing, food, shoes, chewing gum and newspapers.

7.7 Programmes to protect women employed in the informal sector, who do not have access to social security

Women in urban and rural areas who are employed in the informal sector have access to public health services only in hospitals, health centres and neighbourhood health clinics.

7.8 Act criminalizing sexual harassment

The draft Act criminalizing sexual harassment was first sent to Congress in 1996. It was submitted to the Commission on Women, Minors and the Family, but an opinion was not issued. In January 2002, it was again sent to Congress and submitted to the Commission on Women, Minors and the Family, as well as to the commission on labour, social welfare and social security and the commission on legislation and constitutional affairs. None of the commissions issued an opinion.

In September 2002, the executive branch submitted the initiative that provides for the adoption of the Act on Criminalization of Sexual Harassment. It was considered in the plenary and again sent to the commission on legislation and constitutional affairs and the commission on labour, social welfare and social security. An opinion has not yet been issued.

The National Office for Women's Affairs (ONAM), the Support Centre for Household Workers (CENTRACAP), the Non-Violence Network, the multidisciplinary team chaired by the Permanent National Council for Indigenous Women (CNPDMI) and other groups have lobbied for the adoption of the initiative, with the agreement of the Ministry of Labour and Social Security. The process remains at a deadlock, despite the fact that it stems from the peace agreements and

international conventions that have been ratified by Guatemala, including the Convention on the Elimination of All Forms of Discrimination against Women.

Certain civil-society women's organizations — the only bodies to air views — contend that the reason why the initiative has not been adopted is a lack of political will and that there are no solid arguments against it.

The Criminal Code provides that the penalty for threats or coercion is imprisonment for six months to three years. The judicial-career law provides for penalties and deems any act of coercion a serious crime, particularly sexual coercion or coercion in the workplace. With respect to sexual harassment, chapter II, article 20, of Agreement 420-2003 of the disciplinary regulations of the National Civil Police provides that frequent sexual insinuations or harassment of subordinates or persons in custody by police officers are deemed serious violations.

The Presidential Secretariat for Women (SEPREM) expects that provisions on sexual harassment will be incorporated into the Labour Code and that penalties will be established for sexual harassment in the areas of education and employment. Another initiative on the subject is currently being considered by the legislative branch. In the short term, women's organizations are coordinating with each other, with the support of the executive bodies responsible for the protection of women's rights, to lobby for adoption of the initiative.

8. Women and health

8.1 Punitive legislation on abortion: actions to guarantee access to contraceptives and sexual education in rural and urban areas, with emphasis on the teenage population

Interviews with various social actors revealed that the Government has not made any efforts to amend the punitive legislation on abortion, owing to strong opposition. The absence of separation between Church and State is an impediment, for which reason there has been a call for a secular State.

8.2 Access to contraceptives and sexual education

According to the Ministry of Public Health and Social Welfare, the use of contraceptives by married women between the ages of 15 and 49 increased from 23.2 per cent in 1987 to 43.3 per cent in 2002. The percentage of women who use modern contraceptive methods is 34.4 per cent. They are largely urban, educated and non-indigenous. The Ministry states that, according to the 2002 National Survey of Maternal and Child Health, 27.6 per cent of Guatemalan women do not have access to family-planning services. Lack of access is greater among rural, indigenous and uneducated women, as may be seen below.

Table 21
Married women who use contraceptives, by method
2002

<i>Type</i>	<i>Methods</i>		
	<i>Modern and traditional (percentage)</i>	<i>Modern (percentage)</i>	<i>Traditional (percentage)</i>
Total	43.3	34.4	8.8
Area:			
Urban	56.7	47.3	9.4
Rural	34.7	26.2	8.4
Level of education:			
None	24.7	18.2	6.5
Primary	45.6	36.9	8.6
Secondary or higher	67.6	54.7	12.8
Ethnic group:			
Indigenous	23.8	16.6	7.2
Non-indigenous	52.8	43.2	9.6

Source: Ministry of Public Health and Social Welfare — National Statistical Institute, Guatemala: *2002 National Survey on Maternal and Child Health*. Quoted by Isolda Espinoza in *Millennium Development Goal 3: Promote gender equality and empower women*.

In compliance with the Social Development Act, the Reproductive Health Programme of the Ministry of Public Health and Social Welfare has increased its coverage and personnel training, in both urban and rural areas, to treat or refer obstetrical emergencies, provide counselling and family-planning services, screen for cervical cancer and provide STD/HIV/AIDS-prevention services, with emphasis on the teenage population. The Ministry has strengthened its logistical system with respect to the supply and distribution of contraceptives, based on projected demand.

At the end of 2005, Congress adopted the Act on Universal and Equitable Access to Family Planning Services and approved its incorporation into the Reproductive Health Programme. However, the President of the Republic vetoed the Act because some of its provisions are already contained in the Social Development Act. The Act is currently being considered in the Constitutional Court and will be sent back to Congress following a decision.

8.3 Access, confidentiality and privacy of teenagers using reproductive-health services

At present, there are no measures in place to safeguard the confidentiality and privacy of teenagers who make use of reproductive-health services.

8.4 Coverage, forms of implementation and impact of the Reproductive Health Programme

Table 22
Coverage of the Reproductive Health Programme

<i>Type of service</i>	<i>Coverage</i>
Prenatal	216 348
Hospital births	80 912
Family planning	317 600 new users
3 comprehensive-health-care centres	—
16 teenage centres in 41 municipalities	—
2 model clinics specialized in adolescent care	—
Community emergency committees	1 190 committees
5 departmental responsible-parenthood networks	—
Reproductive-health support groups	11 673 adolescents

Source: Prepared by the authors with data from the Reproductive Health Programme of the Ministry of Public Health and Social Welfare.

The impact of the programme has not yet been evaluated.

8.5 Mechanisms for monitoring and evaluating the Reproductive Health Programme

Monitoring is carried out through the analysis of progress in indicators, through supervisory visits to cervical-cancer-pathology clinics and through the compilation of inventories to gather information about service supply. Monitoring for the purposes of the maternal-mortality-reduction plan is carried out in conjunction with Community Development Councils, Municipal Development Councils, Departmental Development Councils and municipalities.

8.6 Principal causes of morbidity and mortality in women, disaggregated by ethnic group and socio-economic class

The data in the following table relate to general morbidity and mortality in women. Data disaggregated by ethnic group and socio-economic class is not available.

Table 23
General morbidity and mortality in women
2004

	<i>Top 10 causes of mortality</i>	<i>Number of deaths</i>	<i>Percentage</i>
1	Pneumonia and bronchial pneumonia	4 233	18.04
2	Diabetes mellitus	961	4.10
3	Acute myocardial infarction	940	4.01
4	Acute diarrhoeal disease	865	3.69
5	Heart failure	769	3.28
6	Stroke	718	3.06
7	Protein-calorie malnutrition	710	3.03
8	Gastric cancer	558	2.38
9	Septicaemia	437	1.86
10	Cervic-uterine cancer	409	1.74
	Other causes	12 864	54.82
	Overall total	23 464	100.00

Source: Prepared by the authors with data from the Sexual and Reproductive Health Programme of the Ministry of Public Health and Social Welfare.

8.7 Programmes to improve women's health in general and their reproductive health in particular

The Ministry of Public Health and Social Welfare is promoting the reproductive-health plan for the period 2004-2008, which focuses on maternal mortality and gynaecological cancer. Health services have been expanded to take account of the problems of violence against women, sexual abuse and mental health in general. Gender indicators have been included in the plans and will be evaluated in 2006.

8.8 Trend in maternal-mortality indicators since the submission of the last report to the Committee

As may be seen in the following table, the maternal-mortality rate has fallen at a very slow pace. In fact, the rate among indigenous women has increased significantly, reaching 211 maternal deaths on average per 100,000 live births, whereas the average number among the non-indigenous population is 70, three times lower than among indigenous women.

Table 24
Trend in maternal mortality
1989-2004

<i>Source</i>	<i>Year</i>	<i>Number of maternal deaths per 100,000 live births</i>
Ministry of Public Health and Social Welfare	1989	219.0
Ministry of Public Health and Social Welfare, National Statistical Institute	1995	190.0
Ministry of Public Health and Social Welfare, Maternal Mortality Baseline	2000	153.0
Ministry of Public Health and Social Welfare	2004	147.0

Source: Prepared by the authors with data provided by the Sexual and Reproductive Health Programme of the Ministry of Public Health and Social Welfare.

With regard to progress in indicators, the Ministry of Public Health and Social Welfare is planning to conduct a study of maternal mortality for comparison with the study conducted in 2001.

9. Situation of rural women

9.1 Agenda for Rural Women: main obstacles and achievements

Land component

The Agenda for Rural Women consists of three basic components: land, work and participation. Under the land component, the specific requirement is for a policy covering access, ownership, restitution, use and control that incorporates the gender perspective. The State has in place a national policy for the Land Trust Fund incorporating the gender perspective, and the law in general has recognized the right of women to own and co-own property and, in the case of female heads of household, to acquire property through organizations. In addition, once land has been purchased, title is given to the new owners, whether male or female, which gives them legal certainty in respect of the land.

Main achievements

During the past two years, the proportion of female heads of household out of all those granted credits for land ownership reached 11 per cent. In 2004, 244 female heads of household received credits, while in 2005 only 83 were recipients. The table below shows the percentages for access to credit for the purchase of land, by department.

Table 25
Percentage of women among the total number of recipients
of credit, by department

<i>Department</i>	<i>Percentage allocated to women as direct credit</i>
Alta Verapaz	8
Chimaltenango	9
Santa Rosa	27
San Marcos	21
Quetzaltenango	15
Retalhuleu	11

The State has streamlined the legal procedures for gaining access to credit. Women's organizations themselves are responsible for outreach, identification of the land to be acquired and negotiation. It is worth noting that a number of women's organizations have joined together to form the Coordinating Office for Women's Access to Land Ownership, which, like the Alliance of Rural Women, is responsible for the continuing implementation of the Agenda for Rural Women and for maintaining efforts to gain access to land ownership, the objective pursued by almost all rural women's organizations.

With regard to land restitution, the Ministry of Agriculture is the body legally responsible for conflict resolution and for verifying land access. It has a clearly defined remit to ensure that the requirements and needs of rural women in this regard are met. The Ministry has at its disposal a legal instrument which enables it to respond specifically to these requirements: the Land Registry Act (2005), article 91 of which provides for the establishment of agrarian tribunals by the Supreme Court of Justice. These tribunals are due to be set up and brought into operation in the second half of 2006. To implement these initiatives, a national dialogue on agrarian matters has been instituted, involving all sectors of government, civil society, the private sector, women's organizations and organizations of rural and indigenous people. The Act and the instrument establishing the national dialogue have special chapters dealing with women's access to land; women are also involved in the elaboration of the Agrarian Procedure Code and the Agrarian Code. The second requirement is that specific programmes be provided for rural women covering marketing, flexible credit, technical assistance and crop diversification. In this context, it should be noted that there are programmes and projects of an economic nature intended for women in the context of institutional programmes, and others for both sexes that are not specifically tailored to the needs of women. Under the land component, the formulation of the rural-development policy is still pending and is currently at an impasse.

Information is set out below on those affected by internal conflict who have been identified as uprooted persons, including internally displaced persons and demobilized persons. The information covers 61 groups: three groups of demobilized persons and 58 groups of returnees and displaced persons.

Table 26
**Persons uprooted by internal armed conflict who were awarded credit by the
 Land Trust Fund for the purchase of land
 1993-1997**

<i>Category</i>	<i>Total number of families awarded credit</i>	<i>Awarded to male heads of family</i>	<i>Awarded to female heads of family</i>	<i>Percentage of total accounted for by women</i>
Demobilized personnel	315	261	54	21
Internally displaced persons	3 994	3 578	416	10
Returnees	816	—	—	—

Source: Prepared by the authors with data from the Land Trust Fund.

Main obstacles

Rural women face not only the same obstacles as men face — such as (a) availability of adequate productive land close to their homes, (b) land costs and (c) the difficulties of managing and marketing products — but also specific problems which, according to data from the analytical study carried out by the Land Trust Fund, include the following:

- Participation of women in the agricultural sector continues to be restricted;
- Unawareness of the legal and economic value of their real estate;
- Traditional views among agricultural workers regarding the roles, responsibilities and competencies of women;
- Illiteracy among women, particularly indigenous women, of whom the majority are monolingual;
- Changes, sometimes drastic, leading to displacement to other regions where another language is spoken and there are further differences, inter alia in climate and the types of product cultivated;
- Cooperatives or associations limit participation by women by providing in their statutes for participation by only one member of the family, traditionally the man of the household;
- Women who act as head of the family and own real estate must perform the same tasks as their male counterparts in addition to all other tasks such as caring for their children;
- Women who cohabit or are married are taken into consideration only in the absence of their cohabitants or spouses;
- Women who cohabit and are victims of domestic violence have no claim to land and frequently lose their land when they are forced to leave their homes as a result of violence;
- Lack of personal identification documents;

- The costs and conditions of loans or credits awarded under the finance system — which lacks a gender perspective, further hindering access by women to such services;
- Cultural factors prevailing within organizations.

It is worth pointing out that women's organizations have accomplished what many women have been unable to achieve using their allocated credits, the latter group subsequently falling into debt, which is why some women's organizations are developing a new means of gaining access to land, namely the purchase of small plots (two or three *cuerdas*¹) in the vicinity of their place of residence, which enables them to engage in individual economic activity. This idea is still being developed.

Participation component

In this context, demands are focused on the creation and strengthening of mechanisms for coordination and communication among rural women's organizations. There are bodies for intercommunication and secondary and tertiary bodies within rural women's organizations. However, from the standpoint of the State, it is necessary to recognize that it has not been possible to implement processes that enable those demands to be met. A further demand arises from the need for programmes for the issue of personal identification documents. The lack of participation by and opportunities for women is attributable to the lack of such documents, which is becoming the main obstacle to their activities in general. The Presidential Secretariat for Women (SEPREM), in coordination with civil-society organizations, central-government institutions and local authorities, is establishing a procedure whereby women may obtain personal documentation, and in the case of persons who were affected by Hurricane Stan, life partners of those women affected (2005-2006) are also receiving assistance in obtaining new documents.

Work component

Article 139, which establishes that agricultural or farming work carried out by women or minors is complementary to the activities carried out by the male agricultural worker at the head of the family, remains unamended. Women and institutions have therefore sought the implementation of production programmes and projects that take into account the situation and circumstances of women. In that connection, initiatives have been promoted by the Ministry of Agriculture, social funds, the Land Trust Fund and non-governmental organizations.

9.2 Maternal-health services: coverage of the general population and, in particular, women living in rural areas

One of the measures taken by the Ministry of Public Health and Social Welfare to extend coverage and in particular to reduce maternal mortality in rural areas is the training of midwives. In general, despite the fact that the root of the problem of health among women living in rural areas, particularly indigenous women, has been identified, the measures taken thus far still fall short of ensuring access to health services.

¹ *Translator's note:* Cuerda: measurement of land commonly used in Guatemala, equivalent to 436.8 metres squared.

According to the baseline of maternal mortality established by the Ministry of Public Health and Social Welfare, Guatemala has the highest level of maternal mortality, and the fourth highest in relation to the countries of Latin America and the Caribbean. According to the same study, 66.5 per cent of women who die in childbirth have received no education, i.e., 7 out of 10 women who die are illiterate. Among women that die in childbirth, 18.5 per cent of rural women, 18.7 per cent of indigenous women and 23.8 per cent of women with no education did not receive prenatal care.

The majority of births are attended by midwives; 69.8 per cent of rural women, 80.45 per cent of indigenous women and 78.5 per cent of women with no education are attended in their homes.

In Guatemala, only 42.1 per cent of births that took place between 1997 and 2002 were attended in a health centre. Women living in rural areas, women with little education and indigenous women accounted for the lowest proportions of those births. Eighty-nine per cent of women with greater access to education are attended by health-care workers, whereas the corresponding figure among women with no education is 20.6 per cent.

Figure 1

**Distribution of births, by ethnic group and person who attended birth
2002 (percentage)**

Source: Vital Statistics, National Statistics Institute.

10. Dissemination of information about the contents and implementation of the Optional Protocol since its ratification on 9 May 2002

The dissemination of the Optional Protocol has been carried out largely by women's organizations that not only use it as a legal and political framework for their activities but also disseminate it through the various workshops that they hold at both central and departmental level. It should be noted that those activities are currently being implemented inter alia by the National Union of Guatemalan Women (UNAMG), the Group of Women in Civil Society, the Inter-Agency Facilitation

Committee for Beijing and the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM).

On the part of the State authorities, the Presidential Secretariat for Women and the National Women's Forum, under the Plan for the Full Participation of Women, jointly produced a video relating to the Convention, but its planned mass distribution was not possible owing to the limited availability of resources for the development of mass communication strategies.

The National Women's Forum provided a copy to each of its departmental representatives in the country's 23 departments; they in turn have distributed it primarily through their women's workshops at the departmental level.
