



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

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Seventh periodic report of States parties**

**Guatemala\***

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\* The present report is being issued without formal editing.

For the combined initial and second periodic report of the Government of Guatemala, see CEDAW/C/GUA/1-2 and CEDAW/C/GUA/1-2/Amend.1, which were considered by the Committee at its thirteenth session. For the combined third and fourth periodic report, see CEDAW/C/GUA/3-4, which were considered by the Committee at its Exceptional session. For the fifth periodic report, see CEDAW/C/GUA/5, which was considered by the Committee at its Exceptional session. For the sixth periodic report, see CEDAW/C/GUA/6, which was considered by the Committee at its thirty-fifth session.

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\* Note by the Secretariat: annexes to the report will be made available to the Committee in the language in which they were received.

## Introduction

1. In ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the State of Guatemala recognized the primary role that it must play in changing the situation of inequality between women and men. At the same time, it committed all its institutions to the goal of tackling the causes of gender inequality, in keeping with the comprehensive nature of the Convention, and to complying with the recommendations of the Committee on the Elimination of Discrimination against Women. This position is in keeping with the multidimensional approach to inequality advocated by most of the women's organizations active in promoting equality between women and men in Guatemala and with that adopted by academics in researching the production and reproduction of gender inequality.

2. Taking this multidimensional approach, the Committee's recommendations to the State of Guatemala state that in order for women to exercise their human rights fully, the relations of subordination between the sexes in the different spheres of political, social, economic and family life, as well as symbolic subordination, must be overcome. In this last connection, gender stereotypes in the mass media and other publicly disseminated documents affect men's and women's identities by socializing individuals and communities in cultures or world views that are more or less disposed or more or less reluctant to embrace equal opportunity for men and women.

3. The Committee's recommendations to Guatemala refer at length to the cultural change needed for progress to be made towards equality, calling for educational materials to be revised, the awareness of men and women Parliamentarians to be raised, women to be empowered and their rights disseminated, and media campaigns to be conducted to publicize the Convention and the values it embodies.

4. Historically, inequality between men and women in Guatemala has been maintained by means of a cultural mindset – prevalent among both the Maya population and the *mestizo*, Xinka and Garifuna populations – that sees men's and women's issues, essence and “natural disposition” as being completely separate and different. This mindset is, in turn, consistently expressed or translated in the unequal distribution of resources and opportunities between the sexes in various spheres. This is evidenced by the fact that women have less access to decision-making positions in the political sphere and in private organizations such as businesses and earn less than men for performing similar work or having similar qualifications and that many women suffer systematic violence in their homes at the hands of their partners or male relatives.

5. Although the State of Guatemala has taken action in all these spheres, the results achieved in advancing equality and equity have been very mixed. The Committee's recommendations are a reminder of the need for all State institutions to be involved on a sustained basis and for them to achieve measurable results in advancing women and reducing the gender gap in each of them, using, inter alia, mechanisms already proposed by the Convention and also reflected in national legislation, such as temporary special measures or affirmative action and penalties against persons, businesses or institutions that disregard their obligation to respect the principle of equality between men and women.

6. Patriarchal structures, with their unequal distribution of rights and duties between men and women, are a feature common to diverse cultures and countries and Guatemala is no exception. In fact, a number of historical factors can be said to have helped strengthen patriarchy as the “natural order “ in Guatemala. These include:

- *The internal armed conflict, which lasted almost 36 years.* Military governments and their structures, and the use of weapons and of physical violence in general, are heavily male-dominated in all societies. In this military context, women have tended historically not to occupy positions of power and they and everything viewed as feminine have been devalued in the hegemonic discourse concerning their leadership ability. Often, in such contexts, they have been viewed positively only when they behave as self-sacrificing mothers prepared to forgo their own rights. However, it must be recognized that during the internal war, the breakdown of family life resulting from the conflict forced women to cast off this traditional role and become heads of household and guardians of family unity. Women dealt with this situation in a variety of ways, from remaining in their homes and running the risks that this involved to moving and even migrating to other countries, which meant having to live as refugees and facing other unknown risks. These situations began to shape the new and diverse roles that women would assume.
- *Existing inequality, expressed in differences in access and opportunity between men and women, indigenous people and mestizos, and rural and urban populations.* The fact that different groups and peoples have different degrees of access to economic resources and participation in decision-making and, in general, to real opportunities and options as individuals and/or members of a community has tended to be interpreted by a majority of the population as being a result of different abilities or even the different “nature” of individuals and/or groups of individuals.
- *The State’s weakness when it comes to safeguarding people’s rights as enshrined in Guatemalan law and in the international legal instruments signed by Guatemala, and people’s lack of awareness that they are subjects of inalienable rights.* This vicious circle results in a perception of reality that interprets exclusion or discrimination as being the responsibility solely of those who suffer from it, or as a “misfortune” affecting the victim alone and for which no one is responsible and/or to which no legal safeguard applies. It is significant, for instance, how few citizens report crimes affecting them, even such serious crimes as murder. As a result, the violation of rights resulting from inequality and discrimination against women is sometimes seen as a “lesser evil” and, at worst, as a consequence of their inability to develop their potential in a meritocracy.

7. This report was prepared by the Presidential Secretariat for Women (SEPREM), the highest national machinery for the advancement of women and the executive branch’s lead organ for the promotion of public policies for gender equity and equality. In preparing the report, it received assistance and technical advice from the Office of the High Commissioner for Human Rights in Guatemala (OOHCHR)

8. It should be mentioned that this seventh report is the outcome of a novel working methodology for the preparation of such reports, proposed and coordinated

with the High Commissioner's Office in Guatemala and the Presidential Secretariat for Women. It involves the creation of information-gathering tools, a participatory approach to their application, and follow-up with contacts generated through thematic workshops that include all Guatemalan State bodies. This experiment is being systematized in order to produce a methodological guide that will serve as a basis for the preparation of other reports that the Guatemalan State is required to submit to international treaty-monitoring mechanisms and bodies. It is also hoped that the various State bodies will consult this report.

9. The drafting process began in March 2007 with an analysis and the setting of priorities, based on the recommendations made by the Committee on the Elimination of Discrimination against Women on the first to sixth reports submitted by the State of Guatemala. The analysis was an important input for the definition of priority lines of action for achieving equality between women and men. The recommendations were reviewed and grouped according to subject matter.

10. In order to provide a comprehensive response to the Committee's request that the State party "*strengthen coordination among all relevant government entities, including representatives of the legislative and judicial branches, as a means of enhancing the implementation of the provisions of the Convention, the follow-up to the concluding comments of the Committee and the preparation of future periodic reports under article 18 of the Convention*", SEPREM developed a strategy of coordination within the executive branch and with other State organs for the drafting of this report. Thus, for the seventh report, SEPREM, in coordination with the Office for the Defence of Indigenous Women's Rights (DEMI), carried out an inter-ministerial consultation process in June, July and August 2007 with the various entities of the executive branch and with authorities of the judicial and legislative branches. This involved eight consultative workshops on the following topics:

- Education
- Health
- Economy
- Trafficking and migrants
- Economic, social and labour development
- Access to justice
- Legislation
- Agriculture and environment.

11. These workshops provided an opportunity for State entities and SEPREM to exchange, analyse and systematize information on the main actions taken by the institutions concerned to respond to the Committee's recommendations. It was also emphasized to State institutions that they must follow up and apply the Convention in their programmes, projects and work plans. Mention was also made of the need to have effective information disaggregated by sex, ethnicity and age in order to fulfil the commitments made to international mechanisms for the protection of women's human rights.

12. After processing the information compiled both in the thematic workshops and from official sources and documents, the first draft of the report was validated in

October 2007 with the State institutions that had taken part in the workshops and had provided institutional information. This first draft was also circulated to civil society organizations, including women's organizations, and academic bodies. Once finalized, the report was submitted to the Presidents of the three branches of government, who accepted the report's contents.

13. Thus, with the inputs provided in the drafting and institutional validation process, this seventh report reflects the coordinated work and cordial cooperation of the institutions of the three branches of government that make up the State of Guatemala: executive, legislative and judicial.

14. In this seventh report on the implementation of the Convention, the State of Guatemala describes the policies, programmes and actions adopted to eliminate all forms of discrimination against women and, at the same time, fulfils its obligation to the international community and reiterates the Government's dedication and commitment to the defence and protection of women's human rights.

15. The report consists of a first part designed to respond to the recommendations made to the State of Guatemala concerning its earlier reports and to describe the most significant advances achieved and most important trends observed, by article of the Convention, and a second part comprising a set of annexes supplementing the information given on each article of the Convention.

## **Implementation of the Committee's recommendations and advances achieved, by article of the Convention**

### *Articles 1, 2 and 3*

### **Policies and means for promoting gender mainstreaming**

#### **National Policy for the Advancement and Development of Guatemalan Women, 2001-2006**

16. Through the National Policy for the Advancement and Development of Guatemalan Women and its Equal Opportunity Plan 2001-2006, the State has put into practice its commitment to mainstream the advancement of women and the gender approach in public policy. The executive branch has made efforts to incorporate the various policy areas in government planning and budgeting and, more specifically, in the guidelines that the Presidential Secretariat for Planning (SEGEPLAN) provides to all executive branch institutions for drawing up their annual operational plans.

17. The policy became a yardstick for the entire public sector in the guidelines for preparing the General Budget of State Income and Expenditure for the 2007 financial year, marking an advance in the mainstreaming of gender equity in institutional and sectoral budgetary planning. However, since the Congress of the Republic did not approve the 2007 budget, it has not been possible to verify whether such mainstreaming took place in institutional and sectoral budgets.



**Framework Environmental Management Policy, 2004**

18. Social equity and gender equity are two guiding principles of this policy. It provides for: (1) social equity, understood as the guarantee of equal opportunities and justice in the different components of Guatemalan society, providing access to opportunity on an equal footing; (2) environmental and economic sustainability, sustainable development, social justice and sound natural resources management, which must be guaranteed both among members of the same generation and between generations so that all Guatemalans, present and future, enjoy the same development opportunities; and (3) gender equity in order to guarantee access to opportunity on an equal footing for men and women, both of whom play a fundamental role in development and environmental management, making their full participation essential for achieving sustainable development.

**National Policy for the Development of Micro-, Small- and Medium-scale Enterprise, 2005**

19. The principles underlying this policy include the following: (1) the policy must be a nationwide response, encompassing all sectors and areas of activity and all urban and rural areas of the country; (2) the policy's design and implementation must always take a systematic approach, encompassing social equity, integration, sustainability and public participation; and (3) the policy's crosscutting areas must be gender equity, multiculturalism and preservation and sound use of the environment.

20. The aim of the policy is to guarantee men and women equal enterprise development opportunities. It includes the creation of the National Council for Business Productivity (CONAPE), of which SEPREM is a member.

**National Food and Nutrition Security Policy, 2005**

21. Equity is the guiding principle of this policy, which establishes that the State must create conditions to ensure that Guatemalans have secure, timely access to food, without distinctions based on gender, ethnicity, age, socioeconomic level or place of residence.

**National Policy for the Decentralization of the Executive Branch, 2005**

22. On 28 May 2005, the State of Guatemala formalized the National Policy for the Decentralization of the Executive Branch, whose main objective is to help ensure that Guatemalans raise their standard of living sustainably, through democratization of the State and society, by means of participatory, decentralized territorial planning with a gender perspective and a multicultural focus as necessary conditions for setting in motion new forms of relationship between the State and the nation. From a gender equity perspective, this policy offers a favourable framework for women, in that it includes gender equity among the guiding principles of decentralized territorial management and transfer of government powers, making efficient and effective use of public resources.

23. The rules that it establishes for mainstreaming the principle of gender equity as a means of ensuring efficiency and effectiveness make this policy a tool that can contribute effectively to ensuring that the spirit of the laws on decentralization and the rules on public participation operates in practice.

**Rural Development Policy, 2006**

24. The 2004-2008 State guidelines establish the need to give priority to the public management of rural development in order to comply with the peace agreements, more specifically, the Agreement on Social and Economic Aspects and the Agrarian Situation and the Agreement on Identity and Rights of Indigenous Peoples. The process of formulating the rural development policy, which involved an ongoing, sustained effort by public institutions, indigenous peoples and civil society in the form of analyses, dialogues, debates and consensus-building, was completed in September 2006. This exercise of jointly putting together an integrated rural development policy was made possible by the establishment in 2005 of an intersectoral roundtable for dialogue and participation.

25. This roundtable was made up of eight governmental delegates, including SEPREM, two delegates from academia, eight delegates from political parties, six peasant and indigenous delegates, six delegates from organizations of small-scale rural producers, two rural women's delegates, three delegates from business associations and one environmental delegate.

26. As mentioned in the roundtable's final declaration in 2006, important advances were achieved, including consensus on the main determinants of rural development, a 25-year forward-looking vision of rural areas, the principles and approach that must guide an integrated rural development policy, and strategic areas of action. It was agreed that these components must be aimed strategically at achieving full citizenship for the rural population by overcoming inequities and exclusions, especially those primarily affecting indigenous people and women, and promoting a new economic model based on equitable access to assets that will make the small and medium-scale rural, peasant and indigenous economy an active economic protagonist, a process in which the State must play a guiding and lead role.

27. The Rural Development Policy incorporates consensus reached in the roundtable, as well as important elements to guide the State's public work. Thus, in the socioeconomic area, the State's work was framed in the *Vamos Guatemala* (Let's Go, Guatemala) 2004-2008 programme, which has four strategic components: (1) *Guate Crece* (Guatemala is growing), aimed at promoting economic growth by means of investments and public-private sector partnerships; (2) *Guate Compite* (Guatemala is competing), aimed at increasing competitiveness by improving the productive platform and promoting technological change; (3) *Guate Verde* (Guatemala is green), aimed at creating a climate favourable to environmentally responsible investment, promoting the competitiveness of environmental goods and services and consolidating a democratic culture; and (4) *Guate Solidaria* (Guatemala believes in solidarity), which seeks to create social harmony by generating assets to give Guatemalan households access to human development opportunities that will guarantee them a better future.

28. The rural *Guate Solidaria Rural* strategy is the main poverty reduction mechanism. It targets rural areas and will focus initially on 41 municipalities given priority by the social cabinet because of their poverty and vulnerability to food insecurity, before being extended to the country's remaining municipalities. Its aim is to improve human capital and expand opportunities for the country's poorest people by means of social participation and the coordination of existing public services, so that extreme poverty can be eradicated sustainably.

29. The intermediate objectives are to: (1) reduce infant and child malnutrition; (2) increase the incomes of the poorest families by providing incentives for skills training; (3) ensure that all children have the opportunity to complete primary education; (4) expand access to basic secondary education; (5) eradicate illiteracy; (6) improve maternal health; (7) reduce infant and child mortality; (8) promote community participation for development; (9) improve the road infrastructure and local competitiveness; (10) ensure that families have decent housing so that they can stay healthy; and (11) ensure that communities reverse the loss of natural resources.

30. The network of institutions will have to promote the strengthening of social capital, families and their communities, especially the National System of Urban and Rural Development Councils. These councils are in fact the principal means of democratic planning for development, because they take into account the country's multi-ethnic, multilingual and multicultural characteristics in order to motivate families and thereby change their expectations, so that they will become promoters and managers of their own development.

### **Public Policy for Coexistence and Elimination of Racism and Racial Discrimination, 2006**

31. The Public Policy for Coexistence and Elimination of Racism and Racial Discrimination was presented formally in November 2006. Its principles include gender equity as a fundamental principle based on guaranteeing respect for rights and equal opportunity between women and men in all spheres of life in order to reduce the gaps between them. It refers to the search for balance and justice between men and women through mechanisms that will overcome inequality of rights, opportunities and outcomes.

32. In the cultural sphere, the policy's strategic actions include holding intercultural dialogues to reduce prejudice and stereotyping, introducing a system for monitoring the mass media to detect and eliminate discriminatory practices and attitudes among those who shape public opinion and designing a communication strategy to eliminate stereotypes and discriminatory practices.

33. In the area of equal access to State services, particularly in education, health, housing and employment, the policy's strategic actions include the institutionalization of a teacher training and advanced training programme that includes information and training on the elimination of racism and discrimination.

34. The Presidential Commission to Combat Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) is responsible for the formulation and monitoring of policies and actions aimed at the Government's performance of the functions entrusted to it by the Constitution and laws with respect to the equality of citizens and the recognition and promotion of and respect for the rights of indigenous people.

35. Pursuant to this policy, the Presidential Advisory Council on Indigenous Peoples (CAPIP) was set up by Governmental Agreement No. 96-2005. The Council is made up of seven eminent representatives of indigenous organizations, three of whom are women. It advises the President and other members of the executive branch and makes possible the formulation of such proposals or recommendations as are deemed necessary for indigenous communities to exercise their rights. It also,

on occasion, presents indigenous problems and local needs to the Government's mobile outreach teams.

36. The mainstreaming of mechanisms for the formulation and monitoring of policies with a gender and ethnic perspective in government institutions is progressing. This is the case in SEGEPLAN, for instance, with the norms of the National Public Investment System (SNIP) 2007, strategic territorial planning and the creation in 2005 of the Indigenous Peoples Unit, whose task is to monitor the institutionalization of ethnic and gender issues in the processes of planning, programming of public investment and coordination of international cooperation. The Unit has now been upgraded to a Department of Multiculturalism.

#### **Public Policy for a Culture of Peace, 2006-2015**

37. This policy's guidelines include "respect for diversity", defined as recognition of the human right not to be subject to discrimination, differentiation, exclusion, restriction or preference on grounds of gender, national or ethnic origin, religion, political or other opinion, age or any other condition intended to affect or undermine the full enjoyment of rights and fundamental freedoms. The priority in this area is to promote the training and oversight of civil servants in order to foster in them a culture of service and accountability with respect to human dignity and cultural diversity, in accordance with the law and their obligations.

38. Another guideline is the establishment and development of gender equity, the policy for a culture of peace being aimed at achieving equality in all areas and helping to eradicate violence against women. The aim is to eliminate all gender-based discrimination by applying the principles of national and international instruments on the issue, to strengthen government institutions and programmes designed to give effect to those principles and to mainstream a gender perspective in all institutions by publishing all national and international instruments, with the necessary resources and political will to give priority to the promotion of equality between women and men in economic, social and political decision-making and the eradication of violence against women.

#### **Public Policy against Trafficking in Persons and for the Comprehensive Protection of Victims, 2007**

39. This policy recognizes that the principle of non-discrimination is a fundamental norm of international law and is especially relevant to situations of vulnerability, particularly of women and girls. It provides that all persons, regardless of their sex, race, colour, language, religion, political opinion, place of birth, ethnicity, gender or any other condition, have the same rights and must therefore be recognized, protected and safeguarded by the State. It recognizes that discrimination against women and girls violates the principles of equality of rights and respect for human dignity. Consequently, any action that is taken must guarantee equal opportunity and gender equity without discrimination.

#### **Policy for the Protection, Assistance and Care of the Guatemalan Community Living Abroad, 2007**

40. This policy stipulates that its objectives, strategies and actions must fulfil seven basic conditions, the fifth of which is to enhance the status of migrant women, in keeping with the peace agreements, especially the Agreement on Social and

Economic Aspects and the Agrarian Situation and the Agreement on Identity and Rights of Indigenous Peoples. It notes that the Government undertook to take measures to promote and strengthen norms and mechanisms for the protection of human rights, with emphasis on women. It defines migrant women and children as one of the target groups requiring special care and protection, because they are more vulnerable as victims of human trafficking and illicit trafficking of migrants.

#### **Other policies with a gender perspective**

41. During the period 2004-2007, other policies that included a gender perspective and took account of ethnic and cultural diversity were the following:

- National Youth Policy: young people building unity in diversity for a multicultural nation, 2005-2015. This policy is the responsibility of the National Youth Council (CONJUVE);
- National Housing and Human Settlements Policy and Implementing Strategy, 2004;
- Agricultural and Sectoral Policy, 2004-2007.

#### **Evaluation and updating of public policies**

42. SEPREM, in coordination with the Office for the Defence of Indigenous Women's Rights, conducted a policy evaluation process, which began in late 2005 and ended in March 2007, to evaluate the implementation of the National Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunity Plan 2001-2006 by entities of the executive branch.

43. The decision by SEPREM to evaluate the women's policy was based on:

- The mandate contained in the Act on Enhancing and Advancing the Status of Women (Decree No. 7-1999), article 5 of which establishes that policies must be evaluated and updated regularly;
- The policy document's reference to the need for an evaluation;
- The conclusion of the period of validity of the Equal Opportunity Plan 2001-2006;
- The need to incorporate the national women's policy into the framework of the decentralization process, since the new legal framework for decentralization had not been adopted when the policy was drawn up. The mainstreaming of gender equity as a guiding principle of decentralization gave rise to new women's mechanisms at the local level;
- The need to readjust the focus on identity and rights of indigenous women and women of African descent in Guatemala in the new policy document (the content on women of African descent has not yet been developed).

44. It is important to realize that the evaluation of the women's policy was a pioneering activity in the field of public policy in Guatemala and its results set a precedent in the institutional history of public policy evaluation in the Government and in SEPREM itself, contributing valuable insights for the process of modernizing the State and the goal of governing by means of public policy. It also made it possible to:

- Make all executive branch institutions aware of the importance of evaluation for matching public policy to the real situation in which it is applied;
- Incorporate affirmative action in different sectors of the public administration in order to promote gender and ethnic equity;
- Given the crosscutting nature of the policy, recognize the need for State institutions to coordinate their actions and efforts around the crosscutting areas of gender and ethnic equity;
- Given women's active role and their demands, show that sectors that have not mainstreamed a gender and ethnic perspective in their institutional plans and policies need to readjust them in order to respond to the demand for the services that are currently required.

45. Representatives of State institutions and of networks and confederations of women's organizations and organizations of linguistic communities of the Maya, Garifuna and Xinka peoples and *mestizo* communities, organized into the National Updating Committee, participated actively in the updating of the women's policy. The Committee is a forum for consultation between the Government and civil society designed to support the drafting of an updated women's policy document for adoption by the Government. The policy will serve as a reference document on gender equity and advancement of women for the newly elected Government when it formulates the Equal Opportunity Plan for the period 2008-2012, in accordance with its priorities and with the institutions responsible for its implementation.

46. One of the most significant contributions of the policy updating process was the initiative by various indigenous women's organizations to produce an indigenous women's coordinated agenda, which will be a vitally important input to the policy updating process.

47. Based on the experience, results and recommendations of the evaluation, the process of updating the policy was carried out by a strategic alliance of SEPREM and the Office for the Defence of Indigenous Women's Rights (DEMI) and in coordination with the National Women's Forum. The process culminated in December 2007 with the public presentation of the National Policy for the Advancement and Development of Guatemalan Women, adopted by Governmental Agreement No. 570-2007. One important achievement was that it also had the backing of the legislative and judicial branches.

48. The updating process emphasized the importance of taking up the challenge of explicitly mainstreaming women's ethnic and cultural diversity in order to highlight the needs and expectations of indigenous women. At the same time, it was considered crucial to address the issue of women's participation in the decentralization process, especially in institutionalized forums such as the Development Councils.

## Legislative measures

### Definition of discrimination

#### Recommendations of the Committee on the Elimination of Discrimination against Women

*The definition of discrimination contained in Decree No.57-2002 amending the Criminal Code is not in accordance with article 1 of the Convention, as well as article 2, which explicitly requires measures to eliminate discrimination against women by private actors. (6)*

*The Committee encourages the State party to ensure that a definition of discrimination that encompasses both direct and indirect discrimination is explicitly reflected in all appropriate legislation and to include effective sanctions and remedies for the violation of rights by public and private entities and actors. (6)*

*The Committee is concerned about the lack of awareness about women's human rights among members of the legislature. (6)*

*While noting the adoption of the various laws and decrees aimed at protecting women and girls, including Decree No. 81-2002 aimed at promoting the elimination of discrimination on grounds of race and gender among all State ministries, the Committee is concerned about the lack of enforcement, coordination, effective implementation and monitoring of those laws and decrees. (6)*

*The Committee urges the State party to take all appropriate measures to ensure the effective enforcement, implementation and assessment of the application of those laws and decrees aimed at protecting women and girls. It recommends that the State party include the impact of those measures in its next periodic report. (6)*

*The Committee is concerned about the existing imbalance among the three branches of the State, which results in the resistance to adopt and modify legislation aimed at protecting women's human rights. (6)*

*The Committee calls upon the State party to bring its legislation fully into compliance with article 11 of the Convention and to ratify the International Labour Organization Convention (No. 155) concerning Occupational Safety and Health and the Working Environment. It requests the State party to accelerate efforts aimed at the adoption of legislation concerning sexual harassment. (6)*

*The Committee expresses concern about the ambiguity of laws dealing with prostitution, particularly child prostitution, which prohibit but do not establish sanctions commensurate with the gravity of the offences. It is further concerned about the high level of child prostitution and sexual exploitation of minors. (3, 4, 5)*

*The Committee recommends that the State party review existing legislation relating to the criminalization of child prostitution and sexual exploitation of minors and take steps to implement the National Plan of Action against Commercial Sexual Exploitation of Children and Adolescents in Guatemala. (3, 4, 5)*

*The Committee urges the State party to take steps to remove the disparity in the legal age of marriage of women and men and take measures to raise the minimum age of marriage for girls, in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18. (3, 4, 5)*

49. The ratification by the State of Guatemala in 1982 of the Convention on the Elimination of All Forms of Discrimination against Women opened the way for reformulating the principle of formal equality among persons, and the 1985 National Constituent Assembly enshrined it in article 4 of the Constitution as follows: *“Liberty and equality. In Guatemala, all human beings are equal in dignity and rights. Men and women, regardless of their civil status, have equal opportunities and responsibilities. No one may be subjected to servitude or any other condition that undermines his or her dignity. Human beings must behave fraternally towards one another”*.

50. The process of eliminating male bias from national legislation has been a slow and difficult one, for the legal process and system are a social product in which women’s particular needs and interests are persistently overlooked. Discrimination occurs both in the origin and in the letter of the law, i.e. both when a women’s right is restricted or cancelled and when such restriction or cancellation is a result of the way in which the law is interpreted by those responsible for the administration of justice. Removing male bias from the language of legal instruments is an important step in this process, which is why State institutions are moving ahead with systematic legal literacy training activities, both in the education system and for persons working in the administration of justice, on the principles that underpin international law and on the content and scope of specific instruments on women’s human rights.

51. During the reporting period, a number of specific laws were adopted and other existing ones were amended.

### **Legislative reforms and advances**

#### **Criminal law**

52. **Decree No. 14-2005. Amendment of article 194 of the Criminal Code.** Previously, article 194 had referred to the “white slave trade”, thereby discriminating against women by presenting them as sex objects. The amendment brought the article into line with the Palermo Convention by including other forms of trafficking as follows: *“Article 194. Trafficking in Persons. Anyone who in any way promotes, induces, facilitates, finances, collaborates in or participates in the capture, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation, shall be liable to six to 12 years’ imprisonment”*.

53. **Repeal of article 200 of the Criminal Code.** In August 2006, this article on the extinction of criminal proceedings against perpetrators of sexual crimes in the event of subsequent marriage to the victim, was repealed by means of an action for unconstitutionality brought by the Deputy Human Rights Procurator.



**Specific legislation with gender implications**

54. **Decree No. 26-2007, Act on the National Council for Assistance to Guatemalan Migrants.** This Act established the National Council for Assistance to Guatemalan Migrants (CONAMIGUA), the governmental body responsible for coordinating, defining, supervising and monitoring the actions and activities of State organs and entities aimed at providing protection, assistance and care to Guatemalan migrants and their families and to migrants of other nationalities who are in the national territory. The principles that will govern CONAMIGUA include respect for the human rights of Guatemalans abroad and fulfilment of the international, multilateral or bilateral commitments that the country has entered into with agencies for the protection of migrant rights and other States where Guatemalans are living.

55. **Decree No. 35-2007, Agreement between the United Nations and the State of Guatemala on the establishment of an International Commission against Impunity in Guatemala (CICIG),** signed in New York City on 12 December 2006. The preamble to the Agreement states that illegal security groups and clandestine security organizations seriously threaten human rights as a result of their criminal activities and capacity to act with impunity in Guatemala. The purpose of the Commission is to strengthen, support and assist the institutions responsible for investigating and prosecuting crimes allegedly committed in connection with the activities of illegal security forces and any other criminal conduct related to those entities operating in the country. The Decree was adopted by the Congress of the Republic in August 2007. The Commission is a mechanism for combating impunity that could have a positive impact on the investigation of crimes against women.

56. **Decree No. 31-2007 adopting the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.** The State of Guatemala has ratified and acceded to the Hague Adoption Convention, which establishes greater and better controls on giving a minor child up for adoption. It also gives preference to adoptions by Guatemalans rather than foreigners and stipulates that the consent of the mother must not have been obtained through payment or compensation. The Decree was adopted in May 2007 and will enter into force in December 2007.

57. **Decree No. 77-2007, Adoption Act.** The Act will enter into force on 31 December 2007. It regulates matters related to fraudulent adoption, which it classifies as trafficking in persons and a grave violation of children's human rights. It stipulates that the adoption process must be decided by a juvenile magistrate following a proceeding to consider the child's social, psychological and medical status and only when it has been established that the child cannot be reunited with his or her family. The Act also stipulates that the situation of poverty or extreme poverty of the mother or father is not sufficient grounds for giving up the child for adoption. Since adoption is a social institution, persons, institutions and authorities involved in the adoption process, including family members of the adopter or adoptee whose degree of kinship is defined by law, are prohibited from deriving undue material or other benefits from it.

58. **Decree No. 33-2006, Prison Act.** The Act, which entered into force on 5 October 2006, amends the law on the serving of sentences and changes the paradigm of the prison system, establishing that its function is the rehabilitation and social reintegration of persons who have been deprived of their liberty.

59. **Decree No. 32-2006 establishing the National Institute of Forensic Sciences (INACIF)**, which has nationwide jurisdiction and whose main purpose is to provide an independent scientific investigation service that includes issuing technical and scientific rulings. It will, inter alia, improve the investigation of crimes against women.

60. **Decree No. 32-2005, Act on the Food and Nutrition Security System.** The Act, which entered into force in April 2005, establishes the National Council for Food and Nutrition Security (CONSAN), which is the lead body of the National Food and Nutrition Security System.

61. **Decree No. 40-2005.** In May 2005, the Congress of the Republic adopted the **Agreement between the United Nations High Commissioner for Human Rights and the Government of the Republic of Guatemala on the establishment of an office in Guatemala**, signed in New York on 10 February 2005.

62. **Decree No. 41-2005, Land Registry Act.** The purpose of the Act is to make land tenure legally secure and to promote rural development.

63. **Decree No. 52-2005, Peace Agreements Framework Act.** The Act, which requires the State to comply with the peace agreements, especially the Comprehensive Agreement on Human Rights and the Agreement on Identity and Rights of Indigenous Peoples, was adopted in August 2005. It imposes on the State of Guatemala a binding obligation to apply constitutional precepts in accordance with article 4 of the Constitution on liberty and equality.

64. **Decree No. 85-2005, Act on the Programme of Financial Support for Older Persons.** This Act, which entered into force in March 2006, provides for the establishment of a programme of monthly financial assistance for Guatemalans over the age of 65. The benefit will be paid following an examination of the beneficiary's socioeconomic situation. Anyone with a serious illness will be included automatically. The benefit will be set at 40 per cent of the minimum agricultural wage, which is currently 42.26 quetzales a day, making the monthly allowance around 509.52 quetzales. The Act's application is pending.

65. **Decree No. 87-2005, Act on Universal and Equitable Access to Family Planning Services and Their Integration in the Reproductive Health Programme.** The Act, adopted in 2005, ensures compliance with the obligation to protect, promote and strengthen sexual and reproductive rights. Its purpose is to ensure the population's access to family planning services, which include information, counselling and education on sexual and reproductive health and the provision of methods of family planning. The Act also establishes mechanisms aimed at obtaining new sources of local funding, thereby reducing family planning services' traditional dependence on international donors.

66. **Instrument of accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air.** On 5 May 2004, the Government of Guatemala signed the instrument of accession to the Protocol supplementing the United Nations Convention against Transnational Organized Crime.

67. **Agreement No. 16-2005.** Published on 18 March 2005, the Agreement establishes a mandatory period, prior to the entry into force of the Central American- Dominican Republic - United States of America Free Trade Agreement, for the adoption of a number of legislative proposals that will make it possible to

create legal frameworks to offset the social impact of the Free Trade Agreement, principally in the labour sphere with regard to legal and health security for all workers.

68. **Ministerial Agreement SPM-1799-2007** of 31 July 2007, declaring August of each year reproductive health month. The object is for all bodies that actively promote reproductive health to undertake activities each August to promote and strengthen the reproductive health of women and men of all ages. This initiative was promoted by SEPREM in the context of the work done by the National Network for Responsible Parenthood.

#### **Pending bills and required reforms**

69. There are areas that still require improvement, some of which are targeted by bills submitted to the Congress of the Republic. Many of these proposals, agreed between civil society women's organizations and State institutions and put forward by different bodies, have been shelved, are about to be shelved or are awaiting discussion in the plenary Congress.

70. One aspect that must be considered is that article 45 of the Organic Law of the Congress of the Republic establishes that if a legislative period (which begins every 14 January) ends without the relevant committee having taken a decision on a legislative proposal, the proposal will be considered rejected and the dossier will be shelved unless a member of Congress in the new legislature demands that a decision be taken on it within 60 days of the new legislature taking office. This situation will have to be examined by the new legislature that will take office in January 2008.

71. The legislative process is detailed in a table in the annex.

#### **Proposed amendments to criminal law**

72. **Legislative proposal 2630.** This proposal was drawn up through the joint efforts of women's organizations, with support from governmental bodies working for women and children. Its content reflects that of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention of Belém do Pará, among other international instruments. Its aim is to bring substantive criminal law into line with those instruments and to eliminate provisions that discriminate against women, as well as to regulate the crimes of domestic violence, commercial sexual exploitation and fraudulent adoption, among others. The congressional committees on women and children and legislation and constitutional issues took a favourable decision on the proposal on 23 March 2006. It received a second reading in Congress in the 2006 legislative period, but was not adopted in final reading, with the result that it has not entered into force.

73. **Legislative proposal 3503, Femicide Act.** In 2007, the congressional human rights committee adopted this proposal in first reading. Its aim is to criminalize certain acts against women and to strengthen institutionally the bodies that protect women's human rights. As a result of the follow-up given to this proposal by civil society women's organizations, the State machinery for women and the Office for the Defence of Indigenous Women's Rights, an advisory group was established, made up of civil society and State representatives, coordinated by the Women's Civic and Political Coalition and with the participation of the Office for the Defence of Indigenous Women's Rights, the National Coordinating Office for the Prevention

of Domestic Violence and Violence against Women (CONAPREVI) and SEPREM. The basic aim was to draft a proposal encompassing women's security needs in the framework of international and national instruments for the protection of women's rights.

74. Once the proposal had been analysed, a proposed framework law on violence against women was drafted, with technical advice from the institutions mentioned above. This law expands on the provisions of women's conventions to guarantee them a life free from violence and discrimination. The proposed framework law was submitted to the congressional human rights committee (proponent of legislative proposal 3503, Femicide Act) and the congressional committee on women.

75. Legislative proposal 3503, Femicide Act, has already been considered in the plenary Congress of the Republic and is awaiting its third and final reading.

#### **Proposed amendments to labour law**

76. Labour law must be adapted to the socioeconomic situation of a country's citizens. The gender-based division of the labour market means that the law's impact differs for women and men and according to whether workers are employed in the formal or the informal economy.

77. The starting point is the amendments proposed to the Labour Code, which were agreed with women's organizations and presented by the National Office for Women's Affairs a number of years ago, with 37 specific proposals submitted to the Congress of the Republic, and amendments to other laws drafted by women's organizations such as the Support Centre for Women Domestic Workers (CENTRACAP), the Women's Civic and Political Coalition and Guatemalan public and private institutions.

78. **Legislative proposal 3566.** This proposal seeks to establish legal regulation of sexual harassment, understood as any undesirable sexual conduct. In addition to legislating for the harmonization of domestic laws with the provisions on sexual harassment to be found in international instruments for the protection of women's rights, the proposal is designed to comply with the Agreement on Identity and Rights of Indigenous Peoples. The plenary Congress considered it on 27 November 2006, but since it was not adopted it is still awaiting a decision by the congressional committees on legislation and constitutional issues, women and human rights.

79. **Legislative proposal 3525.** This proposal is intended to amend the Labour Code in response to international experts' recommendations for the protection and safeguarding of women's labour rights. It also promotes responsible fatherhood by regulating parental leave for fathers. It regulates and responds to the ILO Convention (No. 103) concerning Maternity Protection. It includes the regulation of domestic employment in private homes and establishes penalties for harassment at work and in education. The plenary Congress considered it on 21 September 2006 and it is again awaiting a decision by the congressional committees on women and work.

80. In November 2006, the congressional committee on work, prior to taking a decision, sought the opinion of the Ministry of Labour and Social Security on the legislative proposal. To date, there is no reply to that request in any document before the Congress of the Republic.

81. **Legislative proposal 3467.** This proposal seeks to regulate domestic employment in private homes by introducing a law governing such employment, making good the absence of legislation in favour of women domestic workers. At present, such work is not subject to a minimum wage, set working hours or a contract. The plenary Congress considered the proposal on 25 March 2006 and it is again awaiting a decision by the congressional committees on work, legislation and constitutional issues and social security.

#### **Proposed amendments to civil law**

82. The section of this report dealing with article 16 describes the amendments to the Civil Code regulating rights and obligations within marriage.

#### **Measures pending from the Committee's recommendations**

83. The States of Guatemala is aware that the legal framework can help to either transform or reinforce relations of inequity, so this point deserves special attention. The existence or absence of laws affects different spheres, from political participation and economic rights to parenthood, making it extremely important that the legal system should reflect the State's values and safeguard the rights of persons, irrespective of the gender, ethnicity, geographical location and other characteristics, such as views held or choices made, of persons who are subjects of law.

84. There have no advances in Guatemala's legal framework towards safeguarding women's rights and gender equality in the areas listed below and mentioned repeatedly in the Committee's recommendations to the State of Guatemala in response to Guatemala's reports:

- Absence of a definition of discrimination in the Criminal Code that is in accordance with article 1 of the Convention, includes measures to eliminate discrimination by private actors and encompasses both direct or indirect discrimination;
- Failure to adopt a law protecting individuals against sexual harassment, most of whose victims are women;
- Continuing ambiguity of the laws dealing with prostitution, particularly child prostitution, with a recognized lack of proportionality between the crime, the harm done to victims and the legal sanctions against perpetrators. Current legislation imposes a fine of 1,000 to 5,000 quetzales for child sexual exploitation and one to three years' imprisonment for human trafficking, which may on occasion be commuted, for instance to community service;
- Continuing disparity in the legal age of marriage, which is 16 years for men and 14 years for women;
- Failure to remove the inconsistencies between the Civil, Criminal and Labour Codes and the Convention;
- Absence of concrete measures to ensure the enforcement and implementation of laws and decrees;
- Failure to adopt a law ensuring that the work done by women domestic workers in private homes is properly regulated and given equal value with other work. In fact, the existing legislation governing such work is

discriminatory by comparison with the various labour law provisions applicable to other male and female workers;

- Failure to revise labour law, which contains provisions incompatible with international law and with article 4 of the Constitution, which enshrines equality between women and men in Guatemala.

85. Other legal reforms that are extremely important for gender equity and equality are also pending, such as the criminalization of domestic violence, criminal prosecution of which currently contingent on the injuries sustained by victims, and amendment of the definition of rape, which is currently deemed to have occurred only if there is genital penetration, whereas anal rape or rape through the insertion of objects is defined simply as “abuse”.

### **Future challenges**

#### **Give priority to gender equity in the legislative agenda**

86. Most legislative proposals and amendments incorporating measures to “correct” male bias, with a view to promoting gender equity and progressing towards legal equality of women and men, went nowhere in the 2004-2007 parliamentary period.

87. Government institutions and women’s organizations have been working for a number of years on a pending legislative agenda in favour of women that includes, inter alia, the amendments to the Labour Code proposed, agreed and presented by the National Office for Women’s Affairs (ONAM) to the Congress of the Republic.

88. Taking steps to prioritize legislative proposals in the short, medium and long term and bring them into line with the recommendations of international bodies is just as important as introducing special measures and/or affirmative action for women.

89. The compilation of laws and proposed amendments is one of the actions envisaged in the National Policy for the Advancement and Development of Guatemalan Women (PNPDMG). For anyone outside the legislative branch, it is difficult to find a systematic compilation of legislative proposals and proposed amendments in general, other than the proposed laws and amendments on labour issues presented by ONAM. Regular updates and information on their progress are provided by the parties concerned and the same proposal may be presented to a number of different congressional committees.

90. In 2006 and 2007, the National Office for Women’s Affairs and the Department for Working Women of the Social Security Division of the Ministry of Labour and Social Security made an evaluation of legislative amendments in favour of women, which determined the progress and redrafting needs of 10 proposed legislative amendments with a gender focus. These proposals, drawn up by ONAM with support from women belonging to governmental and non-governmental organizations and presented to Congress between 1996 and 2006, were:

- Amendments to the Elections and Political Parties Act;
- Amendments to the Civil Code;
- Amendments to the Labour Code;

- The Act establishing the National Institute for Women;
- The proposed Act on Protection for Women Domestic Workers;
- Amendments to the Education Act;
- The Act regulating Domestic Employment in Private Homes.

91. In addition to the priorities established in PNPDMG programme areas, especially the legal equity area, the main amendments, some of them proposed and agreed by women in various legal spheres or presented by government institutions and formulated as a response to women's invisibility as explicit subjects of rights in existing laws, are summarized in Box 1 below.

**Box 1**  
**Summary of the main amendments and legislative proposals agreed**

<b>Civil law</b>	Amendments to the Civil Code, including inheritance and succession Elections and Political Parties Act Women's Citizenship Act Equality Act Responsible Parenthood Act
<b>Labour law</b>	Speed up the agreed amendments proposed to the Labour Code
	Act on Sexual Harassment in the Workplace Act on Women Working in Special Conditions Act on Women Domestic Workers Social Security Act and Regulations
<b>Commercial/ mercantile law</b>	Act on the Protection of Micro-, Small- and Medium-Scale Businesses
<b>Agrarian law</b>	Rural Development Act Act on Agricultural Work Act on the Protection of Small- and Medium-Scale Farmers Act on Incentives for Agricultural Diversification
<b>Supplementary laws</b>	Regulations for the Peace Agreements Framework Act Regulations for the Land Registry Act
<b>Agreement 16-2005 laws</b>	Known as « social compensators ». Adoption of a number of legislative proposals making it possible to create legal frameworks to offset the social impact of the Free Trade Agreement: Rural Development Act Act on Incentives for Agricultural Diversification Act on Non-Banking Financial Intermediation Act Institutionalizing the Fiscal Pact Act on the Protection of Small- and Medium-Scale Farmers Act on the Protection of Micro-, Small- and Medium-Scale Businesses Comprehensive Amendment of the Labour Code

### **Legislative agenda for gender equality**

92. A minimum legislative agenda for gender equality must be developed, containing defined, specific legal demands for the Civil, Criminal and Labour Codes that harmonize Guatemalan legislation with the conventions, treaties and agreements signed by the country, particularly the Convention on the Elimination of All Forms of Discrimination against Women.

93. To advance this agenda, it will be necessary to design a plan of action that envisages:

- Working and reaching consensus agreement among the three branches of government on pro-equality public policy and legislation;
- Generating alliances with human rights institutions and civil society women's organizations;
- Generating alliances with the mass media and creating an informed pro-equality climate of opinion in the country;
- Developing alliances with international cooperation agencies;
- Agreeing on a definite timetable for progress on the agenda in question.

94. To advance the above agenda, it will be essential to promote the participation of a greater percentage of women than at present in decision-making bodies and forums, particularly the legislative branch, and to strengthen institutions working for women's equality, particularly SEPREM. To support women's participation, efforts could be made to ensure compliance with the Act on Enhancing and Advancing the Status of Women (Decree No. 7-1999), which includes a reference to temporary affirmative action.

### **Specialized machinery for women**

#### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee recommends that the State party strengthen the national machinery, especially the Presidential Secretariat for Women, by providing it with the necessary authority and adequate human and financial resources so as to enhance its effectiveness in carrying out its mandate at all levels. That should, in particular, include the capacity for better and more effective cooperation among all Government entities responsible for implementation of the Convention. (6)*

*The Committee encourages the State party to assume clear responsibility for implementing all its obligations under the Convention. It also encourages the State party to enhance collaboration with women's groups and organizations without, however, delegating to those stakeholders its own responsibilities with regard to the implementation of the Convention. (6)*

#### **Presidential Secretariat for Women (SEPREM)**

95. SEPREM advises on and coordinates public policy and is responsible for promoting the all-round development of Guatemalan women and the fostering of a democratic culture. It operates under the direct supervision of the President of the



Republic and is the highest executive body responsible for issues related to the advancement of women and the mainstreaming of gender equity. It participates in the general, social and rural development cabinets. The Presidential Secretary for Women, as head of SEPREM, has the rank of Minister of State.

96. The powers of SEPREM, established in article 2 of Governmental Agreement No. 200-2000, include those related to ensuring compliance with laws, conventions and treaties and inter-institutional coordination. SEPREM internal regulations require it to adopt machinery for dialogue with women's organizations.

97. In October 2007, by means of Governmental Agreement No. 471-2007, the internal regulations of SEPREM were amended to give it the additional function of formulating, monitoring, evaluating and updating women's policy. Its organizational structure was also strengthened as follows:

- Senior management
  - Office of the Presidential Secretary for Women
  - Office of the Deputy Presidential Secretary for Women
- Advisory services
  - Advisory Board
  - Legal advisory services
  - Technical advisory services
- Internal oversight
  - Internal Auditing Unit
- General administration
  - Department of Administration and Human Resources
  - Department of Planning, Programming, Monitoring and Evaluation
  - Finance Department
  - Department of Cooperation and International Relations
  - Department for the Advancement and Participation of Women
  - Department of Institution-Building
  - Department of Media and Public Relations.

98. SEPREM represents the State of Guatemala internationally on issues of women's rights, including in the Inter-American Commission of Women (ICM) of the Organization of American States (OAS), the Regional Conference on Women in Latin America and the Caribbean of the Economic Commission for Latin America and the Caribbean (ECLAC) and the Council of Central American Ministers for Women (COMMCA). It has an Advisory Board, considered an important inter-institutional coordination mechanism, which forms part of its structure and is made up of representatives of Ministries, State Secretariats and Social Funds.

99. The SEPREM budget has increased from 4.8 million quetzales (Q7 .5 = US\$1) in 2004 to 17.65 million in 2007, a 367.8 per cent increase.<sup>1</sup> The Congress of the Republic approved a budget of Q 20.5 million for 2008. The increase has made it possible to strengthen SEPREM territorially through the recruitment of 10 women to work as regional representatives in eight of the country's regions and to promote, advise and support women's organizations in the Departmental Urban and Rural Development Councils; to provide funding to the Survivors of Violence Network foundation; to increase funding for CONAPREVI; to strengthen inter-institutional coordination; and to incorporate the gender equity approach in policies and instruments.

100. Realizing that the systematic, effective mainstreaming of a gender equality perspective requires changes in governmental dynamics and structures, SEPREM has developed a multi-annual programme, 2006-2009, for institutionalizing the National Policy for the Advancement and Development of Guatemalan Women and the Gender Equity Plan in the Government's priority processes and in entities of the executive branch.

101. The multi-annual programme in turn takes up two of the Committee's recommendations: (1) monitoring of public policy; and (2) evaluation of gender impact, considering the disadvantaged situation of indigenous women. Accordingly, the first of the programme's two areas of action is the monitoring, evaluation, updating and institutionalization of the National Policy for the Advancement and Development of Guatemalan Women with reference to women belonging to ethnic groups. This involves mainstreaming a gender perspective in the structures and functions of entities given priority by SEPREM because of their strategic nature, such as the Presidential Secretariat for Planning (SEGEPLAN), the National Statistical Institute (INE), the National Institute of Public Administration (INAP) and the Ministry of Finance. The second area of action contributes to gender mainstreaming across all spheres of public policy by making the mechanisms of SEPREM action more efficient.

102. SEPREM has expanded its role as lead organ for gender equality and equity policies and as a State body has even been a pioneer in the self-critical analysis of structure and functioning and in its ability to propose ways of strengthening itself, as can be seen from the following:

- Conduct of an evaluation of the National Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunity Plan 2001-2006, whose implementation is coordinated by SEPREM. The purpose of the evaluation was to identify progress, constraints and lessons learned in the design, implementation and results achieved in government institutions responsible for the policy's implementation;
- Systematization of SEPREM expertise and proposal of a political response to the Committee's recommendations, for which SEPREM encouraged the conduct of interviews with government bodies and civil society organizations with different degrees of affinity with the executive branch;

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<sup>1</sup> The budget includes the budgetary ceiling assigned to donations, which for CONAPREVI, for instance, is 17.7 per cent and for SEPREM is 11.71 per cent, showing that the State is assuming increasing responsibility for institutionalizing those mechanisms.

- Joint work with the National Statistical Institute to define gender-based indicators that shed light on the situation and status of women and are important for determining the priorities of public policy;
- Establishment of a forum of cooperating agencies on gender equality and equity to coordinate efforts to institutionalize the national policy in the Government's priority processes and in the structures of the executive branch;
- Postulation of the need for gradual mainstreaming of the issue of rural and indigenous women and for coordination and a growing partnership with the Office for the Defence of Indigenous Women's Rights;
- Systematic work with the SEPREM Advisory Board, in which representatives of the different Ministries and Secretariats meet periodically, to support processes that strengthen the institutional mainstreaming of gender;
- Territorial strengthening of SEPREM through the recruitment of 10 women to work as regional representatives in eight of the country's regions and the provision of advice and support to women's organizations represented in Development Councils so that they can influence the processes of formulating and managing proposals for women's projects;
- Establishment of the roundtable for the formulation of rural development policy with a gender and multiculturalism focus;
- Appointment by the Presidents of the three branches of government as coordinator of the Commission on Femicide.

103. The above points identify developments that are at different stages of implementation and reflect trends that are helping to define and strengthen SEPREM as a political body with its own identity and even a capacity for innovation within the Guatemalan State.

104. SEPREM and the National Women's Forum (FNM) jointly drew up the Plan of Action for the Full Participation of Guatemalan Women 2002-2006. In keeping with the strategic areas of this Plan, a training programme for women in Urban and Rural Development Councils was designed and implemented, comprising eight training modules on: (1) decentralization; (2) participation; (3) public policy; (4) the Plan; (5) participatory gender analysis; (6) the project; (7) resources; and (8) social auditing.

#### **Development of a women's economic agenda**

105. In the economic area, research has been carried out in the context of the UNIFEM-supported Women's Economic Agenda project to determine the extent to which women are integrated in the economy and to identify potential areas of research and action. The project promotes women's empowerment and equality of rights, which is one of the Millennium Development Goals (MDGs). Its main aims are:

- To help place the issue of gender equity on the region's economic agenda and in scenarios where public policy is debated and negotiated;
- To design economic policies aimed at eliminating the inequality that exists between women and men;

- To support capacity-building for gender analysis of the region's economies;
- To create conditions for identifying the women's agenda in the trade liberalization process and the components of a strategy for influencing public policy;
- To define an agenda enabling Central American women to have an impact.

106. With these aims, SEPREM focused its attention on conducting several research activities:

- “*El perfil de género en la economía guatemalteca* (gender profile in the Guatemalan economy) (2004)”, which helps identify the characteristics of women's participation in different productive and reproductive activities at the national level and demonstrates that the gender approach is one of the aspects most often overlooked in economic policies and that such policies need to be redirected to include a gender approach;
- Case studies on occupational health in the *maquila* industry, in agroindustrial companies that produce and export berries and in tourism (2004), which document women's working conditions in those sectors or areas of the national economy. “*El milagro que aparece y desaparece*” (the miracle that comes and goes) (2004)”, a study on women's participation in the production chain for the export of berries, reveals the demands that this market imposes on the quality of the product and its consequences for women engaged in this work, as well as the low wages and long working days to which they are subject;
- “*Mapeo institucional en el ámbito económico – Una indagación acerca de la incorporación de la perspectiva de género* (institutional mapping in the economic sphere – an investigation into the mainstreaming of a gender perspective) (2006)” identifies the government institutions responsible for the formulation and execution of economic policy, as well as initiatives by the business sector and by non-governmental organizations that carry out projects for women in the economic sphere. It also documents the obstacles to internalizing the gender equity approach and how the issue still receives only marginal attention in the institutional and social spheres;
- “*Acceso de mujeres emprendedoras a los servicios financieros en Guatemala, con énfasis en Huehuetenango y Chiquimula* (women entrepreneurs' access to financial services in Guatemala, with emphasis on Huehuetenango and Chiquimula) (2006)” shows the opportunities and difficulties encountered by women in gaining access to credit and financial services in both the formal and the informal financial sector. With regard to demand, it indicates that an estimated 942,000 women are seeking credit, while with regard to supply, it analysed the role of the different actors: banks, cooperatives and development organizations specialized in microfinance. It concluded that the number of women obtaining credit – some 194,965 – accounts for only 20.69 per cent of estimated potential demand. It showed that it is a matter of priority that women should be considered eligible for credit, given their participation in the informal economy, which accounts for around 80 per cent of micro-businesses.

107. These studies showed that, independently of the matter at issue, women are not managing to overcome their situation of vulnerability in the face of the challenges posed by the far-reaching economic and social changes brought about by

globalization and trade liberalization, as exemplified, inter alia, by the ratification of free trade agreements and the existence of a high level of technological development.

108. Other major research projects are under way:

- An exploratory study, including a macro-analysis, of the tourism sector, which gives a picture of the sector's dynamism and of related economic activities and sectors over the past five years;
- A comparative analysis of gender-disaggregated statistical information obtained from the 2000 and 2006 surveys of living conditions;
- A study on domestic employment in Guatemala, as part of the Central American research called for by the Council of Central American Ministers for Women (COMMCA), which will be completed in April 2008.

## Box 2

### Commitments fulfilled by SEPREM under the National Policy for the Advancement and Development of Guatemalan Women

<p><b>Area</b></p> <p><b>Institutional machinery for the advancement of women</b></p>	<ul style="list-style-type: none"> <li>▪ Support for 19 Women's Commissions in Departmental Development Councils and 51 at the municipal level. The Commissions received advice on the development of operational and strategic plans, regulations and political and technical proposals.</li> <li>▪ Municipal Women's Offices were assisted with the preparation of work plans and in their municipal activities.</li> <li>▪ Municipal Women's Commissions and Offices were assisted in dealing with the aftermath of Tropical Storm Stan, helping replace identity documents for a total of 3,118 women and 1,320 men between 2005 and 2006.</li> </ul>
<p><b>Economy</b></p>	<ul style="list-style-type: none"> <li>▪ Project proposals reflecting strategic interests and practical needs, which were promoted jointly with women's organizations and Departmental Women's Commissions as a means of influencing public investment in women.</li> <li>▪ In 2006, a total of 31 projects were assisted by SEPREM regional representatives in municipalities in nine of the country's departments.</li> <li>▪ Inclusion of the women's economic independence area in the COMMCA 2006-2009 Strategic Plan and corresponding Plan of Action.</li> <li>▪ First and second Gender and Economy meetings, held in November 2005 and 2007 respectively. The aim of the first meeting was to create a forum for reflection and discussion on the linkage between gender and economics in order to place the issue on the public agenda. Representatives of academia, the public sector and civil society of the Central American countries were invited. The second meeting focused on assessing progress on the issues of gender, economy and local development in the past two years.</li> <li>▪ Training was provided to 15 researchers for the Survey of Employment and Unemployment carried out by the National Statistical Institute in July 2007, in coordination with SEPREM and the Women's Economic Agent.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Training workshops on the Central American Integration System (SICA) and the role of civil society in regional integration in order to inform Guatemalan civil society about the constitution, organization, plans and future prospects of SICA, as well as the aims and objectives of the Plan of Action of the Consultative Committee of the Central American Integration System (POA-CCSICA) and the progress of negotiations on the Association Agreement with the European Union.</li> </ul>
<b>Health</b>	<ul style="list-style-type: none"> <li>▪ Advice was provided on the preparation of departmental plans for the reduction of maternal mortality. This process was conducted differently in each department, since progress varies between them.</li> </ul>
<b>Violence against women</b>	<ul style="list-style-type: none"> <li>▪ The construction of shelters for victims of domestic violence and violence against women was promoted in the departments of Quiché and Alta Verapaz. The first shelter is in operation and the second has been approved and will be given priority in the 2007 geographical list, for construction in 2008.</li> <li>▪ On the issue of women's security and in response to the problem of violence against women, SEPREM drew up the proposal for a National Pact for Women's Security, which is described in greater detail in the paragraphs of this report dealing with article 2.</li> </ul>
<b>Socio-political participation</b>	<ul style="list-style-type: none"> <li>▪ Convening and election of representatives of women's organizations pursuant to the Development Councils Act in the country's 22 departments, with two women being elected to each Departmental Development Council, making a total of 44 women.</li> <li>▪ Women's capacity-building through the training programme for women in Development Councils, conducted jointly with the National Women's Forum. A total of 5,549 people were trained: 5,366 women and 183 men.</li> <li>▪ The training process is still ongoing. There is a growing trend of training women leaders trained under the pilot plan, who use the guides and thematic modules to replicate the training content at local level.</li> </ul>
<b>Communication strategy</b>	<ul style="list-style-type: none"> <li>▪ In disseminating women's rights as one of the international commitments made by the State of Guatemala, action was taken to publicize the rights promoted by the Convention, the Optional Protocol and the recommendations on the State's first to sixth periodic reports among civil servants through the National System of Development Councils and the regional representatives of SEPREM.</li> <li>▪ A written publication was prepared and radio spots on women's rights were produced and aired in March 2006 by Radio TGW.</li> <li>▪ A radio spot with the word "woman" in 11 national languages was produced with the help of CODISRA, DEMI and FODIGUA to highlight the importance of women in society using an ethnic, multilingual and multicultural approach. The spot was aired in March 2006, in six languages, on 11 radio stations in the country's south-west and north-east.</li> <li>▪ Promotional materials, including vinyl sheets and buttons with the slogan "Que la violencia no te sea familiar", were produced and were distributed on the occasion of the International Day for the Elimination of Violence against Women.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ A supplement was prepared, published and distributed to mark International Women's Day and the International Day for the Elimination of Racial Discrimination. This activity was supported by COPREDEH and El Diario de Centro América.</li> <li>▪ A video on the situation of Guatemalan women was produced.</li> <li>▪ The Committee's recommendations to the State of Guatemala were reported and presented formally to the media and the general population.</li> <li>▪ The leaflet containing the Convention, its Optional Protocol and the Committee's recommendations to the State of Guatemala on its first to sixth reports was published and distributed and has been reprinted three times, making a total of 3,000 copies published.</li> </ul>
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### **Relationship and synergies between SEPREM and civil society**

109. In Guatemalan society, the building of relations between public institutions and civil society women's organizations is an ongoing process that, in order to be understood, involves addressing sensitive issues related to the dialogue between the State and civil society, the differentiated roles of institutions and civil society and the identity and rights of indigenous women in a multicultural, multilingual and multi-ethnic society. It is still difficult to see and recognize State institutions as a possible ally – an ally that civil society organizations are also responsible for monitoring – that is working and playing a specific, though different, role to achieve shared objectives.

110. Since public institutions for gender equality and equity are a consequence of the demands and pressure brought to bear on the State by the women's movement, there are occasionally expectations that they are a spearhead or extension of civil society organizations in the State structure and accountable primarily to those organizations. This perception can create expectations of SEPREM in the area of public discourse and strategy that do not correspond to those that define public action by the State.

111. It is vitally important for the State to bridge this gap in communication and expectations in order to avoid any opposition or distance arising between State and civil society pro-equality bodies - a situation that would weaken them both - and to try to build synergies to achieve that goal. That is why the goal of strengthening communication between civil society and the State was included in the SEPREM multi-annual programme for 2006-2009.

112. As described throughout this report, the State is fulfilling its obligations and responsibilities, to the best of its abilities, to protect women's rights and provide goods and services. In certain specific areas, it has coordinated its efforts with those of civil society organizations without, however, delegating its own responsibilities to them, as mentioned in the Committee's recommendations on the sixth report.

### **Office for the Defence of Indigenous Women's Rights (DEMI)**

113. Up until September 2007, the Office for the Defence of Indigenous Women's Rights depended technically, financially and administratively on the Presidential Human Rights Commission (COPREDEH). In order to strengthen it institutionally, it was converted by Governmental Agreement No. 442-2007 into a department of

the Presidency of the Republic, with administrative, technical and financial management capacity, in order to address the particular situations of vulnerability, lack of protection and discrimination faced by indigenous women. It works to define, develop and implement actions, strategies and processes for ensuring recognition, respect, advancement and fulfilment of the rights of indigenous women and to exert political influence on public policy and draft legislation.

114. The Office's budget was increased from Q 1,774,009.00 in 2004 to Q 4,555,240.00 in 2007, enabling it to:

- Set up the Psychology Unit;
- Set up the Political Influence Unit;
- Increase its human resources by appointing a representative to each region of the country and expand its facilities and equipment in each regional office, giving priority to the Quetzaltenango, Petén, Huehuetenango and Suchitepéquez regional offices.

For 2008, it has been allocated a budget of Q 9,251,440.00

115. The Office's current institutional structure is the following:

- *National Defender of Indigenous Women*, who represents and coordinates national and regional action to achieve institutional goals;
- *Coordinating Board*, made up of eight indigenous women's representatives elected by the assembly of the Advisory Council, whose functions are centred on advising the Office on actions, programmes and projects to promote prevention, protection and full respect for indigenous women's rights in their own region;
- *Advisory Council*, made up of a woman representative of each of the country's linguistic communities, which discusses, proposes and reports to the linguistic communities on the Office's plans;
- *Regional delegates*, of whom the Office currently has six, who represent the Office in the regions where it has a presence. The delegates are responsible for coordinating action to achieve institutional objectives.

116. The regional offices are made up of a representative of the Defender (the regional delegate), a legal adviser, a social worker and language assistants according to the region. The Office is currently working in the following areas:

#### **Political influence**

117. In the area of political influence, the Office has used its influence in favour of indigenous women in the following contexts:

- Support for public policies and/or laws in favour of indigenous women, discussion, analysis of situational assessments, studies, programmes and consultations designed in favour of indigenous women and peoples;
- Political and institutional agreement with the Support Centre for Women Domestic Workers (CENTRACAP) in order to strengthen its influence on the preliminary bill on protection for women domestic workers;



- Participation in the review of the proposed public policy for assistance to migrants;
- Joint participation with SEPREM in the process of evaluating and updating the Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunity Plan 2001-2006 in order to highlight the particular situations of vulnerability, lack of protection and discrimination faced by indigenous women and contribute to improving their quality of life;
- Provision of advice and support to indigenous women who participate actively in the local, municipal and departmental Development Councils, as well as those who participate in the Women's Commissions to secure the approval of projects benefiting women.

118. Dissemination, awareness-raising and training activities have been carried out in coordination with indigenous women's and peoples' organizations, consisting of public forums and talks in a number of the country's departments on the rights of women domestic workers, the rights of indigenous women, Maya women and public policies in the region, discrimination and racism. The Office conducted a process of education and communication for the prevention of violence against women and organized the National Congress of Indigenous Women in September 2006.

119. The Office also contributed to the drafting of the coordinated agenda of Maya, Garifuna and Xinka women (2007), which consists of a set of crosscutting strategies and lines of actions for the advancement of indigenous women in Guatemala. Women leaders and representatives of indigenous women's organizations and State institutions were involved in drafting the agenda, which incorporates the main proposals and demands of organizations of Maya, Garifuna and Xinka women aimed at helping to improve their living conditions.

120. The agenda has the following objectives:

- To highlight the specific situation of exclusion and discrimination experienced by indigenous women and promote gender equity and respect for their cultural identity in order to improve their quality of life in both the public and the private sphere, based on the implementation by the State of crosscutting and thematic area strategies;
- To recognize and value the contribution of Maya, Garifuna and Xinka women to cultural preservation, peacebuilding, democracy and the country's overall development.

121. The thematic areas developed by the coordinated agenda to meet the specific demands of Maya, Garifuna and Xinka women are indicated in Box 3 below.

**Box 3**  
**Thematic areas of the coordinated agenda of Maya, Garifuna and Xinka women**

<i>AREA</i>	<b>STRATEGY</b>
<i>Area 1. Economy, work and migration</i>	<ul style="list-style-type: none"> <li>• Economic policies to recognize and highlight women's work.</li> <li>• Productive investment.</li> <li>• Programmes and projects for generating local jobs.</li> <li>• Legal, social and economic safeguards for women in the employment sphere in conditions of equity.</li> <li>• Guarantee all-round care and protection for migrant women.</li> </ul>
<i>Area 2. Education from a perspective of cultural identity</i>	<ul style="list-style-type: none"> <li>• Incorporate into the national education system the philosophy, principles and values of indigenous people's culture and the contribution of women.</li> <li>• Strengthen the Vice-Ministry of Intercultural Bilingual Education with the participation of Maya, Garifuna and Xinka women.</li> <li>• Enable women to have access to and stay in all the educational levels of the national education system.</li> <li>• Give women permanent access to comprehensive health services based on their cultural identity.</li> </ul>
<i>Area 3. Comprehensive health from a perspective of cultural identity</i>	<ul style="list-style-type: none"> <li>• Application and recovery of traditional medicine.</li> <li>• Mental health programmes for women victims of the internal armed conflict.</li> <li>• Programmes to reduce maternal, infant and child mortality.</li> <li>• Sexual and reproductive health programmes.</li> </ul>
<i>Area 4. Land, housing and natural resources</i>	<ul style="list-style-type: none"> <li>• Design an agrarian policy incorporating cultural identity and gender equity.</li> <li>• Give women access to land, territory and financing for production.</li> <li>• Give access to home ownership with gender equity and respect for cultural identity.</li> <li>• Design a policy of respect for natural resources and their relationship with indigenous peoples.</li> </ul>
<i>Area 5. Political participation</i>	<ul style="list-style-type: none"> <li>• Create the Autonomous Institute for Indigenous Women's Political Education.</li> <li>• Ensure women's active political participation in decision-making forums at the local, municipal, departmental, regional and national levels.</li> <li>• Ensure women's effective participation in the formulation of public policies.</li> <li>• Promote women's participation in the social auditing of State programmes and projects.</li> </ul>

<i>AREA</i>	<i>STRATEGY</i>
<i>Area 6. Access to justice</i>	<ul style="list-style-type: none"> <li>• Give women access to justice based on their cultural identity.</li> <li>• Recognize and respect women’s specific rights.</li> <li>• Guarantee the rights of indigenous women who are in prison.</li> <li>• Compensate victims of the internal armed conflict, with special emphasis on women.</li> <li>• Encourage the reporting of acts of discrimination and violations of the rights of indigenous women.</li> </ul>
<i>Area 7. Tackling racism and violence against women</i>	<ul style="list-style-type: none"> <li>• Transform social patterns of conduct based on racism and discrimination.</li> <li>• Prevent, punish and eradicate all forms of violence against women.</li> <li>• Guarantee women’s public safety.</li> </ul>
<i>Area 8. Spirituality and holy places</i>	<ul style="list-style-type: none"> <li>• Promote and implement mechanisms for the recovery, respect and care of holy places and Maya, Garifuna and Xinka spirituality.</li> <li>• Promote cultural identity from the perspective of Maya, Garifuna and Xinka women’s own world view.</li> </ul>
<i>Area 9. Institutional machinery for the protection and development of Maya, Garifuna and Xinka women</i>	<ul style="list-style-type: none"> <li>• Strengthen the Office for the Defence of Indigenous Women’s Rights financially, technically and politically.</li> <li>• Strengthen the Presidential Secretariat for Women so that it can provide appropriate assistance to Maya, Garifuna and Xinka women.</li> </ul>

### **Education and communication for prevention**

122. The Office conducts its own training, promotion, dissemination and awareness-raising activities for groups of indigenous women on their specific rights and protection mechanisms in order to empower them. In 2005, a module on “Multiculturalism with a gender focus” was designed and a module on “Women’s civic and political rights” was produced jointly with the National Women’s Forum.

123. The Office designed an institutional communication strategy to highlight its work, which involved: (1) the design and printing of materials advertising the Office’s services (posters, leaflets, booklets, vinyl sheets); (2) the production of 10 radio spots on indigenous women’s rights; and (3) the production of 10 mini-programmes on indigenous women’s rights. The strategy proved successful among indigenous women, with the number of women seeking assistance increasing steadily over the past two years.

### **Studies and reports produced**

124. Second thematic report “*Indigenous women’s access to the official justice system (2005-2006)*”, presented in 2007. The main aim of the report is to identify and evaluate the problems faced by indigenous women in gaining access to justice, as well as the main causes and effects of these problems.

125. “*Study on domestic violence against indigenous women*”, aimed at learning more about its causes, manifestations and consequences and the factors that perpetuate the cycle of domestic violence in order to generate proposals and strategies for the prevention and eradication of violence against indigenous women.

126. “Needs and problems of indigenous women serving prison sentences” (awaiting publication). In coordination with the Women’s Unit of the Institute of Public Criminal Defence, the Office conducted an evaluation designed to generate information on which to base proposals for supporting the prison system and to permit action to help improve the situation of indigenous women imprisoned in the Women’s Orientation Centre (COF), as well as to define policies with an intercultural and gender approach that promote equity and respect for those women.

#### **Assistance to indigenous women**

127. The Office assists, advises and comprehensively supports indigenous women whose rights have been violated, providing them with free social, psychological and legal services. The actions taken in this framework are: initial assistance, advice, support, conciliation and/or mediation, psychological support, help and legal and social representation for indigenous women whose fundamental rights have been violated, mainly because of their gender and ethnicity. This comprehensive assistance is provided in their mother tongue.

128. To this end, assistance models appropriate to the cultural characteristics of indigenous people have been designed and implemented.

**Table 1**  
**Number of cases handled, by DEMI unit**

<i>Service provided</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Legal Unit	766	455	605	505
Psychology Unit	40	184	0	7
Social Unit	566	1,367	902	604
<b>Total</b>	<b>1,372</b>	<b>2,006</b>	<b>1,507</b>	<b>1116</b>

\* Does not include assistance provided on a one-off basis at the party’s request.

January-September 2007.

Source: DEMI Social Unit.

#### **Psychological assistance**

129. The Psychology Unit was set up in mid 2004. It provides a culturally appropriate model of psychological care to indigenous women whose fundamental rights have been violated, specifically through domestic violence. It has implemented basic guidelines in keeping with indigenous women’s worldview to promote prevention, uphold their cultural values and principles and help improve their quality of life. The incorporation of indigenous knowledge and techniques also includes indigenous cultural elements, language and spirituality.

130. Psychological assistance has been provided in the regions of Alta Verapaz, El Quiché, Quetzaltenango, Huehuetenango, Suchitepéquez, El Petén and Guatemala City. Cases are handled and monitored until they are eventually closed.

#### **Social assistance**

131. It is in the Social Unit that the user has her first contact with the Office and where she is asked about her problems so that she can be given the specific assistance she needs. Such assistance includes procedures and steps to resolve her

situation in the short term and involves case analysis, support, advice (which is given in all cases), filing for measures of protection with the corresponding bodies and, in cases where this is warranted, mediation and conciliation, or else transfer of the case in order to institute legal proceedings, in which women's ability to report such violence is enhanced.

**National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI)**

132. To fulfil the obligation of the State of Guatemala to implement and follow up the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, among other legal instruments, the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) was set up by law to coordinate, advise on and promote public policies for preventing, tackling, punishing and eradicating domestic violence and violence against women.

133. This State agency is made up of the public sector bodies and institutions responsible for tackling violence against women and civil society: (1) the President of the Republic, represented by SEPREM; (2) the Attorney General of the Republic or his representative; (3) the President of the judiciary or his representative; (4) the President of the Board of Directors of the National Statistical Institute; (5) a representative of the Programme for the Prevention and Eradication of Domestic Violence (PROPEVI); and, representing the women's movement, three delegated members of the Network for Non-Violence against Women.

134. In theory, the mixed composition of CONAPREVI, combining State and civil society institutions, provides added value for its institutionalization, firstly, because it helps dispel the mistrust that has traditionally characterized relations between the public sector and social organizations and, secondly, because it affords opportunities for improving those relations, through cooperation and coordination on an issue that is of concern to both sides and is impeding the construction of a democracy with other qualities and contents.

135. CONAPREVI has been strengthened technically and financially by means of a 700-per-cent increase in its budget – from Q 187,650.00 in 2004 to Q 1,703,100.00 in 2007 – although this is still not sufficient. The increase has enabled it to increase its staff, so that it now has a legal adviser and specific advisers for dealing with the problem of violence against women, in keeping with the strategic areas of the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI 2004-2014). The budget approved for 2008 is Q2.3 million.

136. The commitment of CONAPREVI member institutions, the significant increase in its budget by the State, the technical and financial support provided by international cooperating agencies and the action taken by CONAPREVI since its inception to influence public policy provide a framework of positive conditions that is encouraging other State and civil society institutions to assume their responsibilities for implementing PLANOVI. This in turn vests it with full authority for the exercise of its functions: advising on and promoting public policies for the eradication of domestic violence and violence against women and coordinating with

public and private institutions to address, prevent, punish and eradicate such violence.

137. During the early years of its existence, efforts were directed towards the strengthening and institutionalization of CONAPREVI, a process that has proved a notable success, especially with the formulation and launching of the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women 2004-2014. This Plan is formulated as a national strategy for the implementation of the National Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunity Plan 2001-2006 in the area of domestic violence and violence against women. It comprises four strategic areas: (1) institution-building of the State and CONAPREVI; (2) statistical analysis and research; (3) comprehensive care; and (4) prevention.

138. The importance of PLANNOVI 2004-2014 lies in the fact that in proposing and coordinating national efforts, its long-term objectives are clearly stated and it is known how they will be achieved. This is because of the work that CONAPREVI members have done and the expertise that they have acquired in studying and addressing violence against women. Its greatest achievement, however, is that the State has become involved in an initiative of this kind and that funds other than those from international cooperation are being allocated to it that will for four years carry forward this long-term strategy aimed specifically at halting violence against women.

139. The objectives defined for the first four-year phase for promoting PLANNOVI are: (1) contribute to the prevention and eradication of domestic violence and violence against women by strengthening the State institutional and political framework so that it addresses the problem of violence against women in Guatemala effectively; and (2) establish policy guidelines and concerted action with State and civil society institutions in order to prevent, address, punish and reduce domestic violence and violence against women in six departments of Guatemala over a period of four years.

140. The adoption and implementation of the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANNOVI 2004-2014) is the specific mechanism for addressing the problem of violence against women by means of a comprehensive, strategic approach.

141. The advances made by CONAPREVI in putting PLANNOVI into operation include:

- Conducting and publicizing a nationwide analysis of the institutional response to the problem of domestic violence and violence against women;
- Introducing a standard form for the recording of complaints of domestic violence and violence against women;
- Proposing a model of care for survivors of domestic violence and violence against women;
- Publicizing PLANNOVI in the country's 22 departments, targeting local and municipal authorities, State institutions and civil society organizations that handle cases of domestic violence and violence against women;

- Evaluating the CONAPREVI strategic plan 2001-2006 and designing the strategic plan 2007-2012;
- Signing agreements with the National Statistical Institute, the judiciary, the National Civil Police (PNC), the Office of the Human Rights Procurator and the Attorney General's Office concerning the implementation of PLANOVI;
- Establishing a coordination mechanism with the National Civil Police and the Public Prosecutor's Office in order to promote a short-term plan for the prevention and investigation of cases of femicide;
- Training PNC personnel to answer a telephone hotline and teaching PNC captains about violence against women and femicide;
- Currently constructing and systematizing a crime scene model in coordination with the Ministry of the Interior, PNC and the Public Prosecutor's Office;
- Coordinating with the Institute of Public Criminal Defence (IDPP) the planning and implementation of actions under the IDDP-DEMI-CONAPREVI tripartite agreement aimed at strengthening a legal assistance and support service for women survivors of violence as part of the public criminal defence system;
- Coordinating with women's and human rights organizations for the formulation and signing of specific agreements with CONAPREVI in the context of PLANOVI.

#### **National Women's Forum (FNM)**

142. The objectives of FNM are to promote women's participation so as to permit the harmonization and monitoring of proposals that have an impact on national comprehensive human development policies and on compliance with the peace agreements and the international conventions and treaties in favour of women ratified by Guatemala.

143. FNM has three levels of participation and representation with State institutions and women's organizations: (1) local, with representatives of villages and municipalities integrated into departmental linguistic and multisectoral communities; (2) regional, with representatives of the region's linguistic and multisectoral communities; and (3) national, with representatives of FNM structures and members of the Coordinating Commission. In this way, the Forum permits broad territorial representation of the various structures and linguistic communities belonging to it. A total of 225 appointed women delegates participate in the Forum, representing 54 established structures (22 multisectoral assemblies with representatives of the different women's organizations and non-governmental organizations of each of the country's departments and government entities, plus 32 linguistic communities reflecting the participation of the 23 ethnic groups represented in the structure of the Forum). In this way, the Forum operates as a broad-based, pluralistic, diverse and participatory mechanism for ongoing dialogue and consultation, mainly because of its structure and the fact that it comprises State entities and civil society women's organizations. The Forum is currently being restructured.

144. FNM is jointly responsible with SEPREM and DEMI for compliance with the following specific commitments of the peace agreements: (26) dissemination of the

Convention on the Elimination of All Forms of Discrimination against Women; (84) monitoring of the agreements relating to women; and (85) evaluating the progress made in women's participation and, on this basis, preparing the corresponding plan of action. FNM has attached particular importance to complying with commitment 85 and has succeeded in institutionalizing the practice of periodically evaluating the progress made in women's participation.

145. In conjunction with SEPREM, FNM designed and implemented a training programme, while with DEMI it is currently developing an education and training programme for women outreach workers in local and municipal development, with the following modules: (1) women of yesterday, today and tomorrow; (2) multiculturalism and interculturalism with a gender approach; and (3) let's talk about our rights. The purpose of this programme is to create and build capacities for the effective participation of women elected as representatives of their organizations at the different levels of the National System of Development Councils.

#### **FNM analysis of Guatemalan women's participation in the National System of Development Councils**

146. This initiative fulfils commitment 178 of the peace agreements, which calls for an evaluation of the progress made in women's participation and, on this basis, the preparation of the corresponding plan of action. The aim of FNM in carrying out this analysis was to determine women's real level of participation in the National System of Development Councils, as perceived by the women actually participating in the Councils, by local authorities, by government representatives and by men and women belonging to local civil society. The basic objective is to identify the obstacles to and opportunities for genuine progress in implementing the Plan of Action for the Full Participation of Guatemalan Women, 2002-2012.

147. The research carried out by FNM from August 2005 to January 2006 used the Municipal Development Councils (COMUDE) and Community Development Councils (COCODE) as a basis for finding out from stakeholders, both men and women, what progress had been made in women's participation in the Councils. It also measured public awareness of the processes of institutional change that are taking place and of the functioning of the Development Councils as participatory forums.

148. As the first qualitative and quantitative study containing data from the country's 22 departments and 332 municipalities, the analysis made it possible to establish the 2006 baseline for women's participation in the National System of Development Councils. It will need to be supplemented, however, by future studies that will make it possible to evaluate the progress made or the setbacks encountered in each of the areas identified by the analysis and the scope of the different actions taken by FNM and by organizations working for women.

149. The analysis provides a picture of the process of women's participation in the Development Councils that shows just how difficult it has been for women to become involved in them and how much remains to be done – in some departments more than others – to ensure that their rights are respected, their interests are taken into account in decision-making and their quality of life is enhanced. Further information about this situation is given under article 14 in this report.



150. As a result of the analysis, lines of action have been proposed that are detailed in Box 4 below.

**Box 4**  
**Lines of action proposed as a result of the FNM analysis**

<i>Line of action 1</i>	Promote women's political participation in local governments that are being preserved as male-dominated and male-run forums.
<i>Line of action 2</i>	Step up the promotion of participation by women's organizations in the selection process for COMUDE representatives.
<i>Line of action 3</i>	Make an in-depth study of the male-dominated approach to municipal administration.
<i>Line of action 4</i>	Review and support procedures for the selection of COCODE officers.
<i>Line of action 5</i>	Monitor the functioning of the Municipal Development Councils.
<i>Line of action 6</i>	Promote coordination between the agendas of women's organizations and civil society organizations.
<i>Line of action 7</i>	Support the process of drafting proposals that women present to the Councils and the process of lobbying with other sectors to promote them.
<i>Line of action 8</i>	Make municipal authorities aware of the earmarking of resources for projects benefiting women.
<i>Line of action 9</i>	Strengthen the processes of education in women's rights and public participation.
<i>Line of action 10</i>	Establish a system of monitoring, evaluating and systematizing (SIPES) gender equity in the public sector.

**Municipal Women's Mechanisms (MMM)**

151. Although the creation of institutional machinery for women has been concentrated essentially at the national level, particularly in the central Government, these local institutional mechanisms have been promoted in recent years. As a result of efforts involving women's organizations, public institutions such as SEPREM and municipal corporations, it has been possible to ensure that the new legal framework governing municipal governments and municipal forums for public participation explicitly includes the establishment of Women's Commissions as part of the Commissions on the Family, Women and Children that have to be set up in municipal corporations.

152. In fact, the Act on Enhancing and Advancing the Status of Women (Decree No. 97-1996) has the merit of being the first legal instrument in Central America to provide for the establishment of local institutional mechanisms. The three decentralization laws - the Decentralization Act, the Urban and Rural Development Councils Act and the Municipal Code (2002) - also envisage such mechanisms.

**Municipal Women's Commissions (CMM)**

153. The legal basis for the Municipal Women's Commissions (CMM) is to be found in the Municipal Code and in the Act regulating the functioning of the National System of Development Councils. Article 36 of the Municipal Code orders the municipal council to set up, among others bodies, a Commission on the Family, Women and Children, and stipulates procedures with respect to the latter's functions and decisions.

154. Concerning the creation of these participatory bodies within Development Councils, article 24 of the Urban and Rural Development Councils Act stipulates that such commissions as are deemed necessary may be established, subject to the agreement of the Municipal Development Council (COMUDE) and the municipal corporation. Article 28 of the Act's implementing regulations establishes that it is essential that COMUDE members participate in these commissions and that a full member of the Council should act as coordinator.

155. Although 50 per cent of the country's municipalities have a CMM, the analysis made by the National Women's Forum found that many Municipal Women's Commissions have only one member, are appointed by the mayor or the municipal council and are not very active.

#### **Municipal Women's Offices (OMM)**

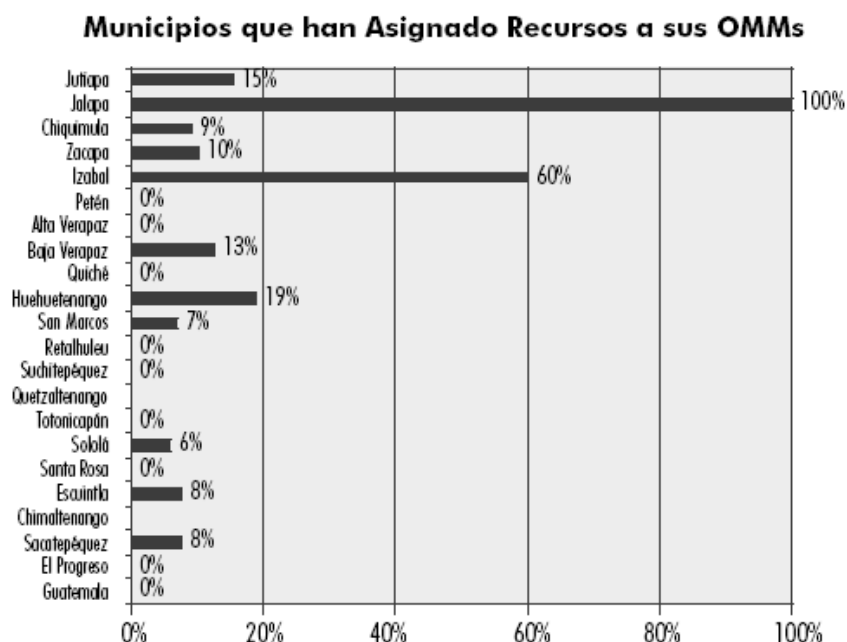
156. Unlike the Women's Commissions, the Municipal Women's Offices (OMM) are not provided for explicitly by law, but have been promoted by municipal corporations and public institutions such as SEPREM and by women's organizations. Their purpose is to facilitate women's political participation in municipal governments, link up local authorities with women in the community and link up women's groups with cooperation agencies. One of their main aims is to influence municipal policies, plans and programmes in order to ensure that gender equity is mainstreamed in them.

157. Nationwide, there are 71 Municipal Women's Offices, 35 per cent of which have resources allocated to them. In most cases, the allocation is limited to paying a government employee to run the office and there is no provision for funding either its operations or activities to build women's capacities for public participation in the running of the municipality. Only 8 per cent of the country's municipalities have shown the political will to allocate resources to their OMM.

#### **Graph 1**

#### **Municipalities that have allocated resources to their OMM**

*Source:* FNM (2005-2006).



Fuente: FNM (2005-2006).

### National Appraisal of Municipal Women's Mechanisms (MMM)

158. As a result of the FNM analysis of women's participation in Development Councils, it was possible to establish the existence of a total of 326 MMM nationwide, some of them more advanced than others.

159. If we add together the OMM, CMM and CMC, we get a total of 326 institutional mechanisms for women at the municipal level. Of these, 236 belong to a municipal corporation and 90 to a COMUDE. Of the former, 165 are CMM and 71 are OMM, indicating that municipal corporations show more respect for the Municipal Code, by creating CMM, than political will to address women's needs, by establishing OMM. While there is a (legal) obligation to set up CMM, the creation of OMM and CMC is (politically) voluntary and involves a prior process of consultation and mobilization of political will among the different sectors participating in the corporation and in the COMUDE.

**Table 2**

<i>Municipal Women's Mechanisms (MMM)</i>		<i>%</i>
Municipal Women's Offices (OMM)	71 (out of 332) municipalities have OMM	21
Municipal Women's Commissions (CMM)	165 (out of 332) municipalities have CMM	50
Women's Commissions in a COMUDE (CMC)	90 (out of 332) municipalities have CMC	27
	90 (out of 192) municipalities with a COMUDE have CMC	47
<b>Total MMM</b>	<b>326 MMM (out of a possible 996) in 332 municipalities</b>	<b>34</b>

Source: FNM Analysis (2005-2006).

### **Institutional women's offices within State bodies**

160. Since the 1990s, the State of Guatemala has increased the number of State institutions that have offices or units dealing specifically with women's issues. Each of these institutions arose at a particular moment in the country's history and in response to specific needs. In some cases, the offices are responsible for developing the corresponding public policies with a gender approach, raising the awareness of the institution's staff about women's rights and gender equality, monitoring the implementation of the National Policy for the Advancement and Development of Guatemalan Women or of sectoral policies or providing specific assistances to women. These offices include the following:

### **Institutional women's offices in the executive branch**

- Programme for the Prevention and Eradication of Domestic Violence (PROPEVI), Governmental Agreement No. 929-99. Attached to the Secretariat for Social Welfare since July 2007;
- National Women's Office in the Ministry of Labour and Social Security;
- Gender Equity Office in the National Civil Police, Ministry of the Interior;
- Policy and Strategic Information Unit (UPIE) in the Ministry of Agriculture and Food, which is currently responsible for promoting the institutionalization of a gender approach pursuant to Ministerial Agreement No. 1737-2004;
- Gender, Women and Youth Unit in the Ministry of Environment and Natural Resources;
- Unit for the Promotion of Ethnic and Gender Equity in the Ministry of Culture and Sport;
- Gender Unit in the Ministry of Energy and Mines;
- Women's Unit in the Guatemalan Indigenous Development Fund (FODIGUA);
- Peasant Women's Unit in the Land Trust Fund, which is being coordinated by the office of the deputy director for access to land of the Land Trust Fund, pursuant to memorandum FT-GG-059-2006.

161. One of the principal risks that have emerged in this phase of institutionalization of machinery for the advancement of women is that there is a tendency to consider women's rights issues to be primarily women's responsibility because they are women's issues. As a result, this machinery within government institutions is not always allocated sufficient human and financial resources to do its job properly.

### **Institutional women's offices in the legislative branch**

162. In the legislative branch, there is the congressional committee on women, which over the past year has been monitoring State institutions in terms of the allocation of resources to programmes benefiting women. In 2004, the governing council of the Congress set up the Women's Parliament, later called the Women's Assembly, which is now defunct following a change of governing council. The

Women's Parliament was made up of different civil society women's organizations that formulated a women's legislative agenda.

### **Institutional women's offices in the judiciary**

163. In the judiciary, a Women and Gender Analysis Unit was set up in 2006. Its functions include working systematically for gender mainstreaming in the judiciary, from the planning process to the implementation of the activities of the different units. It provides advice and support on the issue to senior judicial authorities, identifying awareness-raising and training needs, and advises on the follow-up to international or national agreements and commitments entered into with organizations or institutions working in this area. It monitors, oversees and disseminates gender-disaggregated judicial statistics and also advises on the management of the funding of new judicial projects incorporating this aspect.

Additionally and at another level there are:

- The Women's Section in the Public Prosecutor's Office;
- The Women's Rights Unit in the Office of the Attorney General;
- The Office for the Defence of Women's Rights in the Office of the Human Rights Procurator.

### **Measures pending from the Committee's recommendations**

164. Definition of gender targets for all Ministries, Secretariats and other State bodies working on sectoral issues of importance for gender equality.

165. Establishment of systematic channels for relations with women's organizations.

### **Violence against women**

#### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee is concerned about the lack of effective access to justice for women, particularly indigenous women, who also face language barriers. (6)*

*The Committee urges the State party to:*

- *Accord priority attention to the adoption of a comprehensive and integrated approach to address violence against women and girls, taking into account general recommendation 19;*
- *Enact the pending reforms to the Criminal Code to criminalize domestic violence;*
- *Allocate the necessary resources to implement the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women 2004-2014;*
- *Provide gender sensitivity training on violence against women for public officials, particularly law enforcement personnel, the judiciary, teaching personnel and health service providers, so as to ensure that they are sensitized to all forms of violence against women.*

*The Committee is deeply concerned about the continuing and increasing cases of disappearance, rape, torture and murder of women, the engrained culture of impunity and the insufficient efforts to conduct thorough investigations. (6)*

*The Committee is concerned about the absence of protection measures for witnesses, victims and victims' families and the lack of information and data regarding the cases, the causes of violence and the profiles of the victims. (6)*

*The Committee requests the State party to provide in its next periodic report detailed information on the causes, scope and extent of the disappearances, rapes and murders of women and of the impact of measures taken to prevent such cases, to investigate occurrences and prosecute and punish perpetrators and to provide remedies, including appropriate compensation to victims and their families. (6)*

*The Committee urges the State party to take measures to put an end to the murders and disappearances of women and the impunity of perpetrators. In that regard, it suggests to the State party to:*

- Take into account the recommendations made by the Committee regarding the abduction, rape and murder of women in the Ciudad Juárez area of Chihuahua;*
- Institutionalize the Commission on Femicide as a permanent body, with its own human and financial resources. (6)*

166. The State of Guatemala has addressed the issue of women's safety in response to society's growing demand for action to change this situation of violence. The present Government is doing so in keeping with its general policy of giving priority to comprehensive security as a cornerstone of public wellbeing and focusing on key aspects in the institutions responsible for public safety, such as: functional reorganization of the institutions in question, dismissal of staff who are not fulfilling their responsibilities and coordination of the work of the responsible entities.

167. In 2004, the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) began to disseminate the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI) and the national analysis of institutional efforts with respect to the problems of domestic violence and violence against women, thereby launching institutional efforts to publicize the issue both in government entities and in civil society.

168. Also in 2004, Yakin Erturk, the United Nations Special Rapporteur on violence against women, its causes and consequences, and Susana Villarán, Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights of the Organization of American States, visited Guatemala to investigate the situation of violence against women and determine the possible causes and consequences of such violence, particularly femicide, in the country. The State of Guatemala therefore includes their recommendations among actions aimed at the prevention, eradication and punishment of violence against women.

#### **Commission on Femicide**

169. The Commission on Femicide was formally established on 8 March 2006. It is made up of delegates from the legislative, executive and judicial branches and representatives of human rights and security institutions and the Public Prosecutor's

Office. Its coordination was delegated to SEPREM. Its main objective is to promote appropriate action to ensure that the State of Guatemala has a strategy and proposals for action that will enable it to tackle femicide in a comprehensive and coordinated manner through the three branches of government and with the participation of civil society.

170. The actions of the Commission on Femicide are based on the recommendations of the United Nations Special Rapporteur on violence against women: (1) put an end to impunity for violence against women by means of legislative and judicial reforms and changes in the investigation process; (2) provide services, protection and support to women who suffer or are exposed to violence; (3) create an information and knowledge base that takes gender issues into account; (4) strengthen institutional infrastructures; and (5) promote operational training and awareness-raising programmes.

171. In 2006, the Commission on Femicide carried out the actions detailed in Box 5 below.

**Box 5**  
**Actions of the Commission on Femicide**

<b>Stage 1</b>	Review, analysis and systematization of existing work and studies on femicide: points of agreement and disagreement between studies.
<b>Stage 2</b>	Conduct of an evaluation <i>Phase 1</i> Characterization of victims. Identification of causes and effects of the problem. <i>Phase 2</i> Characterization of the perpetrator. <i>Phase 3</i> Programmatic analysis of the computer systems of organs of the justice system. <i>Phase 4</i> Media analysis.
<b>Stage 3</b>	Institutional analysis. Identification of strengths and weaknesses of the various institutions responsible for the administration of justice.
<b>Stage 4</b>	Analysis of the legal framework with regard to femicide.

172. Based on the work done in 2006, a strategy for tackling femicide was developed, containing the following strategic lines proposed by the Commission to comply with its mandate: (1) reform of the legal framework; (2) institution-building; (3) preventive measures against femicide; and (4) attention to and monitoring of cases of femicide.

173. The following were identified as a result of the Commission's work:

- Absence of a gender perspective in the existing legal framework;
- Absence of action to prevent crimes against women's lives (femicide);
- Lack of follow-up to cases of crimes against women's lives (femicide);
- Institutional weaknesses and gaps in the justice system;
- Lack of coordinated monitoring of institutional actions.

174. The following results have now been achieved:

- Standardization and adjustment of the use of the concept of "femicide" to ensure that crimes against women committed by aggressors in the private sphere are covered;
- Identification of variables and indicators allowing the characterization of what may constitute a femicide. Such indicators are in the process of being incorporated into the computer and statistical systems of both the Public Prosecutor's Office and the judiciary;



- Coordination between the lead entity for national statistics (INE) and the institutions involved in combating femicide, in order to centralize and obtain accurate numbers of cases;
- Readjustment and inclusion of variables that help to characterize femicide in the statistical and computer systems of the judiciary and the Public Prosecutor's Office;
- Drafting of a thematic document on femicide as a basis for formulating awareness-raising and training processes. This is a tool for giving judicial personnel an awareness and understanding of femicide;
- Holding of information and awareness-raising workshops on femicide and the importance of tackling it from a women's human rights perspective, aimed at journalists, editors and owners of urban and rural communication media;
- Strengthening of bodies involved in the investigation and punishment of femicide through the direct coordination of proposals for making improvements in their respective institutions;
- Standardized protocol with a gender perspective for forensic medical reports, discussed and validated with forensic doctors from the Public Prosecutor's Office and the judiciary (they currently belong to the National Institute of Forensic Sciences (INACIF));
- Standardized protocol with a gender perspective for criminal investigations;
- Standardized protocol with a gender perspective for crime scene reports;
- Negotiation with the judicial coordinating body on the design and preparation of a State criminal policy.

175. Ongoing actions:

- Conduct of research into the causes and consequences of femicide;
- Promotion of institution-building actions;
- Guaranteeing women's access to justice;
- Development of mechanisms to ensure that the general public and the media are well informed;
- Guiding efforts to strengthen legislation in favour of women. There are also plans to implement a monitoring system to verify that the strategy is being followed;
- Preparation of the leaflet for judicial personnel on the application of the aggravating circumstances provided for in the Criminal Code as a determining factor for the prevention, investigation and punishment of femicide;
- Development of actions for the implementation within institutions of a human resources policy with a gender perspective;
- Establishment of normative frameworks and intra- and inter-institutional coordination mechanisms;
- Adoption of the crime scene, investigation and autopsy protocols;

- Ongoing coordination among the three systems with regard to the statistical variables that will make it possible to provide the general public with official figures on the number of women who have died gender- in a particular motivated violent deaths.

176. In the case of femicide, the issues of investigation and witness protection in particular need to be addressed in order to be able to build a sound body of evidence before cases are brought to court and to expand the services provided to indirect victims.

177. The State of Guatemala has analysed and considered the Committee's recommendation that the Commission on Femicide be institutionalized. It believes, however, that the Commission, being made up of three branches of government that are independent of each other and autonomous, cannot be institutionalized because it cannot be under the authority of three different bodies. Moreover, it has been functioning on the basis of coordinated action in which the nature of each of its three component institutions has been respected and understood.

178. The mechanism for monitoring the implementation of the strategy designed by the Commission on Femicide is the creation of an inter-institutional committee. It is hoped that the Presidents of the three branches of government will sign an agreement on the establishment of such a committee.

#### **Justice system**

179. The justice system as a set of institutions that play a vital role for the State, principally with regard to the strengthening of the rule of law, has launched a series of actions to modernize the system that help to strengthen the application of justice. The coordinating body of the justice sector, made up of the judiciary, the Public Prosecutor's Office, the Ministry of the Interior and the Institute of Public Criminal Defence, is organizing and coordinating issues of justice and public safety at the highest level.

180. In order to strengthen scientific investigation, the National Institute of Forensic Sciences (INACIF) was recently set up by Decree No. 32-2006. The Institute was set up as an auxiliary body of the administration of justice, with functional autonomy and its own legal personality and assets, permitting the establishment of a series of laboratories where scientific evidence will become the basis for judicial decisions. The Director of INACEF, a woman, was elected in July 2007.

#### **Women's access to the official justice system in their own language**

181. Women's access to justice has been problematic from a sociolinguistic standpoint, in that the administration of justice has generally been conducted in Spanish, thereby limiting the consolidation of a multicultural, multilingual State.

182. To address this situation, action has been taken to facilitate access to justice for Guatemalans who do not speak Spanish, by drawing on the services of interpreters and making more frequent use of cultural expertise, as provided for in the peace agreements. The judiciary currently has 67 interpreters, while the Public Prosecutor's Office has 16 and the Institute of Public Criminal Defence has 10 bilingual public defenders and 14 interpreters.

183. Similarly, the judiciary has set up five community courts in Totonicapán, Huehuetenango, Petén, San Marcos and Sololá. The courts comprise three judges in good standing, with roots in their community and able to speak the region's Mayan language. They pass judgment according to usage, custom, equity and the general principles of law whenever possible.

### **Response of justice system institutions to violence against women**

#### **Judiciary**

184. The Supreme Court of Justice, by means of Agreement No. 67-006 of 6 October 2006, set up the Women and Gender Analysis Unit as an institutional response to the situations of social, economic, legal, political and cultural exclusion experienced by women in trying to gain access to justice in Guatemala and to the crisis of violence facing the population, with special emphasis on violence against women.

185. The Women and Gender Analysis Unit is implementing within the judiciary, and mainly among judges, training, awareness-raising, dissemination and other activities that will make it possible not only to highlight existing patterns but also to change them.

186. The judiciary has systematized a variety of information on the complaints received, of which the information available to date concerns acts of violence against women corresponding to the crimes that have the greatest impact on society.

**Table 3**  
**Complaints received in the judiciary, by act against women**

<i>Type of crime</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Slight, serious and culpable injury	2,994	2,475	783
Rape	1,888	1,823	358
Indecent, violent and aggravated assault	133	189	36
Pimping	119	133	48
Threats	2,753	3,589	871
Murder	81	85	26
Homicide	375	351	98
Culpable homicide	164	386	73
Parricide	30	38	11
Offences against persons	17,570	18,670	4,430

\* January - March 2007.

Source: Judiciary.

187. In order to comply with the Convention and other international instruments ratified by Guatemala, the judiciary promoted the establishment of the women's human rights training programme, aimed at institutions in the justice sector and implemented at two levels, professional and technical, both of which have the academic endorsement of the Human Rights Institute of San Carlos University of Guatemala.

188. The judiciary's institutional training unit has incorporated gender as one of its crosscutting topics, for which there is a specific module entitled "Justice and Gender". This module deals with not only theoretical and methodological issues related to gender analysis but also national and international legislation for the protection of women's rights and the issue of violence against women.

189. With financial support from the World Bank, the Unit for the Modernization of the Judiciary published two textbooks that are used on the Justice and Gender course: "Cuando el Género Suena Cambios Trae" (when gender calls, it brings change), a methodology for gender analysis in the legal context, written by Costa Rican expert Alda Facio Montejo; and "Género, Mujeres y Justicia" (gender, women and justice), by Guatemalan expert Hilda Morales Trujillo.

190. Between 2004 and 2006, 107 men and women judges of the peace graduated after receiving awareness-raising and training on the issue.

#### **Public Prosecutor's Office**

191. The Public Prosecutor's Office's proposed criminal prosecution policy, which was approved by the Attorney General of the Republic in 2004, established criteria for how prosecutors should act in criminal trials in order to eliminate all forms of discrimination and violence against women and enforce their rights.

#### **Criminal prosecution of crimes against women's lives**

192. Until 2004, the Metropolitan District Prosecutor's Office was responsible for the prosecution of crimes against life in general and other crimes against people's physical integrity and property. As a legally protected interest, life was dealt with in the same way as any other legal interest affected by less important crimes. The investigation of crimes against life was completely empirical and involved no special expertise.

193. In August 2004, the Public Prosecutor's Office set up the Section for the Prosecution of Crimes against Life and Integrity of Person (serving the metropolitan area), with 10 prosecution agencies, each comprising a prosecutor, four assistant prosecutors and two prosecution officials. This marked a significant change in the investigation of crimes against life, in that it gave rise to specialization in the investigation and prosecution of such crimes.

194. In 2005, cases of crimes against women's lives that were being investigated by the Women's Section were transferred to the Section for the Prosecution of Crimes against Life, thereby ensuring better handling of such cases by means of a specialized prosecution section. In December 2006, a further 10 prosecution agencies were added. Four prosecution agencies were set up specifically to follow up cases of violent deaths of women – two in August 2005 and two in December 2005. Since then, 21 cases have been solved, resulting in convictions.

195. The measures taken by the Public Prosecutor's Office to follow up crimes against life, using a gender perspective for managing and handling cases where gender is relevant, include the following:

- Guidelines for action, to improve the criminal investigation of crimes against life;
- General instruction on criteria for handling the crime scene;

- General instruction on criteria for handling sex crimes;
- Draft general instruction against domestic violence;
- Creation of Women Sections in the municipalities of Mixco and Villa Nueva;
- Increase in the number of investigators of the Criminal Investigation Department (DICRI) of the Public Prosecutor's Office for the handling of violent death scenes nationwide, as well as provision of the necessary equipment and transport;
- The prosecution agencies of the Section for the Prosecution of Crimes against Life and Integrity of Person (20) are currently assisted full-time during shifts by two DICRI investigators;
- Permanent coordination between the Criminal Investigation Division (DINC) of the National Civil Police (PNC) and the Public Prosecutor's Office for the handling of scenes of crimes against women and follow-up of the investigation within the next 24 to 48 hours for the analysis of cases and the ordering of immediate actions;
- Proposed institutional policy on victims assistance.

#### **Technical training in the prosecution of crimes against life**

196. The Training Unit of the Public Prosecutor's Office (UNICAP) has trained personnel on technical and scientific aspects of the handling of the crime scene (Canada), the general instructions for the handling of the crime scene, the general instruction containing criminal investigation methodology and the general instruction for the reception, recording and transfer of information related to the crime scene, as well as coordination of the work of PNC and prosecution sections, victims assistance, application of the Act on the Prevention, Eradication and Punishment of Domestic Violence and relevant international norms, and updating of victims assistance. All this training has been imparted using a gender, equity and human rights approach.

197. International training has been coordinated for staff of the Women's Section and the Child Victims Unit on issues related to their work.

#### **Assistance to crime victims**

198. In order to improve the services provided to crime victims, the Public Prosecutor's Office set up the Victims Assistance Coordinating Department in late 2006. After analysing the assistance provided in the different units of the Public Prosecutor's Office to which crime victims turn for help, the Department drew up a proposed policy on victims assistance, which was approved by the Attorney General of the Republic in March 2007. The Public Prosecutor's Office thus fulfilled the commitment to design internal victims assistance policies that make it possible to attend comprehensively, swiftly, effectively and humanely to the injury suffered by victims. The areas of the proposed policy are: (1) drafting of protocols; (2) effective intra- and inter-institutional coordination; (3) strengthening of the Victims Assistance Offices (OAV); and (4) strengthening of referral networks.

199. To respond to the needs of women victims, OAV provide urgent, necessary assistance to victims. There are out-of-hours offices and telephones so that women

can seek help during non-working hours and days. There are currently 33 OAV nationwide.

200. The Victims Assistance Offices apply the gender- and equity-based assistance model by means of protocols specifying the care that a victim must receive, depending on the nature of the crime and his/her age, sex and ethnicity and individual needs as a result of the injury sustained. They make psychological assessments, produce psychological reports, make home visits and produce social work reports. They offer referral to institutions providing programmes of psychological, psychiatric, medical or social care to assist survivors in the process of emotional recovery. Victims are also accompanied at investigatory hearings and trial and post-trial proceedings. The National Network Coordinating Office is responsible for the coordination of inter-institutional programmes. During trial proceedings, OAV reports are treated as expert evidence substantiating the injury caused to the victim by the crime. There is a witness protection programme under which victims are also eligible for the benefits established by the regulations in force.

201. As a result of the awareness-raising and support extended to the population in recent years, women now come forward to report crimes, accept OAV support, cooperate in the investigation process, agree to forensic evaluations, attend psychological evaluations, receive home visits and, thus empowered, attend court proceedings. Inter-institutional protocols for assistance and support to survivors have been coordinated.

### **Women's Section**

202. The Women's Section of the Public Prosecutor's Office has been strengthened by increasing its staff: from four assistant prosecutors to 16 for the four sections in the capital city, which mainly handle cases of domestic violence and sex crimes against older persons. A management model appropriate to the jurisdictional framework is currently being developed and the internal procedures of the Women's Section are being redefined to build its response capacity in cases of gender-based crime against women.

203. General Instruction 1-2005 of the Attorney General of the Republic bars the requirement that complaints of rape and indecent assault must be filed within a certain time. Moreover, when a complaint is withdrawn, the prosecutor in charge of the case must verify that its withdrawal was not the result of coercion, threats, deception or any other action constituting an offence, thereby protecting the rights of women victims.

204. The Women's Section provides nationwide coverage, although further expanding that coverage remains a challenge. Currently, the Mixco and Villa Nueva municipal prosecution sections have a women's section.

### **Support units for the prosecution of crimes**

205. The Analysis Unit of the Public Prosecutor's Office was set up in 2006 to support prosecution sections by providing advice, analyses and reports that include recommendations on specific cases. There have been cases of violent deaths of women in which the corresponding analysis has shown that the women themselves had previously filed complaints of domestic violence. There also plans to cross-

check information with other institutions, such as the Department for the Control of Arms and Ammunition (DECAM), the Department of Migration, the Traffic Department, the Tax Superintendency and the National Civil Police, which would make it possible to obtain information on the places where crimes are committed, how they are carried out and the type of weapons used, as well as to determine crime patterns.

206. Concerning the protection provided to parties to judicial proceedings and persons linked to the administration of justice, in 2005 the Attorney General set up the Logistical Support Department of the Public Prosecutor's Office by means of Agreement No. 21-2005. The department is responsible for formulating policy and planning, organizing and directing the witness support service, replacing the Logistical Support Secretariat that previously performed this function.

207. By Agreement No. 47-2005, the Attorney General issued the regulations governing the witness support programme, designed to regulate the procedure for defining eligibility criteria, types of assistance, the time during which persons can benefit from the programme, the extension and suspension of benefits and other relevant aspects.

208. In 2007, all necessary efforts were made to enforce the Act on the Protection of Parties to Judicial Proceedings and Persons Linked to the Administration of Criminal Justice (Decree No. 70-96 of the Congress of the Republic). To that end, the Act's implementing regulations were issued by means of Agreement No. 2-2007 of the board of the Public Prosecutor's Office and the authorities in charge of the protection system were designated. The system's highest organ is the board of directors, made up of the Attorney General, a representative of the Ministry of the Interior and the Director of the Protection Office. The decree has now taken full effect and the protection service is operational. Coverage has been expanded, so that it now protects not only witnesses but also parties to judicial proceedings and persons linked to the administration of criminal justice.

#### **Computer system of the Public Prosecutor's Office**

209. The computer system of the Public Prosecutor's Office (SICOMP) is the culmination of a five-year process of consolidation. Although information was not regularly disaggregated by sex, the system makes it possible to do so. Accordingly, through the participation of the Public Prosecutor's Office in the Commission on Femicide, the necessary adjustments have been made to permit gender disaggregation, as well as coordination with the National Statistical Institute (INE).

210. In the case of women who have died violent deaths, the victim's relationship to the killer is added. SICOMP has been linked up nationwide since 2007. With the exception of the Victims Assistance Offices, which have a separate system, all the country's prosecution sections use the same form to record cases. In 2006, the system was introduced in the Women's Section.

#### **Ministry of the Interior – National Civil Police (PNC)**

211. In 2007, the Ministry of the Interior implemented the Comprehensive Women's Security Programme, with the specific goals of prevention, investigation, inter-institutional coordination, operational coordination, training, assistance centres and institutionalization of the Programme. In the area of prevention, the operational staff

of police stations and the relevant prosecution sections are receiving training designed to raise their awareness of the issue. The 110 free telephone hotline has been improved by providing a 24-hour service for receiving complaints and assisting the population, while police carry out patrols in areas with the highest rates of violence.

212. The Ministry of the Interior is making improvements in the design of the job description for investigators and the course on gender and equity has been included in the curriculum of the National Civil Police Academy. A campaign to raise public awareness about violence against women and domestic violence has also been conducted in different mass media.

213. Communication and coordination between the prosecution sections that handle cases of crimes against women's lives and the Criminal Investigation Division (DINC) have been improved by coordinating the system of 72-hour shifts. Police investigators, investigators from the Public Prosecutor's Office and prosecution officials remain in direct contact, the primary aim being to ensure that investigations are conducted jointly and that the events are clarified.

214. In the National Civil Police, oversight of the activities of members of the Female Homicide Prevention Unit of the Criminal Investigation Division has been stepped up to ensure strict respect for human rights and due observance of the constitutional safeguards provided for women. The Unit currently has 20 duly equipped investigators.

215. The PNC Office of Victim Services is in the process of producing national statistical records, since it has coverage in all the country's departments. Its records are gender-disaggregated, giving a clear picture of the violence suffered by women and making it possible to design mechanisms for analysis, intervention and assistance to the female population.

216. The Ministry of the Interior and the Network for Non-Violence against Women are in the process of setting up a comprehensive women's centre in the capital city to which women victims of violence will be able to go for psychological, medical, legal, housing and food assistance for a given period of time. The Ministry will allocate funds for the running of the centre, which will be administered by civil society women's organizations. The building in which the centre will be located has been identified and the process of buying furniture and equipment for it has begun.

217. The Police Academy is training police candidates and officers in aspects related to the prevention of domestic violence and violence against women, carrying out awareness-raising programmes for male and female police personnel. The topics covered are: (1) police procedures with gender equity; (2) prevention of violence and crime with gender equity; (3) gender and gender-based violence; (4) police functions; and (5) a culture of life. The training programme comprises 1,315 sessions of approximately six hours each, of which 24 sessions deal with violence against women.

218. The PNC Human Rights Office conducts campaigns to promote and disseminate women's rights, both internally with police personnel working in the offices of public safety and assistance and also with police personnel working operationally to protect public safety. Its campaigns are also taken beyond the police force by teenagers (schoolgirls and students) and adults and older persons (PNC and



Military Pension Institute retiree clubs), who have attended the following seminars and workshops, among others:

- Self-esteem;
- Human rights teaching day;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Emergency contraception (an opportunity for women victims of sexual violence);
- Act on the Prevention, Punishment and Eradication of Domestic Violence;
- Searches and their exceptions;
- Aging with dignity;
- Human rights and older persons;
- Myths and stereotypes in old age;
- Safety measures at home and outdoors;
- Rights, obligations and virtues of children;
- Incest;
- Child abuse.

219. The PNC Human Rights Office trains police personnel in human rights, covering such topics as the prevention of lynching, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Act on the Comprehensive Protection of Children and Adolescents and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Courses have also included the topic of prevention of sexual violence against women on police premises.

#### **Other bodies for the prevention of violence against women**

##### **Office of the Human Rights Procurator (PDH)**

220. PDH carries out an information-gathering process in which data from all State institutions are cross-checked to permit their analysis and monitoring. The departmental Offices for the Defence of Women's Rights record statistics on violence against women in general. To that end, they compile information from all institutions, together with data from the departmental PDH, to produce a monthly report that is sent to the central Office for the Defence of Women's Rights, where national data are processed.

221. In 2005, through the Procurator, PDH presented a study on violent deaths of women, which revealed the weaknesses of State bodies in tackling such deaths and proposed action for overcoming them. The study includes information on the Central American countries obtained in coordination with other Procurator's Offices.

### **Municipal pacts for the comprehensive security of Guatemalan women**

222. In the context of decentralization and women's local empowerment with regard to security, the drafting, signing and implementation of municipal pacts for the comprehensive security of Guatemalan women has been promoted. These pacts are conceived as a broad-based, representative agreement and political and social commitment arrived at through municipal consultations and aimed at mobilizing political, social and financial support to address women's vulnerability as regards security, taking a comprehensive approach based on the promotion and protection of men's and women's human rights.

223. The idea behind the proposed National Pact for Women's Security is to incorporate in the notion of security aspects of human life in which women consider themselves to be vulnerable, such as economic and legal aspects, food and nutrition security, health care, social welfare and labour protection. In keeping with this idea, tackling the problem of security and its impact on the lives of Guatemalan men and women has required a new, multidimensional approach, based on human rights and their interdependence, that views threats to integrity of person as being linked to various social, economic, cultural and political factors.

224. The pact is a mechanism for building strategic alliances and coordinating efforts among central and decentralized State bodies, in which institutions responsible for ensuring public safety, women represented by their organizations' leadership, other civil society organizations, the private sector, the Church and the media participate.

225. The thematic formulation of the pact's areas is based on the National Policy for the Advancement and Development of Guatemalan Women and the pact is seen as an expression of the policy's decentralization. In turn, the actions proposed by municipal governments strengthen governance processes.

226. The process of implementing this strategy began in 2006. So far, 29 municipal pacts have been signed, in 16 of the country's departments. The commitments they contain have been assumed locally by government institutions, municipal corporations and civil society. The experience of drawing up and signing municipal pacts has been systematized and strategic guidelines have been developed for their formulation.

**Table 4**  
**Municipal pacts for the comprehensive security of Guatemalan women signed**

<i>Department</i>	<i>Year</i>	<i>Number of pacts</i>	<i>Municipality</i>
Alta Verapaz	2006	3	Tactic
			San Cristóbal
			San Miguel Tucurú
Baja Verapaz	2006	3	San Miguel Chicaj
			Purulhá
	2007		Rabinal
Chimaltenango	2006	1	San Pedro Yepocapa
Zacapa	2006	1	Río Hondo

<i>Department</i>	<i>Year</i>	<i>Number of pacts</i>	<i>Municipality</i>
Chiquimula	2006	3	San Juan Ermita
			Jocotán
			Olopa
El Progreso	2006	1	San Antonio La Paz
	2007	1	San Agustín Acasaguastlán
Guatemala	2006	1	Palencia
Huehuetenango	2006	1	Santa Bárbara
	2007	2	San Sebastián H. Unión Cantinil H.
Izabal	2006	2	Los Amates
	2007		Puerto Barrios
Jutiapa	2006	1	Santa Catarina Mita
			Jerez
Quiché	2006	2	Santa Cruz
			Uspantán
San Marcos	2007	2	San Marcos
	2007		Malacatán
Retalhuleu	2007	1	San Felipe
Quetzaltenango	2007	2	Génova
	2007		Quetzaltenango
Escuintla	2007	1	Santa Lucía Cotzumalguapa
Petén	2007	1	Melchor de Mencos
	<b>Total</b>	<b>29</b>	

*Sources:* Strengthening Department, SEPREM. November 2007.

### **Other action to disseminate and publicize women's human rights**

- In 2004 and 2005, a postgraduate course in human rights and gender was taught at the Law School of San Carlos University.
- In 2005, the Master's degree in gender, women's human rights and access to justice was introduced at the School of Postgraduate Studies of San Carlos University.

### **Measures pending from the Committee's recommendations**

227. Criminalization of domestic violence (not just contingent on the injuries sustained) and broadening of the definition of rape.

228. Measures of protection for witnesses, victims and family members are inadequate and no resources have been identified for offering compensation to victims of violence.

229. The resources allocated by the State to PLANOS are inadequate, with the result that it is still largely funded by international cooperation.

230. Cases of investigation and prosecution of crimes against women (femicide) and gender violence are still characterized by high rates of impunity.

231. The National Institute of Forensic Sciences (INACIF) must be given an adequate budget in order to be able to assist in the scientific investigation process.

### **Challenges**

232. The number of crimes against women in Guatemala has increased in recent years. The prevention, investigation and prosecution of violent deaths of women and violence against women must be strengthened. Weaknesses must therefore be addressed by:

- *Prevention*: promoting a culture of rights, equality between men and women and non-violent settlement of disputes; establishing an early warning system for victims of violence; setting up a gender violence observatory;
- *Assistance to victims and survivors of violence*: affording comprehensive protection to victims and witnesses, making sure that they do not have to pay trial costs and experience secondary victimization;
- *Prosecution/punishment of perpetrators in order to put an end to the culture of impunity*: ensuring speedy trials, providing means for the investigation and prosecution of crimes, making the mass media/firemen/funeral companies and the general public aware of the need not to interfere with the crime scene.

233. Increase in the budget of the State institutions responsible for the process of victim assistance, investigation and prosecution.

234. Design of programmes for the requisitioning of weapons, given that most violent deaths in the country involve the use of firearms. Legal regulation could result in a significant reduction in the number of weapons, which would in turn have a significant impact on the number of violent deaths.

235. Application, follow-up and institutional monitoring of the national strategy and plan of action against femicide designed by the Commission on Femicide.

236. Formulation of a State crime policy and a State public safety policy.

### **National Statistical System**

#### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee calls upon the State party to enhance its collection of data disaggregated by sex and its use of indicators to monitor more effectively progress in the implementation of the Convention. (6)*

*Such data should be used as the basis for effective policy and programme development and for assessing the impact of measures taken. (6)*

237. The Committee's comments on the reports submitted by the State of Guatemala include the fact that while the documents reflect the adoption of a succession of measures, plans, etc., they do not contain statistical data that would make it possible to measure the impact achieved.

238. Historically, this may be related to a combination of factors, including:

- The fact that most public offices became computerized only recently. Prior to this, it was more difficult to keep records;
- There is little oversight or monitoring of civil servants' performance by measuring the impact of government action.

239. Action has been taken to overcome some of these obstacles. SEPREM identified the absence of an information system that would make it possible to determine the situation of women by reference to the main aspects identified in the women's policy and the commitments made by the Government concerning the advancement of women. Accordingly, it worked with the lead body for official statistics, the National Statistical Institute (INE) to design national indicators with a gender approach that would demonstrate the gaps existing between women and men. These include indicators relating to the economy, labour, land and housing, health, education, violence against women and political participation - information that is vital for promoting equality.

240. The selected indicators were defined as key markers for demonstrating progress in the situation and status of women. They were created using gender-disaggregated statistics and most of them were based on data from the National Survey of Living Conditions (ENCOVI) 2000 and the National Survey of Incomes 2002 (official data existing at the time when the indicators were designed). This process was coordinated with specialized INE staff.

241. The gender analysis indicators designed with INE respond to the international commitments made at the Cairo International Conference on Population and Development, held in Cairo in 1994, and the Fourth World Conference on Women, held in Beijing in 1995, as well as in the Millennium Development Goals adopted in 2000 and the Convention on the Elimination of All Forms of Discrimination against Women, including the commitment to submit periodic reviews demonstrating the progress made with respect to gender equality.

242. The result of this effort was the joint publication by INE/SEPREM/UNFPA of the document "*Indicadores para el Análisis de Género*" (indicators for gender analysis) in electronic and paper form. This instrument uses a methodology that allows 29 indicators to be developed, grouped into six sectors: (a) economy and labour (8 indicators); (b) land and housing (2 indicators); (c) education (4 indicators); (d) health (8 indicators); (e) domestic violence (3 indicators); and (f) political participation (4 indicators). These indicators will make it possible to visualize the position and status of women and men and are designed to help eliminate inequalities between them and promote better opportunities for women that will result in a better quality of life. It should be noted that in this first version the ethnic variable is not taken into account in calculations because there are no statistics on it.

243. Under the femicide strategy, the judiciary, the Public Prosecutor's Office and PNC are working together to produce harmonized variables that will enable INE to provide real information on the cases of femicide recorded in Guatemala. At the moment, such information is not coordinated, because each of the three institutions had been working on the information database in isolation and applying different criteria.

244. Other advances in this area include the Land Trust Fund policy of institutional education and training with a gender approach and the Ministry of Health policy of epidemiological monitoring of domestic violence and violence against women.

245. CONAPREVI drew up and adopted jointly with INE the standard form for recording domestic violence statistics, as part of the application of the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI). Once completed, the form is submitted to INE.

### **Measures pending from the Committee's recommendations**

246. Although there has been progress with respect to the Committee's recommendations and the obligation of INE to produce gender-disaggregated statistics has been established by law and has begun to be put into practice, the use of this disaggregated information to design and monitor policies is still rare in the civil service.

### **Challenges**

247. It is essential that State technical and political professionals understand indicators and know how to use them in order to be able to monitor the effectiveness and efficiency of policies in achieving their objectives and managing to reach their target group.

248. The use of gender-based statistics and indicators could be achieved by requiring all State entities to utilize them:

- In designing their policies and programmes;
- In requesting public budgetary funds for the execution of policies and programmes;
- In producing their management performance reports (policy monitoring and evaluation);
- In periodically evaluating their staff's performance.

249. As indicated in the Committee's recommendations or in the National Human Development Report on ethnic and cultural diversity,<sup>2</sup> it is also extremely important to determine the situation of the diverse groups of women in the country and, to that end, to develop statistics disaggregated by ethnic group which, according to the sources consulted, are at present even more deficient than those disaggregated by sex.

250. It is essential that the production of statistics on unpaid work include official data compiled by sex and that the concepts and methods used in compiling and presenting such data properly reflect gender issues in society and take into account all the factors that can help produce unbiased statistics.

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<sup>2</sup> National Human Development Report, 2005 "*Diversidad etnico-cultural. La ciudadanía en un Estado plural*" (Ethnic and cultural diversity: citizenship in a pluralistic State).

**Article 4****Temporary special measures****Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee calls upon the State party to accelerate the process of amending of the Act on Elections and Political Parties in order to impose a quota of 44 per cent for women's participation. (6)*

*The Committee calls upon the State party to strengthen the use of temporary special measures, including quotas, to increase the number of women, in particular indigenous women, in political and public life and in decision-making positions. (6)*

**Proposal for quotas to increase the number of women participating in political life**

251. In view of women's limited political participation, civil society women's organizations, State institutions and male and female members of the Congress of the Republic have made efforts to introduce amendments to the Elections and Political Parties Act establishing a quota system as a form of affirmative action to guarantee their representation.

252. Legislative proposal 2027 amending the Elections and Political Parties Act (Decree No. 1-85) was first presented to the Congress in 1998 and was approved in second reading by the legislature that left office in 2000. It is currently in the legislative archive.

253. This proposal provides that: *"lists of candidates for election to public office shall include women and men in percentages of no less than 44 per cent for either sex. The order of candidates shall alternate between women and men, so that a place occupied by a woman will follow a place occupied by a man or vice versa, and so on, so that men and women participate equitably in terms of number and place on the list"*.

**Education**

254. For some years now, the Ministry of Education has been taking action to expand and improve education for girls in order to reduce the gap between them and boys. At present, all efforts are being pooled through the "complete primary education" strategy involving the Directorate of Bilingual Education (DIGEBI), the National Programme for Educational Self-Management (PRONADE), the Department of Extramural Education (DIGEEX), the Directorate for Quality and Development in Education (DICADE) and departmental education directorates. This issue is dealt with at length in the answer given under article 12 in this report.

**Article 5****Modification of sociocultural patterns****Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee urges the State party to carry out awareness-raising campaigns on the Convention and its Optional Protocol, including on the meaning and scope of substantive equality between women and men, aimed at the general public, legislators, the judiciary and the legal profession. (6)*

*The State party is urged to carry out awareness-raising campaigns aimed at women and men to help ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large and enhance women's political empowerment. (6)*

*The Committee requests the wide dissemination in Guatemala of its concluding comments in order to make the population, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. (6)*

*The Committee urges the State party to make the raising of awareness among the general public of the rights of women a priority in its strategy for the advancement of women by building upon existing media campaigns and introducing new awareness-raising and education campaigns on various women's human rights issues. Such campaigns must target men as well as women at all levels of society, in particular among the indigenous population. (3, 4 and 5)*

*The Committee calls upon the State party to take steps to raise awareness among women of their legal rights and the means by which those rights can be enforced. (3, 4 and 5)*

**Measures and actions taken to help eliminate stereotypes and prejudices**

255. Between 2004 and 2006, the Subcommittee on Gender of the Advisory Commission on Educational Reform took a number of measures to mainstream a gender perspective in the school curriculum, educational materials and teaching training. It made an analysis of the document "Educational policy guidelines 2005-2008", the findings of which were submitted to the Advisory Commission.

256. In 2004, the textbooks used with primary school children were reviewed and analysed in order to eliminate sexist and ethnic stereotypes. Relevant comments and recommendations were made, for incorporation by the Ministry of Education. The comments were incorporated in the new textbooks, but earlier editions remain in circulation, meaning that not all pupils have textbooks with the new inclusive content. The methodological guide "If we learn together and in the same conditions we will have a better life", dealing with the issues of ethnic and gender equality and equity, also produced that year, was designed for use by the technical team that produces textbooks in the Ministry of Education and by primary school teachers.

257. In addition to incorporating the area of gender, ethnic and social equity in the primary school curriculum, the Ministry of Education carried out a national



awareness-raising and education campaign on mutually respectful coexistence, which helped create opportunities for participation, advice and guidance.

258. Through the Directorate for Quality and Development in Education (DICADE) and the Directorate of Intercultural Bilingual Education (DIGEBI), the Ministry also produced materials that eliminate cultural and gender stereotypes and promote knowledge and practice of the peace agreements and recognition and respect for the country's indigenous peoples.

259. In 2004, SEPREM reached agreement with the National Institute of Public Administration (INAP) on incorporating gender into the content of the Institute's social management diploma. In 2005, the issues of ethnicity, human rights and public policy were also incorporated.

260. The Ministry of Culture and Sport has encouraged, through sports promotion centres, the formation of values inherent in collective coexistence in sports disciplines, such as respect, fair play and responsibility, aimed mainly at the country's young people. It also promotes the holding of cultural events in both educational centres and communities. To mark International Women's Day, the programme of assistance for older persons organized a seminar on women's importance in Guatemalan culture, as well as recreational activities for older men and women.

261. In 2004-2005, the Ministry of Public Health and Social Welfare (MSPAS) designed a diploma with an ethnic and gender approach to improve performance and ensure friendly, quality care in health services, especially for indigenous women. In 2006, it designed a diploma in responsible parenthood, within a human rights framework, aimed at various institutions belonging to the National Network for Responsible Parenthood. It also trains and works with men and community leaders on the process of community health promotion and information, in response to the demand for men to be involved in processes related to the issues of reproductive health and responsible fatherhood.

262. Through the "*Creciendo Bien*" (growing well) programme, the First Lady's Social Work Secretariat (SOSEP) has trained fathers and mothers in responsible parenthood and on issues linked to building women's self-esteem and empowerment.

263. The National Civil Police, through its Human Rights Unit, is carrying out activities to raise awareness about human rights, women's human rights, indigenous peoples' rights, interculturalism, violence against women and domestic violence.

264. The judiciary conducts training programmes through the Judicial Training School and the Programme for the Modernization of the Judiciary, with emphasis on human rights, women's human rights and customary law, aimed at judges and administrative personnel. Also, through its Women and Gender Analysis Unit, training, awareness-raising and dissemination activities concerning, inter alia, the Convention have been carried out with male and female judges over the past two years.

265. CONAPREVI established the following specific objectives in the Prevention, Awareness-Raising and Education Matrix of PLANNOVI 2004-2014:

- Generate information to promote social change in favour of a life free from violence;

- Promote training and education activities to bring about changes in socio-cultural patterns, envisaging the conduct of media campaigns aimed at the prevention of violence in the home, in the street, at school, in the community and at work;
- Coordinate the design of similar contents for dissemination, prevention, education and awareness-raising with regard to domestic violence and violence against women;
- Promote capacity-building in the areas of communication, information and education;
- Create mechanisms to position CONAPREVI as a reliable, up-to-date source of information for the media;
- Provide a pedagogical input into research for the production of educational materials and the design, validation and implementation of education programmes aimed specifically at educators and parents (parents' school).

#### **Studies and research carried out**

266. As a member of the Advisory Board of the Women and Media Observatory,<sup>3</sup> SEPREM supported the media-monitoring project, which resulted in a study that permitted the discussion of operational concepts and communication products that would provide a glimpse of the world of the media and how it perceives women. One further outcome was the first annual monitoring report of the Women and Media Observatory 2006-2007.

267. The study covered a number of issues, including violence against women, domestic violence, sexuality, maternal mortality, abortion, HIV and discrimination. In the case of media coverage of violence against indigenous women, for instance, it found references to "Maya punishment" (the term used by the media) in pieces on the enforcement of Maya judgments in the department of Sololá, western Guatemala, where the majority of the population are indigenous.

268. With regard to domestic violence, the report documents the fact that the media tend not to present it as a social problem, that reports do not provide a context, that the issue is sensationalized and that the men and women involved in such events receive different media treatment.

269. With regard to the sexual and reproductive health of Guatemalan women, the report notes that public information systems provide coverage of reproductive health problems but little or no information on Guatemalan women's sexual health. The situation and status of Guatemalan women in this regard remain tied to viewpoints

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<sup>3</sup> Women and Media Observatory: set up in late 2004, a group comprising journalists, sociologists and feminist activists, the latter being the majority. The print media selected were: *Al Día*, *El Periódico*, *El Quetzalteco*, *La Hora*, *Nuestro Diario*, *Prensa Libre* and *Siglo Veintiuno*, the regional supplements of *El Quetzalteco* and *Nuestro Diario* and the magazines *Mujer (Prensa Libre)* and *Luna Azul (El Periódico)*. In the case of television, the group focused on news programmes and chose to monitor *Guate Visión*, *Noti 7*, *Telecentro* and *Telediario*. All the news featuring women, whether they were consulted as news sources, shown as protagonists of news events or simply mentioned, or their images were used to illustrate the text even if they were not mentioned in the narrative, was recorded electronically. This project received support from the Ministry of Foreign Affairs of Norway.

based on religion, magic and economics, but not on citizens' rights with an impact on the general public. Sexual and reproductive rights do not figure prominently on news agendas.

#### **Measures pending from the Committee's recommendations**

270. There is a need for effective awareness-raising on gender equality and equity in the Congress of the Republic.

#### **Challenges**

271. Although various actions have been taken, they have not had the necessary impact on social change and the creation of a body of public and sectoral opinion that is committed to and active in promoting gender equality. This may be because many of the actions were carried out on a one-off basis rather than as part of a comprehensive strategy with clearly defined goals.

272. As regards the appropriate use of the media to promote cultural change, there is a particular need to follow up the gender training process for media professionals begun by SEPREM in October 2007, since there is agreement that the media sometimes present news that is important for gender equality but do so from a standpoint that does little to benefit equality (for instance, by presenting news in a way that triggers public alarm – yellow journalism – but not social change).

#### **Article 6**

##### **Trafficking of women and sexual exploitation**

##### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*Despite the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Girls, the Committee remains concerned about the absence of adequate measures to combat this phenomenon, including its causes and extent, in particular from the State party's position as a country of origin, transit and destination, and at the insufficient information and awareness about the incidence of internal trafficking. (6)*

*The Committee recommends that the State party strengthen the measures to combat and prevent trafficking in women and girls and provide detailed information about the impact of the measures taken in its next periodic report. (6)*

273. The phenomenon of trafficking in persons is criminalized under Guatemala's Criminal Code. The absence of systematic, reliable statistical records and the low number of complaints make it difficult to quantify and qualify the scale of the problem in the country. However, there is evidence that the problem is on the rise, assuming various forms that involve the exploitation of persons and constituting a flagrant violation of human rights.

274. The main causes recognized as being the origin of and the reason for human trafficking include economic factors such as poverty, unemployment and indebtedness; social and cultural factors such as domestic violence and violence against women, gender-based discrimination within the family and a patriarchal and adult-centred culture; political and legal factors such as the absence of appropriate legislation and the failure to apply more severe penalties; and international factors

such as the growing feminization of labour migration and the toughening of host countries' immigration policies.

275. There are also reasons related to education and a lack of appropriate training that would give access to decent employment; power relations that reflect a stigmatizing attitude; and a social environment characterized by a lack of infrastructure and of places for sheltering and protecting victims. The level of social tolerance of trafficking and the low level of awareness of society's shared responsibility and the need for solidarity show that appropriate prevention, care and comprehensive protection are needed. As a result, these factors have a direct impact on the vulnerability of victims of trafficking and on the growth of this crime.

276. The situation outlined above and the various stages through which victims of human trafficking pass, such as reception, capture, transportation, psychological abuse, deprivation of liberty, withholding of documents and violation of the right to an identity and to physical integrity, as well as the use on occasion of false identity papers and even physical violence, are closely related to other forms of organized crime.

277. In 2004, the State of Guatemala promoted the activities of the Inter-Institutional Group against Trafficking in Persons, coordinated by the Ministry of Foreign Affairs and comprising the Presidential Secretariat for Women (SEPREM), the Presidential Secretariat for Social Welfare, the Ministry of Public Health, the Ministry of Labour and Social Security, the Office of the Attorney General, the Public Prosecutor's Office, the Department of Migration, the Ministry of the Interior, the National Civil Police (PNC), the Prosecution Section for Crimes against Life and the Women's Section of the Public Prosecutor's Office and the Guatemalan Tourism Institute, and supported by non-governmental organizations such as Central American AIDS Action (PASCA), the United Nations Children's Fund (UNICEF) and ECPAT Guatemala.

278. The process of drawing up a public policy for the prevention, suppression and punishment of trafficking in persons and the protection of victims began in 2004. In September 2007, the Public Policy against Trafficking in Persons and for the Comprehensive Protection of Victims and the Strategic Plan of Action 2007-2017 were formally presented. The policy's main objective is to become the State's principal guideline for preventing, suppressing and punishing the various forms of human trafficking and for protecting victims. This encompasses the protection of human rights, the higher interest of women, children and adolescents, non-discrimination and the immediate, comprehensive protection of victims.

279. This objective will be achieved by the institutionalization of the policy and its strategic plan of action, which is designed to ensure, through the signing of a governmental agreement, that authorized institutions will comply with and implement the strategic plan. To that end, knowledge will be provided on the social, economic and cultural implications of human trafficking in all its manifestations. A media campaign will be used to raise awareness, assist prevention and encourage complaints against trafficking and alert the population through institutional, educational, social and cultural sectors. Victims will receive comprehensive care, such as psychological, mental, physical and legal assistance, in order to facilitate their repatriation and reintegration in society.

280. In 2007, the Inter-Institutional Group against Trafficking in Persons set up in 2004 was formalized by Governmental Agreement No. 246-2007, as amended by Governmental Agreement No. 525-2007, and established as the Inter-Institutional Commission to Combat Trafficking in Persons, an inter-institutional body for consultation, management, formulation of proposals and promotion of consensus with a view to combating trafficking in persons in accordance with international and domestic law. The Commission is made up of a number of executive branch institutions: (1) the Ministry of Foreign Affairs, which chairs and coordinates it; (2) the Ministry of the Interior; (3) the Ministry of Education; (4) the Ministry of Culture and Sport; (5) the Ministry of Public Health and Social Welfare; (6) the Ministry of Labour and Social Security; (7) the Presidential Secretariat for Social Welfare; (8) the Presidential Secretariat for Communication; (9) the Presidential Secretariat for Planning; (10) the Presidential Secretariat for Women; (11) the First Lady's Social Work Secretariat; (12) the Presidential Human Rights Commission (COPREDEH); and (13) the Office for the Defence of Indigenous Women's Rights. The judiciary, the legislative branch and the Public Prosecutor's Office, as well as non-governmental organizations and international cooperation agencies, also participate as guests.

#### **Legislative reforms**

281. In 2005, article 194 of the Criminal Code was amended to increase the penalty for the crime of human trafficking, as a response to the instrument of accession to the Protocol to Prevent the Illicit Trafficking of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Inter-Institutional Commission is currently drafting a comprehensive bill for the protection of victims of trafficking.

282. In December 2007, the Adoption Act called for by the Hague Convention and ratified by the Congress of the Republic in May 2007 was adopted. It sets up a National Council that will be responsible for ensuring the protection of children and adolescents who are in the process of adoption. It also prohibits persons involved in the adoption process, including the mother, father or family members of minors, from receiving any kind of benefits. The Act adopted by the Congress in accordance with the Hague Convention establishes norms for transparency in adoption processes and prevents persons from making a profit from adoption or from selling or exploiting minors.

#### **Action to prevent and eradicate trafficking in women and girls**

283. In 2004, the Unit for Child and Adolescent Victims of Trafficking was set up in the Women's Section of the Public Prosecutor's Office and the Section against Trafficking in Persons was set up in the Criminal Investigation Division of the National Civil Police (Agreement No. 58-137). These institutions are responsible for investigating and combating human trafficking and the trafficking of women, children and adolescents for the sex trade.

284. To monitor this kind of crime effectively and ensure its specialized investigation, in October 2007 the Public Prosecutor's Office set up the Unit against Trafficking in Persons and Illegal Adoptions, as part of the Prosecution Section for Organized Crime. This significant advance in efforts to combat human trafficking

was motivated by the design of a criminal prosecution policy that is much more suited to dealing with criminal phenomena, in that it seeks to ensure that groups engaging in commercial sexual exploitation, illegal adoption, deception, forced marriage and other forms of slavery envisaged in article 194 of the Criminal Code, as amended in 2005, are subject to much closer scrutiny of their participation in and the creation and modus operandi of these criminal networks. Another aim of the Unit is the prosecution of these crimes even when they are not committed against minors, unlike the focus of the Unit for Child and Adolescent Victims of Trafficking that previously dealt with the issue. Two years since the amendment increasing the penalties for human trafficking, the Public Prosecutor's Office has made considerable progress in combating this phenomenon, since it works with the Unit against Trafficking in Persons in a way that is much more suited to dealing with the issue in order to dismantle these criminal groups.

285. There is a mechanism for inter-institutional coordination among the Public Prosecutor's Office, the National Civil Police, the Office of the Attorney General and the Casa Alianza social organization, which conduct raids on brothels in order to combat trafficking in women and girls and have managed to rescue minors from them.

286. The programme "Together against trafficking" was developed and implemented by the Asociación Pro Niño y Niña Centroamericanos (PRONICE), in coordination with the programme of action (PAMI), with teenagers in some departments in the country's south and north-east (Malacatán, Mazatenango, Puerto Barrios and Asunción Mita). Its purpose was to identify the risks at frontier points and to publicize the magnitude of the problem. Its activities centred on gathering written information on trafficking for adoption, labour exploitation and sexual exploitation; producing publicity materials (posters, flyers and billboards); and organizing youth networks to push for the prevention of trafficking. These networks organized artistic activities and theatre productions to publicize the problem and also conferences for secondary school students.

287. Since 2006, the State has been promoting a publicity campaign for the prevention of trafficking in persons, consisting of radio and television spots, leaflets, posters, comic strips, billboards and banners, which are being distributed nationally by State institutions and civil society organizations involved in the issue and internationally by diplomatic and consular missions accredited abroad.

288. In 2006, the Protocol for the Repatriation of Child and Adolescent Victims of Trafficking was published, containing basic norms and rules that are easy to understand and apply for all officials who have primary contact with trafficking victims. The Ministry of Foreign Affairs and the Guatemala office of the International Organization for Migration (IOM) have also been coordinating their work, with support from governmental, non-governmental and international organizations involved with the issue. A critical route for applying the protocol on the borders of Mexico, the United States, El Salvador and Honduras was drawn up and the consuls of the countries concerned received training on human trafficking, illicit trafficking of migrants and trafficking from a gender perspective.

289. The Council of Central American Ministers for Women (COMMCA), of which SEPREM is a member, included in its strategic plan 2006-2009 and its plan of action for the same period the following areas for regional intervention: (i) building the capacity of COMMCA for influencing the regional integration process and the

capacity of national equality mechanisms in the respective countries as lead bodies for the design and implementation of public policies; and (ii) improving the regional response to violence against women, especially on issues such as violence and migration, trafficking, illicit trafficking of persons and femicide. It also focused its work on monitoring the issue of violence against women, particularly trafficking of women. Within this context, the First Central American Meeting on Trafficking of Women was held in late 2006, with the primary objective of providing a forum for analysis and reflection on human trafficking in the Central American region, with special emphasis on the situation of women. As a result of the meeting, a regional plan of action was drawn up for implementation in each of the countries, in coordination with the country where the Central American Network to Combat Violence against Women is based.

290. Since human trafficking includes forced labour, the Ministry of Labour and Social Security has made efforts to eradicate the worst forms of child labour. Governmental Agreement No. 250-2006 was promulgated, regulating the worst forms of child labour in accordance with ILO Convention No. 182, which includes commercial sexual exploitation as a form of trafficking, in keeping with the Palermo Convention.

#### **National and international instruments signed**

##### *National instruments*

291. Adoption and publication of the Protocol for the Repatriation of Child and Adolescent Victims of Trafficking, which contains basic norms and rules that are easy to understand and apply for all officials who have primary contact with victims of trafficking.

##### *Regional instruments*

292. Adoption of the Regional Guidelines for Special Protection in Cases of Returning Child and Adolescent Victims of Trafficking, in the context of the Regional Conference on Migration (CRM).

##### *Bilateral instruments*

293. A Memorandum of Understanding was signed on 23 March 2004 between the Governments of Guatemala and the United Mexican States for the protection of women and minors victims of human trafficking on the Guatemala-Mexico border. A technical commission was also established and an annual programme of work was adopted for the monitoring and evaluation of coordination and cooperation actions undertaken pursuant to the Memorandum.

294. A Memorandum of Understanding was also signed on 2 November 2004 between the Governments of Guatemala and the United States of America on the establishment of a cooperation framework for the prevention, control and punishment of activities related to human trafficking. Lastly, a Memorandum of Understanding was drawn up on 18 August 2005 between the Republic of Guatemala and the Republic of El Salvador for the protection of victims of human trafficking and illicit trafficking of migrants. As part of this process, an annual programme of work for 2007-2008 was prepared and adopted for implementing the Memorandum.

### Complaints of human trafficking, prostitution and other crimes against women

295. Through the National Centre for Judicial Analysis and Documentation, the judiciary reported that in 2006 the following crimes against women were recorded by the different judicial organs of the Republic:

**Table 5**  
**Complaints received by the judiciary in 2006**

<i>Crime</i>	<i>Number of cases</i>
Corruption of minors	37
Aggravated corruption	6
Procuring	8
Aggravated procuring	8
Pimping	1
Trafficking in persons	10

*Source:* Inter-institutional Commission to Combat Trafficking in Persons and Related Crimes.

296. The Unit for Child and Adolescent Victims of Trafficking set up in 2004 in the Women's Section of the Public Prosecutor's Office indicates that in 2006 the following legal proceedings were reported:

**Table 6**  
**Proceedings in the Women's Section**

<i>Crime</i>	<i>Number of cases</i>	<i>Sentence</i>
Corruption of minors	3	Conviction
Recruitment of illegal immigrants	2	Conviction
Recruitment of illegal immigrants	2	Acquittal

*Source:* Inter-institutional Commission to Combat Trafficking in Persons and Related Crimes.

**Table 7**  
**Statistics on human trafficking and illegal migration,  
first quarter of 2007**

<i>Situation</i>	<i>Number of cases</i>
Complaints received of human trafficking	27
Complaints of illegal adoption presented to the Public Prosecutor's Office	22
Migrant children coming from the United States handed over to the Office of the Attorney General	233
Migrant children coming from Mexico handed over to the Office of the Attorney General	1,189

*Source:* Inter-institutional Commission to Combat Trafficking in Persons and Related Crimes.



**Migrant women**

297. Migration in Guatemala is both internal and international, making migrants vulnerable to human trafficking and illicit trafficking of migrants. The State has placed emphasis on the problem of migrant trafficking.

298. In the area of migration and institutional modernization, the Ministry of the Interior, through the Department of Migration, signed a document for the safe, orderly return of illegal immigrants from Guatemala, El Salvador, Honduras and Nicaragua detected in Mexico and heading for the United States. Supervisors were assigned to La Aurora International Airport to prevent or report any kind of abuse or ill treatment. More generally, institutional modernization began with the purchase of a batch of 142 computers, a radical overhaul of migration offices throughout the country and the installation of the Integrated Migration Operating System (SIOM), donated by the Mexican Government.

**Presidential Secretariat for Social Welfare (SBS)**

299. SBS is responsible for administering and executing public policies for the protection of Guatemalan children and adolescents, principally those living in conditions of vulnerability, social risk, disability and conflict with the law. Its remit was amended in October 2004 to include care and support for migrant children. As a result, it is responsible for ensuring that deported migrant minors have access to basic services such as health, education, food and housing, are safe and are helped to obtain appropriate documentation.

300. In coordination with various State institutions, SBS works to restore the rights of migrant children. As a member of the Inter-institutional Commission to Combat Trafficking in Humans, it has incorporated compliance with bilateral agreements with Mexico and El Salvador in its policies, as well as compliance with national and international protocols, the Convention on the Rights of the Child, the Protocol for the Repatriation of Child and Adolescent Victims of Trafficking, the memorandum of understanding for the safe, orderly return of migrants, the protocol for the comprehensive care of child and adolescent victims and ILO Convention No. 182.

301. The SBS Programme of Care for Children and Adolescents at Social Risk includes a Unit against Commercial Sexual Exploitation and a Unit for Street Children and Adolescents. On 29 August 2005, the “*Casa Nuestras Raíces*” shelter for migrants was opened in the department of Quetzaltenango and began to receive migrant children and adolescents and cases in which the Consul of Guatemala detects some kind of threat, which are coordinated with the Office of the Attorney General. The shelter’s activities include making young people aware of the dangers they face when travelling.

302. The Unit against Commercial Sexual Exploitation deals with an average of 25 children and adolescents daily, using theatre and art classes. It has managed to coordinate the Group against Sexual Exploitation in such a way that the group now forms part of the National Commission for Children and Youth.

**Measures pending from the Committee’s recommendations**

303. Although some measures have been taken to combat trafficking in persons, not enough progress has been made in combating its causes, including the situation of poverty and lack of human rights protection in which a large proportion of

Guatemalans live and, with respect to trafficking in women and girls, the additional problem of gender inequality and sexual use of women and girls.

304. Pending a legislative amendment, the penalty for sexual exploitation is still not commensurate with the seriousness of the crime.

305. A comprehensive programme against illegal adoption and the lucrative business to which it has given rise must be designed and implemented.

### **Challenges**

306. Give consideration to the budget needed for each entity and action in order to ensure the viability of anti-trafficking policy.

### *Article 7*

#### **Political and public life**

#### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee suggests that the State party implement leadership training programmes aimed at women to help them participate in leadership and decision-making positions in society. (6)*

*The Committee recommends that the State party promote women's participation in public and political life in Guatemala, in particular by offering or supporting training programmes for current and future women leaders and undertaking awareness-raising campaigns on the importance of women's participation in decision-making, aimed at decision-makers in both the public and private sectors. (3, 4 and 5)*

#### **Right to vote and to run for election**

307. For electoral participation, it is important to be able both to vote and to run for election. Inequalities between men and women in the exercise of political rights are reflected in both these aspects, but the gender gap is much more pronounced in the latter - running for election to public office.

308. In practice, electoral participation takes place through the political parties, most of which, in the context of a democratic, representative system, are still a long way from being consolidated and firmly institutionalized. This is a result, inter alia, of the fact that for most of its history as a republic, Guatemala's society has functioned politically under authoritarian, patriarchal regimes, preventing the development in the country of a political class with a democratic tradition. Centralism predominates in political parties' decision-making processes and their organizational structures are insufficiently representative, both nationally and locally, a situation reflected in the fact that party branches are in their infancy. Generally speaking, the country's political parties are run by a closed male leadership that limits the development of new leaderships, including female ones.

309. According to data provided by the Supreme Electoral Tribunal, the number of registered women voters who were able to exercise their right to vote in the 2007 general elections increased by 1.26 per cent over the 2003 elections.

**Table 8**  
**Number of women registered to vote in the 2003 and 2007 elections**

<i>Number of men and women registered to vote</i>		<i>2007</i>	<i>Absolute figures 2007(*)</i>	<i>Absolute figures 2003</i>
<b>Women</b>	Literate	1,913,939	2,809,124	2,252,545
	Illiterate	895,185		
<b>Men</b>	Literate	2,418,217	3,180,910	2,820,737
	Illiterate	762,693		
<b>TOTAL</b>			5,990,034	5,073,282

(\*) Electoral roll statistics as at 9 June 2007.

*Source:* Supreme Electoral Tribunal.

310. The State of Guatemala is currently engaged in the democratic exercise of electing its new authorities for the period 2008-2011. National legislative and municipal elections and the first round of the presidential election were held on 9 September 2007 and the second round to elect the President and Vice-President was held on 4 November.

311. The number of women candidates for public office increased in these elections, with Rigoberta Menchu running as presidential candidate for the Encuentro por Guatemala party and Walda Barrios running as vice-presidential candidate for the Unidad Revolucionaria Nacional Guatemalteca-Movimiento Amplio de Izquierda (URNG-MAIZ) party.

312. For the 2007 general elections, 16 political parties registered 29,821 candidates for the offices of President, member of Congress, member of a district assembly or member of a municipal corporation. Of the total candidates registered, 3,862 (12.6 per cent) were women. This was an improvement on the number of women registered as candidates in the 2003 general elections, when 17 political parties put forward 23,705 candidates, of whom 9.5 per cent were women. Women's participation is still very limited, however, in a country where they account for 51 per cent of the population.

**Table 9**  
**Candidacies registered with the Supreme Electoral Tribunal, by category, 2007 elections**

<i>Candidacy</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
President and Vice-President	26	2	28
Member of Congress or mayor on the national list	221	82	303
Member of district assembly	1,193	320	1,513
Member of municipal corporation	24,619	3,358	27,977
<b>Total</b>	26,059	3,762	29,821

*Source:* Supreme Electoral Tribunal.

313. Women's opportunities for participation are very restricted and face many obstacles. The number of women who have managed to reach a leadership position and to be elected to public office is extremely limited. Very few of the 16 political

parties that took part in the elections increased the number of women on their lists of candidates, especially in first place on the list, where there are more chances of winning.

**Table 10**  
**Number of women on lists of candidates, by political party**

<i>Political party</i>	<i>Women candidates for Congress</i>	<i>In first place on the list</i>	<i>Women candidates for mayor</i>
Encuentro por Guatemala	36	10	13
Unidad Nacional de la Esperanza	22	15	-
Partido Patriota	8	2	7
Gran Alianza Nacional	29	3	3
Frente Republicano de Guatemala	49	14	

*Source:* Supreme Electoral Tribunal.

314. In 2003, women accounted for 14 out of 158 candidates elected to Congress and eight out of 331 candidates elected as mayors. In the general elections held in September 2007, 27 women were elected to public office, 19 as members of Congress and eight as mayors.

**Table 11**  
**Number of women elected to public office, 2003 and 2007**

<i>Office</i>	<i>2007 elections</i>			<i>2003 elections</i>		
	<i>Women</i>	<i>Men</i>	<i>Total</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Members of Congress	19	139	158	14	144	158
Mayors	8	324	332	8	323	331

*Source:* Supreme Electoral Tribunal.

315. Despite the increase in the number of women entering politics, mainly at the municipal level, only five per cent of the 332 municipalities in Guatemala have women mayors, compared with 95 per cent headed by men. This shows that women's political participation must be boosted to ensure greater representation of women and a comprehensive vision of development that is consistent with international conventions and treaties on women's political participation.

316. Despite the various legal instruments adopted to promote political participation at the community, municipal, departmental, regional and national levels, such as the Social Development Act, containing principles of equality of rights for women and men; the Municipal Code, creating mandatory Commissions for the Family, Women and Children within municipal councils; the Development Councils Act promoting women's participation in the National Urban and Rural Development Council and Departmental Development Councils; and the National Decentralization Act, entities such as the Municipal Women's Offices have yet to be institutionalized and comprehensive municipal policies, programmes and projects that respond to women's needs and demands have yet to be formulated and implemented. In particular, there is a need to continue promoting the implementation of positive action measures, such as the quota system for political

parties and civic committees, which must be incorporated in the Elections and Political Parties Act and its implementing regulations.

### Participation in public office

#### Executive branch

317. The present Government comprises 13 Ministries of State, three of which are headed by women. Of the 29 Vice-Ministers, eight are women.

**Table 12**  
**Ministerial posts occupied by women**

<i>Ministers (men)</i>	<i>Ministers (women)</i>	<i>Vice-Ministers (women)</i>	<i>Vice-Ministers (men)</i>
Foreign Affairs		Foreign Affairs Foreign Affairs	Foreign Affairs
	Interior		Interior Interior Interior Interior
National Defence			National Defence
Public Finance			Public Finance Public Finance
Communications, Infrastructure and Housing		Communications, Infrastructure and Housing	Communications, Infrastructure and Housing Communications, Infrastructure and Housing
	Education	Education Education	Education
Agriculture and Food			Agriculture and Food Agriculture and Food
Economy			Economy Economy
Public Health and Social Welfare		Public Health and Social Welfare	Public Health and Social Welfare Public Health and Social Welfare
Labour and Social Security		Labour and Social Security	Labour and Social Security Labour and Social Security
	Energy and Mines		Energy and Mines
Culture and Sport			Culture and Sport
Environment and Natural Resources		Environment and Natural Resources	Environment and Natural Resources
<b>10</b>	<b>3</b>	<b>8</b>	<b>22</b>

318. Eight of the 13 Presidential Secretariats are headed by women and there are six women Under-Secretaries.

**Table 13**  
**Presidential Secretary posts occupied by women**

<i>Presidential Secretaries (men)</i>	<i>Presidential Secretaries (women)</i>	<i>Under-Secretaries (men)</i>	<i>Under-Secretaries (women)</i>
General Secretary of the Presidency			Under-Secretary of the Presidency
Private Secretary of the Presidency		Private Under-Secretary of the Presidency	
Social Communication			
Administrative and Security Affairs			
Executive Coordination		Executive Coordination	
		Executive Coordination	
	Strategic Analysis	Strategic Analysis	
	Planning	Planning	Planning
			Planning
	Social Welfare		Social Welfare
	Peace	Peace	
	Social Work	Social Work	
	Agrarian Affairs		Agrarian Affairs
			Agrarian Affairs
	Food and Nutrition Security		Food and Nutrition Security
	Women		Women
<b>5</b>	<b>8</b>	<b>7</b>	<b>8</b>

319. The Tax Administration Superintendent and the President of the Bank of Guatemala are also women, in the latter case for the first time in the country's history.

### **Judiciary**

320. The judiciary is composed of 13 men and women judges, who remain in office for four years. In 2005-2006, for the first time in the history of the judiciary, a woman, Beatriz de León de Barreda, was elected President of the Supreme Court of Justice and the judiciary.

**Table 14**  
**Judicial personnel, 2007**

<i>Post</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Auxiliary staff of judicial bodies	1,692	1,376	<b>3,068</b>
Auxiliary staff of judicial bodies who speak a Mayan language	227	60	<b>287</b>
Judges	512	253	<b>765</b>
Judges speaking a Mayan language	100	13	<b>113</b>
Administrative staff	1,784	890	<b>2,674</b>
Administrative staff speaking a Mayan language	227	60	<b>287</b>
<b>Total</b>	<b>4,542</b>	<b>2,652</b>	<b>7,194</b>

*Source:* Planning Unit, Judiciary.

### **Legislative branch**

321. The legislative branch comprises 158 members of Congress. In the September 2007 elections, 19 women were elected by popular suffrage, compared with 14 women in the 2004-2008 legislative period.

322. The Congress of the Republic has 43 congressional committees (33 ordinary committees, four special committees and six extraordinary committees). In 2005, 2006 and 2007, three, seven and four of these committees, respectively, were chaired by women. The legislative branch has a total of 1,558 administrative staff, 612 of them women.

### **Women's participation in the National System of Development Councils**

323. The 1996 peace agreements and the three decentralization laws (Decentralization Act, Urban and Rural Development Councils Act and Municipal Code, 2002) vest Guatemalan municipalities with responsibility for the simultaneous processes of State decentralization and economic development. The Decentralization Act establishes that municipalities are the main recipients of the powers delegated as a result of the decentralization of the executive branch, either individually, jointly or as partners of legally organized communities (article 6 of the Act's implementing regulations).

324. The Municipal Code defines the municipality as "the immediate forum for public participation in public affairs" (article 2). Accordingly, it creates Community Development Councils (COCODE) in each municipality as forums for direct public participation. The challenge of democratization and decentralization thus rests, albeit not exclusively, with the Municipal Development Councils (COMUDE), since they act as the link between the COCODE, the Departmental Development Councils (CODEDE), the Regional Development Councils (COREDE) and the National Urban and Rural Development Council (CONADUR). The National System of Development Councils, conceived as an instrument of social consultation and a fundamental mechanism of public participation, makes it possible for the whole of society to be involved in all public management functions: consultation, decision-making, execution and auditing.

325. The National System of Development Councils comprises five levels: community, municipal, departmental, regional and national. The Development

Councils Act (Decree No. 11-2002) assigns the Councils the goal of organizing and coordinating public administration by formulating development policies and budgetary plans and programmes and promoting coordination among public and private institutions. Although the Act does not establish quotas, it does stipulate the level of women's participation:

- In the National Urban and Rural Development Council (CONADUR): two representatives of women's organizations and one representative of SEPREM;
- In the Regional Urban and Rural Development Councils (COPREDUR): two representatives of women's organizations operating in the region and one representative of SEPREM;
- In the Departmental Development Councils (CODEDE): one representative of women's organizations operating in the department.

326. The Councils' stipulated functions include promoting policies that encourage women's active, effective participation in decision-making at the national, regional, departmental, municipal and community levels and raising communities' awareness about gender equity and identity and rights of indigenous peoples.

327. The National System of Development Councils seeks to ensure women's inclusion by means of special measures, given the situation of discrimination and exclusion experienced by women, particularly indigenous women, in the public sphere. To this end, some municipalities have set up Municipal Women's Offices and Commissions on the Family, Women and Children to help build women's organizational capacities and their ability to draw up proposals benefiting them and to ensure that those proposals stand a good chance of being adopted.

328. The large number of COCODE is especially important for the participation of indigenous mayor's offices and communities, since they are bodies made up of the entire community, meeting in general assembly, where citizens can participate individually or as representatives of organized groups or sectors. The COCODE thus represent a tangible opportunity for the population of many communities, historically isolated from public life, to become involved in local decision-making. Moreover, in recent years they have been an important vehicle for women's empowerment in community management and in economic and social development processes.

329. As established in article 9 of the implementing regulations of the Development Councils Act, SEPREM has the mandate of convening women's organizations to designate their representatives to the Departmental Development Councils (CODEDE). It has been doing this since 2003 in the country's 22 CODEDE, where women's organizations have been convened to designate their representatives for two terms in some departments and three terms in others, the latter because representatives are appointed for two years, after which their appointment can be extended or revoked. There are 44 representatives in the country, 22 of them titular and 22 alternates. SEPREM also has 10 regional representatives who advise and support women in order to enhance their participation in public life.

330. According to the analysis made by the National Women's Forum, the average membership of Departmental Development Councils is over 81 per cent male. The survey sample for Community Development Councils (COCODE) was 34,000 members, of whom only 13 per cent were women, while for Municipal Development



Councils (COMUDE), only 16 per cent of the 4,197 members surveyed were women. This limited presence of women was repeated throughout the COMUDE structure of representation and coordination, but was more pronounced in the coordination and representation of municipal authorities. Of a sample of 1,403 authorities and representatives of municipal corporations participating in the COMUDE, only 7 per cent were women. Women's presence was found to be greater in relative terms in the representation of public entities, with women accounting for 32 per cent (257) of 795 representatives, which can be seen as a positive outcome of the gender training and awareness-raising processes promoted in central Government bodies.

Table 15

Gender profile of local Development Councils													
Region	Dept.	Population of indigenous women (%)	Members				Municipal authorities		Representatives				
			COMUDE		COCODE				Public institutions		Civil society		
			Women (%)	Men (%)	Women (%)	Men (%)	Women (%)	Men (%)	Women (%)	Men (%)	Women (%)	Men (%)	
I	Guatemala	13	SD	SD	10	90	SD	SD	SD	SD	SD	SD	SD
II	Alta Verapaz	93	21	79	11	89	6	94	SD	SD	0	SD	SD
	Baja Verapaz	59	SD	SD	33	67	SD	SD	SD	SD	SD	SD	SD
III	El Progreso	8	31	69	13	87	SD	SD	SD	SD	SD	SD	SD
	Izabal	23	11	89	3	97	14	86	21	79	15	85	SD
	Zacapa	6	14	86	31	69	3	97	50	50	SD	SD	SD
	Chiquimula	16	17	83	22	78	13	87	17	83	25	75	SD
IV	Santa Rosa	3	15	85	SD	SD	7	93	SD	SD	SD	SD	SD
	Jalapa	18	9	94	14	86	4	96	39	61	5	95	SD
	Jutiapa	3	SD	SD	SD	SD	38	62	SD	SD	SD	SD	SD
V	Sacatepéquez	42	42	58	67	33	SD	SD	67	33	SD	SD	SD
	Chimaltenango	78	12	88	11	89	13	87	8	92	23	77	SD
	Escuintla	7	22	78	33	67	21	79	31	69	20	80	SD
VI	Sololá	96	13	87	14	87	1	99	6	94	30	70	SD
	Totonicapán	98	SD	SD	SD	SD	SD	SD	SD	SD	SD	SD	SD
	Quezaltenango	54	SD	SD	SD	SD	SD	SD	SD	SD	SD	SD	SD
	Suchitepéquez	51	16	84	27	73	9	91	35	65	31	69	SD
	Retalhuleu	22	14	86	18	82	9	91	23	77	26	74	SD
	San Marcos	31	21	79	10	90	3	97	31	69	25	75	SD
VII	Huehuetenango	65	12	88	9	91	4	96	35	65	31	69	SD
	Quiché	89	SD	SD	1	99	23	77	SD	SD	26	74	SD
VIII	Petén	32	2	98	2	98	5	95	SD	SD	21	79	SD
<b>Country total:</b>		<b>41</b>	<b>16</b>	<b>84</b>	<b>15</b>	<b>87</b>	<b>7</b>	<b>93</b>	<b>32</b>	<b>68</b>	<b>24</b>	<b>76</b>	

SD = no data. Source: Database, COMUDE members, National Women's Forum analysis (2005-2006).

331. Despite the existence of laws favourable to women's equitable integration in the Development Councils, there is a lack of political will to make that integration a reality, not only on the part of the local authorities that coordinate the COMUDE but also the local organizations that represent civil society in the Councils.

332. The process of closing the gender gaps in local Development Councils has begun in all the country's regions and departments. However, women's low level of participation in the COCODE and COMUDE means that the strategies of raising awareness and political will among the populations of communities and municipalities will have to be revised in order to overcome the male dominance of local Development Councils.

**Measures pending from the Committee's recommendations**

333. There has been a marked lack of progress under this heading. Women's representation and participation in decision-making in national and municipal public life remain minimal, both by reference to the Convention's equality targets and by comparison with other countries of the region. Women's voter participation in elections is also very limited and less than that of men.

334. Given this slow rate of progress, it is crucial, as recommended by the Committee, to promote affirmative action measures, already recognized by the Act on Enhancing and Advancing the Status of Women, for the political representation of women, particularly indigenous women, by amending the Elections and Political Parties Act. It is also essential to continue with systematic training programmes for women and their organizations and to make progress in breaking down and even punishing macho attitudes that promote gender stereotypes that undermine women's full participation in decision-making.

**Challenges**

335. The legislative branch, aware of women's low level of participation in the Congress, drew up a proposal through the congressional committee on women for a programme with numerous recommendations that could be supported with a view to promoting a situation of equality and parity. This programme can be viewed as a starting point for reaching consensus with different public sector and civil society institutions on coordinated, comprehensive action to overcome the huge gender gap in political participation. The proposal contains the following recommendations for tackling this situation:

- Stimulate women's participation in the public arena so that they grasp the importance of having a voice in all national forums, especially Congress;
- Support substantive amendments to the Elections and Political Parties Act to ensure women's presence in political life. This involves the adoption of temporary quotas for political participation to ensure women's presence and compel political parties by law to include women in their lists;
- Encourage closer ties between women's organizations and political parties in order to help increase the number of women in elected office;
- Create conditions for the establishment of a bloc of women parliamentarians with a common agenda in favour of amending all the laws that discriminate against women: Civil Code, Criminal Code, Labour Code, Code of Criminal Procedure and Elections and Political Parties Act;
- Ratify international conventions and treaties related to the gender issue, since women must be given legal equality and the genuine rule of law must be promoted;
- Promote the civic and political education of citizens. A culture of democracy has yet to take root in the population, which only partially exercises citizenship when it votes, since it does not monitor or control the actions of those it elects to govern the country;

- Promote mass campaigns to issue identity documents to women and register them to vote, especially in the countryside and for indigenous women, who are often not registered as citizens, let alone registered to vote;
- Take Government action to provide the population with the necessary tools to encourage democracy within the home and motivate men to share the burden of housework and childcare by eliminating stereotypes that reduce women's existence and role to the home;
- Ensure the proper distribution of State resources to primary, secondary and university education, ensuring that gender is mainstreamed quantitatively and qualitatively. Education contributes to people's all-round development and creates production, employment and political opportunities;
- Encourage private and public firms to support women's organization and participation by promoting the necessary environment through social networks that include day care centres, nurseries, women's support centres, etc.

### *Article 8*

#### **Representation**

336. Throughout recent decades, the existence of a competitive examination and selection process for entry to the diplomatic service has meant that women and men have equal opportunities for access to diplomatic posts at the "Secretary" level. However, such equality is not reflected in higher-level posts such as that of Ambassador.

337. The present Government has pushed for the implementation at national level of all the conventions on women's rights and there are now positive, albeit incipient, signs of change in what has been a longstanding trend. The presence of women in the Ministry of Foreign Affairs has increased steadily over the past decade. As can be seen from the data provided in the tables that follow, 38 of the staff members currently working in embassies, consulates and diplomatic missions and belonging to the career diplomatic service are women, representing 51 per cent of the total (75). Moreover, of all staff working abroad, 103 (46 per cent) are women and 121 (54 per cent) are men.

338. However, when the structure of the staff of the career diplomatic service is analysed by rank, we can see that at the first level (secretaries and counsellors), a majority (56 per cent) are women, while at the second level (minister-counsellors and ambassadors), 73 per cent are men. A total of 15 women are representatives of the State of Guatemala to international organizations, accounting for 71 per cent of such staff. Various factors may account for this situation, the main one being sociological: women are currently seeking opportunities to prove themselves and are specializing in areas historically reserved for men, finding a place for themselves in various spheres such as diplomacy. This progress in women's integration in international relations is reflected in the growing percentage of women entering the foreign service through the career diplomatic service under recent Governments.

**Article 9****Nationality**

339. The right to a nationality and its protection are safeguarded under Title III of the Constitution, which states that no person who is Guatemalan by origin can be deprived of his or her nationality. This provision, which was detailed in the earlier reports submitted by Guatemala to the Committee, still applies.

**Article 10****Education****Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee is concerned about the persistent high levels of poverty among women, particularly among women living in rural areas, and their lack of access to basic social services. The poverty conditions of women are reflected in their high illiteracy rates, low school enrolment and completion rates and (...) lack of access to training opportunities. (6)*

*The Committee recommends that the State party strengthen its efforts to implement nationwide effective health and educational programmes, including programmes in the area of functional literacy. (6)*

*The Committee calls upon the State party to ensure that indigenous women have full access to bilingual education. (6)*

340. Guatemala's Constitution establishes that education is a State obligation and must be provided and facilitated without discrimination, and that its primary aims are the all-round development of the human person and knowledge of the reality and culture of Guatemala and of the world (articles 71 to 81).

341. In 1994, when educational coverage was 69 per cent of the school-age population, 63 per cent of enrolled pupils were boys, while girls accounted for 37 per cent. By 2005, educational coverage was 93.5 per cent and girls accounted for 48.5 per cent of enrolled pupils. There are still gender gaps, especially in some municipalities, and the Ministry of Education has set up a special unit for educational coverage projects (March 2007) to tackle these gaps on a case-by-case basis and achieve 100-per-cent coverage with gender equity in primary education.

342. For some years now, the Ministry of Education has been taking action to expand and improve education for girls in order to reduce the gaps between them and boys. At present, an attempt is being made to pool all efforts through the Ministry's "complete primary education" strategy, involving the Directorate of Bilingual Education (DIGEBI), the National Programme for Educational Self-Management (PRONADE), the Department of Extramural Education (DIGEEX), the Directorate for Quality and Development in Education (DICADE) and the departmental education directorates.

343. The National Education Plan 2004-2008 establishes measures aimed at addressing the diversity of the population in the medium and long term:

- Providing universal monolingual, bilingual and intercultural education with quality, equity and relevance at the pre-primary, primary and basic secondary levels;
- Strengthening a national education system that meets national and international standards of educational quality;
- Modernizing and decentralizing the administrative system and the curriculum, taking into account linguistic and cultural aspects.

344. As strategic objectives, it envisages incorporating most of the monolingual and bilingual school-age population in the education system, ensuring that they complete their primary education and that dropout and repetition rates are reduced; implementing the educational reform in the classroom with quality, equity and relevance; and applying contents of the national curriculum at all educational levels.

**Table 16**  
**Educational coverage 2004-2006**

Year Level	2004					2005					2006				
	Total	Male	%	Female	%	Total	Male	%	Female	%	Total	Male	%	Female	%
Total	3,439,579	1,798,236	52%	1,641,343	48%	3,565,429	1,860,422	52%	1,705,007	48%	3,738,655	1,946,667	52%	1,791,988	48%
Pre- primary	425,825	214,798	50%	211,027	50%	436,154	220,770	51%	215,384	49%	451,744	228,721	51%	223,023	49%
Primary	2,315,193	1,215,886	53%	1,099,307	47%	2,374,779	1,244,036	52%	1,130,743	48%	2,475,231	1,293,275	52%	1,181,956	48%
Basic secondary	474,585	257,244	54%	217,341	46%	507,633	273,035	54%	234,598	46%	543,214	290,979	54%	252,235	46%
Diversified secondary	223,976	110,308	49%	113,668	51%	246,863	122,581	50%	124,292	50%	267,467	132,693	50%	134,774	50%

Source: Directorate of Educational Planning.

### **Educational reform**

345. As part of the educational reform, a Subcommission on Gender of the Advisory Commission on Educational Reform was set up. The new curriculum being promoted by the Ministry of Education is the result of a process of curriculum change conducted by the Ministry in response to the peace agreements and defined by the design of the educational reform. That process identified the following core topics that cut across all curriculum areas:

- Gender, ethnic and social equity. This topic is subdivided into equity and equality; gender and self-esteem; and sex education and HIV/AIDS;
- Civics, comprising population education; education in human rights, democracy and a culture of peace; and training in citizenship.

346. The curriculum area that most directly addresses human sexuality in terms of competencies and content is that of “social and natural environment” (cycle I, first to third grade) and “natural sciences and technology” (cycle II, fourth to sixth grade). The topic of reproductive health is dealt with under human sexuality.

### **Programmes to improve educational coverage and quality**

#### **National scholarship programme**

347. The purpose of this programme is to increase educational coverage, ensure that pupils stay in school, increase the proportion of pupils successfully completing the school year and avoid pupils repeating the school year or dropping out in both primary and secondary education. It takes the following forms: (a) scholarships for girls; (b) peace scholarships; (c) study grants; (d) grants to pay for room and board; (e) scholarships for academic excellence; and (f) scholarships for the eradication of child labour (in 2006, this programme was absorbed into the peace scholarships programme).

#### **Scholarship programme for rural girls**

348. This is a decentralized, regional programme under which scholarships are awarded to rural girls who are in primary education. Its main aim is to raise the primary school retention and pass rates for rural girls, especially indigenous girls.

**Table 17**  
**Scholarships awarded**

<i>Year</i>	<i>Scholarships</i>	<i>Type of school</i>	<i>Total amount</i>
2004	32,030	Ordinary school	Q 9,609,000.00
2005	49,700	Ordinary school	Q 14,910,000.00
2006	96,216	Ordinary and PRONADE schools	Q 28,864,800.00
2007	96,666 (*)	Ordinary and PRONADE schools	Q 28,999,800.00
Total	274,612		Q 82,383,600.00

\* Exchange rate: Q7.5=US\$ 1.00.

**Table 18**  
**Expansion of educational coverage through the different scholarship programmes**

<i>TYPES OF SCHOLARSHIP AT PRIMARY LEVEL</i>	<i>Characteristics of the beneficiary population</i>	<i>Years of school attendance and age</i>	<i>Activity involved in the award of scholarships</i>
<b>SCHOLARSHIPS FOR GIRLS</b>	Rural girls. A total of 96,666 girls enrolled in 4,012 ordinary State schools.	Between 7 and 14 years of age and in 1st to 4th grade.	Award of Q 300.00 * to the families of the selected girls, in two payments: August (Q150) and November (Q150).
<b>PEACE SCHOLARSHIPS</b>	Awarded to schools where the population is living in the worst conditions of poverty, in order to increase enrolment, retention and pass rates for boys and girls in State primary education centres in rural and marginal urban areas. A total of 235,361 scholarships were awarded to boys and girls: 93,886 (2005), 58,142 (2006) and 83,333 (2007) boys and girls.	Mainly boys and girls in 1st grade. As most of these schools are multi-grade or unitary, the intention is to support the whole school.	Purchase of educational materials for pupils and teachers. Provision of clothing and shoes to 1 <sup>st</sup> grade boys and girls. Improvement of classroom infrastructure. Organization of a school for parents.
<b>IPEC/ILO PEACE SCHOLARSHIPS</b>	Child workers, through the agreement between the Ministry of Education and ILO for implementing the Programme for the Eradication of Child Labour in places where boys and girls are forced (by necessity) to work and to abandon their school education. Beneficiaries: 185,224 boys and girls (2006-2007).	Schools located in areas where there is child labour.	Support for boys and girls in the recipient schools. Parents' meetings to decide how the scholarship funds for each school are to be spent.
<b>BECATÓN SCHOLARSHIPS</b>	Boys and girls in ordinary schools living in poverty and boys and girls in PRONADE schools. A total of 196 beneficiary ordinary schools (2006) and 4875 girls/4607 boys assisted. SCHOLARSHIPS FOR GIRLS Self-managed schools /1230 beneficiary schools (2006) and 22,983 girls assisted (1 <sup>st</sup> - 4 <sup>th</sup> grade of primary education)	Boys and girls between 8 and 14 years of age who ARE NOT enrolled in any grade.	Identification of boys and girls. Provision of funds.



<i>TYPES OF SCHOLARSHIP AT PRIMARY LEVEL</i>	<i>Characteristics of the beneficiary population</i>	<i>Years of school attendance and age</i>	<i>Activity involved in the award of scholarships</i>
<b>SCHOLARSHIPS FOR DISABLED CHILDREN (in preparation)</b>	Boys and girls with some form of disability -  2,014,067 (2004) /2,200,000 (2006)	Pupils in State primary schools	Award of Q500 to families with boys or girls with some form of disability.
<b>STUDY GRANTS</b>	Young people in basic and diversified secondary education studying in State institutes : 13,494 young people nationwide.	Between 13 and 18 years of age.	Award of Q900 to the families of the young people selected, in nine payments: Q100 per month from February to October 2006.
<b>SCHOLARSHIPS IN STATE ESTABLISHMENTS THAT HAVE BOARDING ARRANGEMENTS</b>	Young people boarding at the: – Instituto Técnico George Kerchesteiner, Mazatenango; – Escuela Normal Pedro Molina, Chimaltenango; – Escuela Normal Clemente Marroquín Rojas, Monjas, Jalapa; and – Escuela Regional Rural de Occidente.  Total: 1,784 young people.	Between 15 and 18 years of age.	Payment of room and board for students receiving technical training at the Mazatenango institute and teacher training at the three other institutes. Q400 per month are paid to each student for nine months. A total of Q3, 600 a year is paid to each student in receipt of a boarder's scholarship.
<b>SCHOLARSHIPS FOR ACADEMIC EXCELLENCE</b>	Young people in diversified secondary education whose academic performance in basic secondary education was excellent: 176 young people for 2005. The young people study in six private establishments ranked highly in the 2004 graduating class survey: San Benito (Esquipulas),  Colegio Tecnológico en Informática,  Colegio Cobán, Instituto Tecnológico UVG (Sololá), Colegio La Salle (Antigua) and Instituto Kinal (Guatemala City).  15,454 scholarship holders (2005).	Young people between 15 and 18 years of age (young people up to the age of 20 have also been assisted). The young people are subject to a selection process. There were 3,000 candidates for 300 places in 2006.	1. Payment of enrolment in the establishment. 2. Costs of educational materials. 3. Payment of room and board. 4. Transport costs. 5. Group medical insurance.  An average of Q15,000 a year per student is awarded.  474,585 in State and private basic secondary schools 223,976 in State and private diversified secondary schools.  Total: 698,561 in secondary education (2004).

\* Exchange rate: Q7.5=US\$1.00.

Source: Scholarship Department, Ministry of Education, 2007.

**Intercultural bilingual education**

349. Governmental Agreement No. 22-2004 establishes national linguistic policy for the Directorate of Intercultural Bilingual Education (DIGEBI), making bilingual education universal and education in national languages compulsory, with mother tongue as the first language, another national language as the second language and a foreign language as the third language. The teaching and practice of multiculturalism and interculturalism in the classroom in Mayan languages, Garifuna or Xinka and/or Spanish is compulsory.

350. The Ministry of Education has 12 intercultural bilingual teacher training colleges where bilingual teachers who teach classes in other national languages are trained. The primary aim of intercultural bilingual education is to develop the cognitive and socio-affective skills of pupils (particularly indigenous pupils) so that they can interact competently in multicultural settings, using their mother (indigenous) tongue and/or their second language. The basic features of the bilingual education curriculum include promoting a dialogue among the cultures of different settings and giving priority to the mother tongue, together with the second language, as a medium and a content of the learning process.

351. The Ministry of Education has revitalized intercultural bilingual education (IBE), creating 1,844 bilingual teaching posts. It has advertised 432 bilingual teaching posts to be filled by competitive examination. A total of 293,300 independent learning guides and teaching modules were contextualized in four majority Mayan languages and distributed in two majority ones (Mam and K'iche') in 1,170 IBE schools. A total of 1.7 million primary school textbooks and guides in the areas of communication and languages, mathematics and Spanish as a second language were reproduced in Mayan languages (K'iche', Kaqchikel, Mam and Q'eqchi').

352. Some 2,400 teachers were trained in the use of the active methodology. To ensure the application of bilingual education in the classroom, 5,474 bilingual teachers were given pedagogical support and 2,737 schools were visited on four occasions in 2006.

353. The Vice-Ministry of Intercultural Bilingual Education and the Presidential Commission against Discrimination and Racism (CODISRA) have designed and produced a methodological guide for serving teachers on developing the curriculum areas of multiculturalism, interculturalism, equity and values. Six thousand copies have been published and distributed to the schools involved in the project.

**Literacy teaching****Table 19**  
**Illiteracy trends in Guatemala**  
**1996-2006**

<i>Year</i>	<i>Total population</i>	<i>Population aged 15 and older</i>	<i>Illiterate population</i>	<i>% illiteracy</i>
1994	9,774,512	5,377,937	2,083,951	38.75
1995	10,003,739	5,504,057	2,061,820	37.46
1996	10,235,994	5,631,844	2,038,728	36.20
1997	10,471,235	5,761,273	1,985,335	34.46
1998	10,712,516	5,894,526	1,926,168	32.68
1999	10,962,888	6,031,781	1,862,011	30.87
2000	11,225,403	6,278,187	1,988,302	31.67
2001	11,503,653	6,445,106	1,956,734	30.36
2002	11,791,136	6,487,175	1,901,797	29.32
2003	12,087,014	6,811,267	1,872,492	27.49
2004	12,390,451	7,009,208	1,842,166	26.28
2005	12,700,611	7,216,172	1,817,596	25.19
2006	13,018,759	7,433,003	1,781,725	23.97

*Source:* Data obtained from the statistical report prepared by the Computation Centre, Statistical Section, CONALFA, 2007.

**National Literacy Council (CONALFA)**

354. In March 2004, the National Literacy Council (CONALFA) reassumed the lead role in literacy teaching and continued the policy of giving priority to women in the literacy teaching process in order to help meet women's needs and demands. The current CONALFA proposal is contained in the National Integrated Literacy Teaching Strategy for the period 2004-2008. During the years in question, the strategy has focused mainly on covering the specific needs of its macro-components, which are: (1) the initial phase of literacy teaching; and (2) the post-literacy teaching phase, in which programmes are conducted both in Spanish and in 17 Mayan languages.

355. There has been a 3.42-per-cent reduction in the illiteracy rate over the past three years, at a constant average rate of 1.20 per cent a year. The results achieved annually are given in the following table.

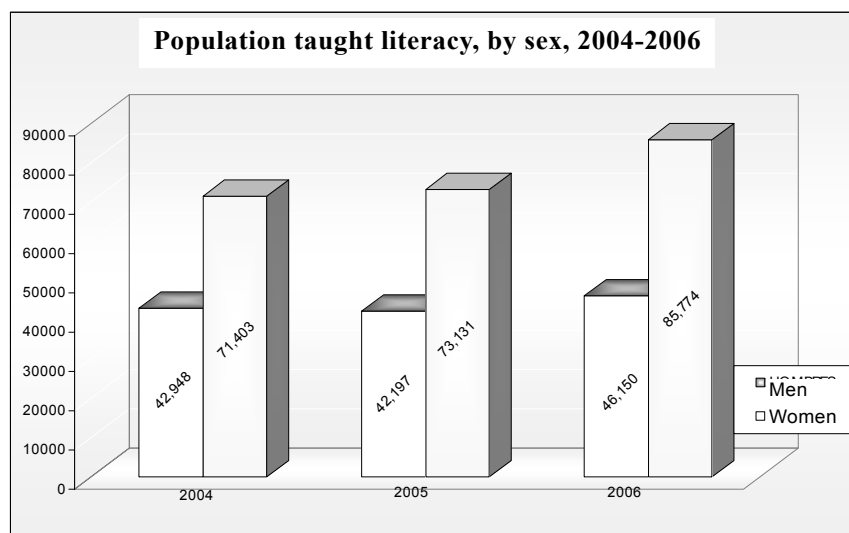
**Table 20**  
**Reduction in the illiteracy rate**  
**2004-2006**

Year	Target	Persons registered	Persons passed	Reduction in the illiteracy rate (%)
2003	-	-	-	27.49*
2004	202,928	171,139	64,871	26.28
2005	202,928	171,139	108,027	24.51
2006	180,440	152,410	111,478	23.97

Source: Population projections, 2002 census year. INE, Trends in the coverage of the literacy teaching process 2004 and redefinition of the CONALFA strategy 2005-2007. Produced by the statistical section of the Data Processing and Statistics Unit, CONALFA, 18 January 2006.

356. Since 2004, there has been significant growth in the rate of women's participation in literacy teaching processes. In addition to their participation, it has been possible to increase their retention in literacy groups and hence increase their annual pass rate. Comparative data, by gender, on the population taught literacy are given in the following graph.

**Graph 2**



Source: Computation Centre, CONALFA, 2007.

357. Currently, CONALFA initiatives include methodologies that are considered important mainly because they advance different approaches to teaching, involving participation and the promotion of actions in favour of women. This is the case of integrated literacy teaching methodologies:

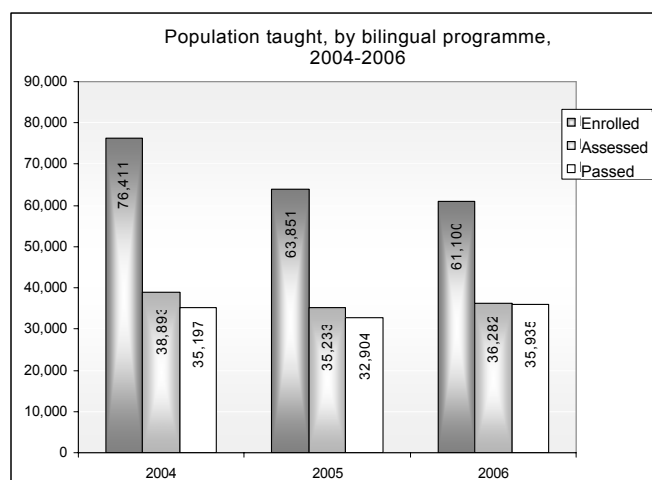
- **“bi-alfa”**, which stresses the value of learning in the mother tongue and the second language. In 2006, literacy teaching was provided in Spanish and Mam in five municipalities of the department of Huehuetenango. This methodology covered five subject areas: production, environment, gender, community organization and human rights;

- **“Toma mi mano”** (take my hand), aimed at mothers of children in formal primary education. The teaching includes activities on nutrition, hygiene, motivation, communication and development of good habits. Mothers, in turn, encourage their small children to learn these new things. This methodology has been used in groups of rural communities in the departments of Suchitepéquez, Totonicapán and Quetzaltenango. The literacy teachers who train these groups are provided with teaching aids and work materials to carry out their activities with mothers and their children;
- **“Integrated literacy teaching within the family”**, in which children teach their mothers literacy and the learning process takes place within the home, permitting better communication within the family;
- **“Integrated literacy teaching for work”**, conducted in coordination with non-governmental organizations whose activities include projects related to training in an area of work, such as animal husbandry, weaving, embroidery or dressmaking;
- **“Literacy teaching with a focus on computing”**, carried out mainly in post-literacy groups where most participants are young people aged between 15 and 24.

358. These methodologies have been applied both in the Spanish language programme and in the Mayan languages in which the process is being conducted. In this line of work, training has been provided to the most isolated rural communities. A system of ongoing supervision has been set up and a training strategy has been applied using programmes that respect beliefs and forms of cultural and religious expression.

359. The results of the bilingual literacy teaching programme are presented in graph form below.

**Graph 3**



Source: Computation Centre, CONALFA, 2007

**Extramural education**

360. The extramural or parallel education subsystem is a way of carrying out the educational process that the State and institutions provide to people who have been excluded from or have not had access to a school education and those who have had a school education and wish to expand it.

**Municipal education and training centres (CEMUCAF)**

361. These are technical training centres that function on specific premises in the facilities of municipalities. Training programmes are geared towards three basic elements: (1) using local resources; (2) using innovative methodologies; and (3) responding to the production sector. The Department of Extramural Education provides comprehensive technical and occupational training for semi-skilled workers and certifies the knowledge and skills of workers completing the training.

362. These training centres respond to local socio-cultural, economic and production needs in order to promote and strengthen small and medium-scale enterprise, thereby contributing to the development of the beneficiary population and their community. They train fathers, mothers, adolescents and young people in human aspects and for work, emphasizing respect and recognition of the rights of children and women.

363. The CEMUCAF programme is present in all 22 departments of the country, with 470 centres and 201 technical staff. It trained 4,495 men and 7,779 women (a total of 18,793 people) in 2006, compared with 11,785 people in 250 centres nationwide in 2005.

**Accelerated primary education programme (PEAC)**

364. This programme provides a follow-up to literacy teaching processes. It is applied flexibly and according to the characteristics of users. It provides an opportunity for anyone who knows how to read and write to continue or complete primary education free of charge. It is aimed at boys and girls over school age, young people and adults who have not had access to education and gives them an opportunity to continue and complete their primary education, using a self-teaching model and providing an education equivalent to that imparted in the school system but requiring less time.

365. Phases I, III and IV of the programme promote respect for human rights, as well as coexistence and interculturalism. It covers all 22 departments and as of March 2007 there were 2,114 men and 3,643 women enrolled in phase I and 983 men and 1,507 women (2,490 students in all) enrolled in phase II.

**Family education centres for development (NUFED)**

366. This secondary education programme covers 7<sup>th</sup> to 9<sup>th</sup> grade and uses an alternative methodology for adolescents and young people aged 14 to 20 living in rural areas throughout the country. In 2005, 10,605 students were trained in 370 centres. In 2006, 16,985 students were trained in 550 centres. In March 2007, the programme's coverage was extended to all 22 departments, with a total of 609 centres nationwide serving 185 municipalities, 11,338 men and 8,836 women. The total number of students in the three grades was 20,174.

### **Community outreach youth workers (PJC)**

367. This programme is aimed at adolescents and young people aged between 14 and 24. It promotes and facilitates youth organizing at the community, municipal and departmental levels, providing training on topics such as self-esteem, leadership, sexual and reproductive health and STDs/HIV/AIDS, education for peace, public participation, values, human rights and children's and women's rights, placing emphasis on gender equity and public participation. In 2005, 21,451 young people in the country's 22 departments received training.

### **Supplementary educational programmes**

#### **HIV/AIDS prevention educators**

368. In 2005, through the Coordinating Office for HIV/AIDS Prevention Educators (COEPSIDA), a total of 10,657 secondary school teachers and students from all educational sectors in 18 of the country's departments were trained and provided with educational materials. The materials distributed related to the specific workshops taught, namely: "*Dile sí a la vida ...protégete del SIDA*" (say yes to life, protect yourself against AIDS) and "*Pratiquemos la empatía con las personas afectadas por el VIH-SIDA*" (let's show empathy for people affected by HIV/AIDS). Participants replicated these workshops in their communities, both in Spanish and in Q'eqchi', Mam, K'iche' and Kaqchikel.

369. In 2006, 2,220 students in the diversified cycle of schools and teacher training colleges were trained in the use of HIV/AIDS educational modules and did their teaching practice in primary schools in 10 departments. These future teachers taught 37,485 primary school pupils in 128 schools.

#### **Inclusive education**

370. Inclusive education is a means of promoting special education and involves the provision of formal education at the different levels of education, as well as assistance, to people with special educational needs, using educational programmes and services. These programmes include the integrated classroom, the classroom for learning and language problems and the special education school, which has assisted 5,150 pupils (2,350 girls and 2,800 boys), with the help of 22 teachers, in 22 special education centres and 128 education centres in the country's 22 departments.

#### **Physical education**

371. The Ministry of Education has trained 1,936 students (1,312 men and 624 women) in the country's 22 departmental training colleges for physical education teachers. In the "introduction to sports" schools, school-age boys and girls learn the technical basics of the different sports disciplines after their normal school day. This programme has three phases: universal provision, selectivity and talents. It has taught 55,187 pupils in 47 schools – 29,995 boys and 25,192 girls.

372. Funds were provided to 3,522 State primary school boards to purchase sports equipment for school sports and recreation in the schools concerned. From 2004 to 2007, national primary and secondary school Olympic Games were held, involving all pupils of the country's educational establishments.

**Quality control system**

373. The Ministry of Education was given ISO 9001:200 certification for the implementation of a quality control system in its central office and its departmental offices in Guatemala, Quetzaltenango and Baja Verapaz. The system covers resource planning, recruitment, selection, appointment/recruitment and the management of administrative and teaching staff, thereby helping to encourage and develop self-discipline in the Ministry. The principles of ISO standard 9001:200 were strengthened in order to improve the quality of the Ministry's services and consolidate a culture of quality in public services.

**Higher education****University Institute for Women (IUMUSAC)**

374. On 11 November 2004, the University Institute for Women (IUMUSAC) was set up at San Carlos University as the lead entity for university policy and action in favour of women. It was presented to the public on 8 March 2005, on the occasion of International Women's Day. Its creation was the result of nearly 10 years of lobbying and mobilization of various sectors of university women. The Higher University Council institutionalized the Institute by means of paragraph 7, subparagraph 7.2, of Act No. 16-2006 of 21 June 2006. The Institute's mission is to advise, direct, promote, coordinate, articulate and execute research, teaching and university outreach programmes and projects related to the development, advancement and enhanced status of the country's women and to promote a culture of gender equity, respect for sociocultural diversity and access to development.

375. Among its main dissemination activities, the Institute produces the *Revista Mujeres y Universidad* (Women and University Review) as part of efforts to strengthen the historical and cultural process by shaping women's and society's thinking to build a historical memory, involving women in critical analysis of the present and its trends and highlighting their contributions as subjects of social history. The *Revista Mujeres y Universidad* provides a pluralistic academic forum for study, dialogue and analysis of women's situation and gender equity in society, particularly in higher education.

**Women's participation in higher education**

376. The indicator of student enrolment confirms that throughout the period 2005-2007 at the State University of Guatemala and San Carlos University of Guatemala, there were fewer women students than men, despite the slight increase in the percentage of women between 2004 and 2007.



**Table 21**  
**First-year student enrolment, by sex,**  
**San Carlos University, 2004-2007**

<i>Year</i>	<i>Total</i>	<i>Women</i>	<i>%</i>	<i>Men</i>	<i>%</i>
2004	123,901	55,866	45.0	68,035	55.0
2005	112,968	52,185	46.0	60,783	54.0
2006	112,257	52,74	47.0	59,517	53.0
2007	117,35	56,499	48.0	60,35	52.0

Source: Trends in political and social statistics on women, IUMUSAC.

**Table 22**  
**Degree courses with a high percentage of women graduates,**  
**San Carlos University, 2004 academic year**

<i>Academic unit</i>	<i>Women %</i>	<i>Men %</i>
Social work	98.47	1.53
Psychology	84.70	15.30
Humanities	76.23	23.77
EFPEM	69.82	30.18
Chemistry and pharmacy	66.22	33.78
History	66.67	33.33
Medicine	56.96	43.04

Source: Trends in political and social statistics on women, IUMUSAC.

**Table 23**  
**Teaching staff, by sex, San Carlos University,**  
**2004 and 2005 academic years**

<i>Year</i>	<i>Total</i>	<i>Women</i>		<i>Men</i>	
		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
2004	4,228	1,755	32.0	2,879	68.0
2005	3,837	1,235	32.0	2,602	68.0

Source: Trends in political and social statistics on women, IUMUSAC.

### **Other bodies that support education**

#### **First Lady's Social Work Secretariat (SOSEP)**

377. **Promujer programme.** SOSEP is implementing the *Promujer* programme under which scholarships are awarded to girls, adolescent girls and young women living in poverty and extreme poverty. SOSEP also monitors and supervises over 13,000 children aged 0-5 years through the community day-care centre (*hogares comunitarios*) programme, under which such children receive first-steps early education and pre-school education. The aim of the programme is to convert the

day-care centres into comprehensive care centres designed to act as a bridge to the first grade of primary education.

### *Article 11*

#### **Work and employment**

#### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee is concerned about the lack of provisions to address sexual harassment. (6) It expresses concern about the violations of women's labour rights in the maquila industries, including freedom of association and the right to a minimum wage and maternity leave. It urges the State party to put in place effective measures to prevent and punish violations of the rights of women working in the maquila industries, to address the lack of safety and health standards in those industries and to enhance women workers' access to justice. (6) Some employers in this industry require women seeking employment to undergo pregnancy tests. (3,4,5)*

*The Committee is concerned about the absence of legislative and statutory measures to protect the rights of women domestic workers and urges the State party to establish a concrete timetable for the adoption of legislative and statutory measures to protect the rights of women domestic workers. It requests the State party to include information on the steps and measures taken and, in particular, on their impact, in its next periodic report. (6)*

*The Committee notes that, despite the introduction of protections and social security rights, including for women domestic workers and women working in the maquila industries, this legislation is not complied with or enforced. It urges the State party to take measures to strengthen the enforcement powers of labour inspection authorities and to promote stricter private sector codes of conduct in order to ensure compliance with existing labour legislation.(3,4,5)*

*The Committee suggests that the State party undertake a study to determine the impact of the free trade agreements on the living and working conditions of Guatemalan women and to consider the adoption of compensatory measures that take into consideration women's human rights. (6)*

*The Committee notes with concern the high incidence of child labour in Guatemala, in particular among girls, and its implications for their personal development and enjoyment of the right to education and health care. (3,4,5)*

378. Women's integration in the economy has increased in recent years as a result of structural adjustment programmes, which have forced women to contribute to income generation and enter self-employment, providing major support to commercial activities and services. Their incorporation in the *maquila* industry and agricultural work has also increased.

379. ILO has estimated that at least 2 per cent of Guatemala's economically active population are working as domestic employees in private homes and that such workers now total 300,000 nationwide.

380. In order to provide alternative employment and direct workers to sectors where demand is greatest, the Ministry of Labour has carried out labour intermediation

activities, including the organization of job fairs in both rural areas and Guatemala City. As a result of these activities, 29,276 people signed up at job fairs in 2006 and 13,666 workers, 5,823 of them women, were assigned to the vacancies available.

381. To assist disabled workers, the Ministry of Labour has had a Disabled Persons Office since 2004. The office has a component for providing credits to launch and strengthen small and medium-scale enterprise, especially in rural areas. Recipients must meet the following criteria: they must be rural Maya women who are victims of the armed conflict and heads of household. Results show an average of 250 credits granted to women each year.

### **Promotion and protection of labour rights**

#### **Department for the Advancement of Working Women, Ministry of Labour**

382. The Department for the Advancement of Working Women produced and distributed a guide to best practices in recruitment, termination, disciplinary procedures and settlement of complaints, containing recruitment policies, procedures and notices that urge employers not to post vacancy announcements that discriminate on grounds of sex, race, religion, nationality or age.

383. Six editions of promotional leaflets on labour rights have been produced and distributed to make women workers and employers aware of those rights and to ensure greater stability in recruitment. These leaflets have benefited 13,340 people, and 585 women workers have been educated in labour rights and obligations, mainly in the areas of adolescent and women workers and health and safety.

384. The Department also carries out different nationwide publicity activities on labour rights, aimed at workers and employers in the different branches of production. For these activities, it coordinates with organizations working to protect and educate women.

385. With support from UNICEF, the project “Promotion and protection of the labour rights of adolescent and women workers” was carried out from 2001 to 2006. Its principal achievements include: (a) information workshops on labour rights for adolescent students graduating from public establishments; (b) information workshops on labour rights for women’s support organizations; and (c) assistance and support to users who come to the Department for employment guidance.

#### **National Office for Women’s Affairs (ONAM)**

386. ONAM has decentralized its activities by setting up departmental coordinating offices in the country’s 22 departments, in order to meet rural women’s practical and strategic needs directly and promptly. The decentralization process is implemented nationwide by the representatives of the Ministry of Labour, who have been assigned coordination and monitoring functions and responsibility for assisting working women.

387. As one of the mechanisms for the protection of women’s rights, ONAM has promoted the political organization and participation of women belonging to governmental and non-governmental institutions in the country’s 22 departments by holding monthly working assemblies and meetings of the ONAM board of directors at the departmental level. The latter are organized democratically in participatory elections every two years.

388. As part of its research activities, ONAM has produced the following studies:

- “*Working women’s participation throughout history*”, which also contains the “*Study of the specific situation of Guatemalan women workers and the possible repercussions of trade agreements and treaties*”. This document was validated in three departments of Guatemala and prepared, printed and distributed in 2005 with the support of the Secretariat for Central American Economic Integration (SIECA) of the Inter-American Development Bank (IDB);
- “*Situational analysis of proposed amendments to 10 laws: Act setting up the National Institute for Women (INAM), amendments to the Civil Code, the Health Code, the Education Act, the Act establishing the Land Trust Fund, the Elections and Political Parties Act, the Act against Sexual Harassment, the Act establishing the Guatemalan Social Security Institute (IGSS), the Labour Code and the Act regulating domestic employment in private homes. All these amendments were presented to the Congress of the Republic between 1996 and 2006.*”

389. ONAM has also supported the amendments proposed to 32 discriminatory articles of the Labour Code, in coordination with the congressional committee on women, SEPREM, DEMI, women’s organizations such as the Women’s Civic and Political Coalition and CENTRACAP. This proposal was presented to the Congress, which is analysing it in consultation with the Ministry of Labour and Social Security.

390. The Civil Service Act and the Femicide Act were studied and analysed in coordination with women’s organizations and specific proposals were made for their reformulation and adoption by the Congress.

391. In the training area, ONAM maintains ongoing training activities through the 35 representatives who attend monthly local assemblies. Training covers issues of national interest, such as: crimes against women, domestic violence, gender equity, cultural diversity, self-esteem, reproductive health, sexual harassment, labour and human rights, the peace agreements and national and international instruments for the protection of women.

392. Competitions have been held annually to recognize women prominent in national politics, women academics, teachers and scientists and rural women, involving, inter alia, the awarding of the ONAM Medal, the Julia Urrutia Merit Award and the Rose for Peace award and the hoisting of the flag of the Industrial Bank, in order to ensure that their hitherto unrecognized work is publicized and is valued by Guatemalan society.

393. Respect for women’s rights and gender equity has been promoted annually through the commemoration in the country’s 22 departments of dates significant for women: Day of the Women of the Americas, International Women’s Day, International Day of Action for Women’s Health, International Day for the Elimination of Violence against Women. Events, conferences, competitions, fairs, communiqués, bulletins, marches, posters and radio, press and television advertising have been organized and public participation in these activities has increased.

394. To promote the public’s awareness and theoretical knowledge, updated information is maintained in the documentation centres set up in the 22 ONAM departmental offices. Such information covers the latest issues related specifically

to, inter alia, women, gender equity, cultural diversity, labour and human rights, domestic violence, violence against women, public policy, governance and special research and studies.

395. To strengthen ONAM and promote women's development, the following projects have been drawn up and presented, with financial and technical support from international cooperation agencies: (1) Strengthening of ONAM training activities; (2) Young and adolescent women, investing foreign remittances in production activities; (3) Study on women and their participation in job fairs organized by the Ministry of Labour and Social Security in 2006; (4) Reduction of employment discrimination against women; (5) Gender equity and multiculturalism policies in the Ministry of Labour and Social Security; (6) Decentralization of ONAM; and (7) Strengthening of Guatemalan women's civic and political participation.

396. ONAM produces a quarterly news bulletin designed to inform and keep up to date the authorities, Ministry of Labour staff, the general assembly of ONAM representatives and other persons interested in issues relevant to equality and gender equity.

#### **Protection of women working in the *maquila* industry**

397. In 2004, as a result of persistent violations of labour rights in the *maquila* companies based in Guatemala, a forum for preventing labour disputes in the *maquila* industry was set up at the initiative of the Coordinating Office for the *Maquila* Industry.<sup>4</sup> An Inspectors Unit was also set up, assigned specifically to handling complaints by women *maquila* workers (including complaints of harassment) in the department of Guatemala, but also dealing with cases of mass lay-offs of men and women workers. The unit is under the authority of the General Labour Inspectorate, the entity responsible for ensuring respect for workers' rights.

398. In the area of social protection, in 2004 the case study "*A look at health problems in women working in the maquila industry in Guatemala and in agroindustry in Chimaltenango*" was carried out as part of the Women's Economic Agenda project. The aim of the study was to identify the most common health problems among women working in *maquila* companies in Villa Nueva, Mixco, Amatitlán and Guatemala City and in non-traditional agricultural export companies in Chimaltenango. The working conditions of women *maquila* workers in Guatemala were found to be detrimental, combining excessively long working hours, lack of access to social security and high fertility rates, reflecting relations of inequity, insecurity and lack of justice in the workplace. The study concluded that the *maquila* industry has brought benefits to the country but has cost women their health and physical integrity.

399. As part of its strategic plan, the forum for preventing labour disputes in the *maquila* industry made ratification of ILO Convention No. 155 by the Government of Guatemala a priority. The Convention has still not been ratified and, given that current employment conditions are frequently precarious, especially in the *maquila* industry, Guatemalan social organizations are continuing to demand its ratification.

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<sup>4</sup> The Coordinating Office for the *Maquila* Industry is made up of civil society organizations: CALDH, AMES and CEADEL.

### **Eradication of child labour**

400. By Governmental Agreement No. 250-2006, the Ministry of Labour and Social Security established implementing regulations for ILO Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. These regulations identify and prohibit those forms of work that may be detrimental to the health, safety or morality of persons aged under 18 and define the types of work deemed to be the worst forms of child labour, as well as those which, although not necessarily intrinsically dangerous or unhealthy, are dangerous and unhealthy for children and could seriously harm the physical or mental health and all-round development of persons under the age of 18 and even result in their death.

401. The process for the intra- and inter-institutional application of the regulations is currently being designed and includes the promotion of training and the preparation of protocols that will give the General Labour Inspectorate the tools it needs for dealing with the problem. Ministerial Agreement No. 24-2005 set up a technical committee for the eradication of child labour performed by adolescent boys and girls. In November 2007, a campaign to reduce and eradicate child labour was launched in response to ILO Convention No. 182 and will be publicized through the media (radio, television and the press). Legislative proposal 2630 amending the Criminal Code, which is currently pending in the Congress of the Republic, criminalizes the worst forms of child labour.

402. The Unit for the Protection of Working Adolescents is implementing a project for the prevention of child domestic labour in indigenous populations in the municipality of Comitancillo, department of San Marcos, benefiting 110 boys and girls. The children are given educational support to help them stay in school, thereby avoiding migration and preventing child trafficking. They are also given nutritional supplements and have been provided with Maya clothing (guipil, sash, corte and shoes) and extra tuition in areas where they have the greatest difficulties. Furthermore, they have been supplied with sports equipment that will facilitate cultural activities, thereby reinforcing their culture.

403. With regard to fireworks production, an activity in which many children work, efforts have been made to introduce technology into the production process, despite resistance to any change in production habits, thereby ensuring occupational safety for workers, the vast majority of whom are minors. Inter-institutional efforts have also been made to offer alternative production activities and training courses have been given.

**Table 24**  
**Action taken to eliminate child labour, 2004-2006**

<i>Action taken</i>	<i>Total</i>
Advising 11 fireworks factories	11
Training workers engaged in fireworks production (San Raymundo, San Juan Sacatepéquez, Mixco)	202
Workers certified in fireworks production	52
INTECAP training courses for young people (in order to eradicate fireworks production)	30

*Source:* Management report 2004-2006 “*Misión Cumplida*”, Ministry of Labour and Social Security.

**Women domestic workers**

404. Domestic work in private homes, which is often performed by women and young and adolescent girls, is more prevalent in the city than in the countryside, with the result that young and adolescent girls from rural areas migrate to take up such employment. The great majority of these workers are indigenous and come mainly from departments in the west of the country. These young and adolescent girls are sent to the city by their relatives as a survival strategy, either because they are orphans or because they come from very large families living in poverty or extreme poverty, a situation which forces them to migrate to urban centres in search of work that guarantees them a monthly wage, housing and food.

405. On average, the wage earned by a woman domestic worker is lower than the minimum wage, although it varies from region to region. Most employers do not provide any employment benefits, social security or medical care for their domestic employees. Contrary to labour law, such workers may be dismissed without notice, without being paid for hours worked and, in many cases, without their employers paying the agreed wages and providing the benefits required by law.

406. Working conditions in general are high risk, since female domestic employees work behind closed doors and are at psychological and social risk because they are living outside their family and socio-cultural environment, deprived of affection and of contact with their relatives and friends, and they may be victims of physical and psychological mistreatment and sexual harassment and abuse on the part of their employers.

407. With regard to coordination with civil society organizations, in August 2005 a letter of understanding was signed between the Ministry of Labour and the Support Centre for Women Domestic Workers (CENTRACAP) on the holding of 11 workshops on labour rights and obligations and complaint mechanisms, aimed at women domestic workers, and 11 workshops on strengthening international instruments on women's human rights, aimed at labour inspectors in 11 departments in the country's interior.

408. The Office of the Human Rights Procurator organizes workshops on women's rights both centrally and in its offices around the country and handles cases of individual or collective violations of women's rights.

409. In 2004, CENTRACAP published a study on the socio-political situation of women domestic workers in Guatemala and labour, gender and ethnic discrimination against them. It included four major aspects, namely, their age, civil status, ethnic identity and religion. Among its findings, it emphasized the need to amend legislation and to adopt the laws pending in the Congress of the Republic: (1) the Act regulating women domestic workers; and (2) the Act against sexual harassment. It recognized the vulnerability of women domestic workers as a combined result of their gender, ethnicity and class, something that is not taken into account by either judicial personnel or employers (men and women).

**Proposed legislative amendments in favour of women domestic workers**

410. The Labour Code defines female domestic work as that done by women workers who engage on a regular, ongoing basis in cleaning, assistance and other tasks appropriate to a household or other place of residence or private dwelling that do not create a profit or business for the employer. The definition refers to paid

domestic work, concerning which the Code establishes that, unless agreed otherwise, the pay of women domestic workers must include, in addition to monetary payment, the provision of board and lodging. The Labour Code does not contain provisions regulating unpaid domestic work. It should be stressed that paid household work regulated by the Labour Code is not covered by the Guatemalan Social Security Institute.

411. Legislative proposal 3467, containing the law providing specific protection for women domestic workers, is currently awaiting a decision by the Congress of the Republic. It seeks to regulate paid domestic work with regard to working hours, wages, social security, overtime, education leave, ante- and postnatal leave and payment of bonuses.

### **Unpaid work in the home**

412. In Guatemala, studies of family dynamics are rare and statistical records do not reflect women's contributions to the economy, with the result that they are not reflected in the national accounts. Housework, historically entrusted to women, is not thought of as having a monetary value.

413. The incomes of women and their families are thought to depend on the following elements: (1) women's integration in the labour market, whether as wage earners, employment-generating businesswomen in the goods market or self-employed workers with capacities for sustainable accumulation; (2) self-production or subsistence activities in goods for domestic consumption (crops, livestock breeding, needlework, small trades) involving small-scale production for sale; (3) monetary assistance and assistance in kind coming from family remittances, neighbours and institutions and persons; and (4) unearned income and other income from, for instance, renting out part of the home or occasionally selling some material asset.

414. Women's contributions to income are supplemented by the actions they take to manage spending, since it is through the latter that spending is avoided, reduced or made more efficient for the household. In other words, women's role as household administrators is essential for maximizing their own income and that of members of the domestic group.

415. Significantly, because of a lack of opportunity and their social status, a large number of women are forced to devote a considerable number of hours to housework and/or the care of children and older persons without receiving any remuneration whatsoever.

416. Housework is hidden work: it is not reflected in the national accounts and its value in terms of reproduction of the labour force of women and their families is not recognized. Hence the need to establish a gender satellite account, the primary purpose of which is to quantify unpaid housework and production activities and give them an economic value. To do so, the following must be used as inputs: (a) surveys on the use of time, which in Guatemala take the form of a module incorporated in the national survey of living conditions; and (b) surveys which, for instance, include a classification of activities and average wages – the national survey of employment and unemployment might be the best for this, given its periodicity and geographical coverage.



417. The first National Survey of Employment and Unemployment (ENED) will be carried out in late 2007. Its coverage is departmental and it is also broken down into the metropolitan urban area, other urban areas and rural areas. Its implementation plan envisages half-yearly monitoring in 2008 and quarterly monitoring in subsequent years.

### **Measures adopted**

418. As a result of the signing of a technical cooperation agreement between SEPREM and Rafael Landívar University, the *Cuenta con Ambiente* (count on the environment) project was launched in May 2007 and will be implemented until December 2009. Part of this project involves the proposal and implementation of a methodology for mainstreaming the gender equity approach in the National Statistical Institute (INE) and the National Statistical System (SEN) (analyse statistics and the feasibility of mainstreaming the gender equity approach in SEN and implement the methodological proposal for such mainstreaming) and for the design and implementation of the gender satellite account incorporated in the system of national accounts (analysis of information available for the implementation of the gender satellite account in the system of national accounts; design and implementation of the methodology for creating the account; and technical follow-up and monitoring of its calculation process).

### **Sexual harassment**

419. Legislative proposal 3525, aimed at amending the Labour Code with regard to leave, protection of the right to maternity, paternity leave when the mother gives birth by caesarean or dies in childbirth, and sexual harassment in the workplace, is currently before the Congress of the Republic. It has already received a first reading and is awaiting a decision by the congressional committees on women and work.

420. The congressional committees on human rights and constitutional issues included promotion of the proposed law on sexual harassment in their 2006 work plans. To date, no specific action has been taken.

### **Challenges**

421. Design of a gender equality programme in the employment sphere that includes the following:

- Measures to encourage gender equality in the public and private sectors and to penalize non-compliance (employment quotas, wages, working hours);
- Promotion of measures to reconcile paid work with unpaid work (especially the care of dependents such as children and older persons);
- Revision of discriminatory codes and practices in professions and occupations where women predominate, for instance, the *maquila* industry and, in particular, as suggested by the Committee, female domestic employment.

422. The General Labour Inspectorate, the lead body for the protection of workers' rights, needs to be strengthened technically and to be given a bigger staff and budget if it is to respond to the many complaints received and fulfil the responsibilities assigned to it, such as promoting strict codes of conduct for the private sector and

visiting companies to verify working hours, health and safety measures, recruitment of minors, fulfilment of companies' obligations, etc.

## *Article 12*

### **Health**

#### **Recommendations of the Committee on the Elimination of Discrimination against Women**

*The Committee is concerned about the persistent high levels of poverty among women, particularly among women living in rural areas, and their lack of access to basic social services. The poverty conditions of women are reflected in (...) poor access to health care, including sexual and reproductive health, leading to high rates of maternal mortality. (6)*

*The Committee calls upon the State party to ensure that indigenous women have full access to health services. (6)*

*The Committee notes with concern that the Guatemalan health care system has no mental health programme specifically for women. It recommends that the State party take steps to introduce a mental health care programme for women, particularly in view of the specific traumas suffered by women in conflict situations, such as that which took place in Guatemala for more than 30 years. (3,4,5)*

*The Committee calls upon the State party to improve its family planning and reproductive health policies and programmes by, inter alia, making affordable contraception widely available and accessible to both women and men, in particular in rural areas. (3,4,5)*

423. The Constitution sets forth the universal right to health, which the State is therefore obligated to protect. The Act governing the executive branch gives the Ministry of Public Health and Social Welfare the lead role in the health area.

424. The Ministry's action is currently governed by the Basic Guidelines and Policies for Health 2004-2008, which comprise eight general policies covering 17 health priorities for the entire life cycle, disaggregated into three phases for childhood, one phase for adolescence, one for adulthood and one for old age.

425. The National Health Plan requires that health care be provided with ethnic, cultural and gender equity. A number of efforts have been made to ensure that staff recruited in regions with a large Maya population can communicate in their mother tongue. Bilingual staff have been recruited and bilingualism can be observed in programmes for expanding health care coverage, volunteering and basic health teams, for instance, in radio programmes promoting food security in Mayan languages, produced jointly with UNICEF, and culturally adapted services such as maternity units with *temascales* (traditional steam baths). In Totonicapán, there are four maternity units coordinated with the Development Councils, which establish dialogues for improving ethnic and cultural conditions in agreement with the Women's Commissions in order to strengthen their leadership and support midwives.

426. Two studies have been made of accessibility to health services and medicinal plants, as a result of which the traditional medicine programme has been

strengthened and has produced a vade-mecum to ensure the safe use of traditional plants.

427. The following areas have been given priority in the work of the Ministry of Health and Social Welfare: (a) the protocol for assisting victims of sexual violence and its implementation in the pilot project carried out in the context of the emergency caused by Tropical Storm Stan, which involved the organization of 1,190 community emergency committees; (b) strengthening of the National Network for Responsible Parenthood, with five multisectoral departmental promotion, education and information networks in operation; (c) training of and provision of materials and inputs to traditional birth attendants; (d) training of institutional providers in antenatal care, childbirth care, postpartum care and the handling of obstetric emergencies; (e) development of pilot tests for implementing the national plan for the reduction of maternal mortality; and (f) proposal for the implementation of the national cervical cancer programme. The policy instruments provided for achieving these objectives are: (a) the National Reproductive Health Programme and (b) the National Programme for the Prevention and Control of STDs, HIV and AIDS.

#### **National Reproductive Health Programme (PNSR)**

428. In the context of the social consensus reflected in the promulgation in 2001 of the Social Development and Population Act, reproductive health was defined in article 25 of the Act as a general state of physical, psychological, personal and social wellbeing in all aspects related to human sexuality, the functions and processes of the reproductive system, a sex life consistent with one's personal dignity and life choices leading to the enjoyment of a satisfying, risk-free sex life, as well as the freedom to procreate or not to procreate and to decide responsibly when and how often to do so.

429. The Programme has five specific objectives: (1) to expand access to reproductive health services; (2) to improve reproductive health information; (3) to increase the number of staff trained in reproductive health; (4) to inform and educate the public about reproductive health; and (5) to strengthen the Ministry of Health, and the National Reproductive Health Programme in particular.

#### **Expanding access to reproductive health services**

430. In May 2006, after undergoing a lengthy process of legislative approval, Congressional Decree No. 87-2005 was enacted, containing the Act on Universal and Equitable Access to Family Planning Services and Their Integration in the National Reproductive Health Programme. The Act establishes a legal framework that strengthens PNSR activities in the areas of information, education and provision of family planning methods.

431. The Act has been introduced in every health area within the legal framework for reproductive health. Progress has also been made on drafting the Act's implementing regulations, setting up a national commission to ensure a reliable supply of inputs and decentralizing family planning provision. Distribution logistics are the responsibility of each health area. There are 29 women who provide advice and training on family planning methods to the public and to health personnel, at the request of each area, in the context of monthly refresher programmes.

**Maternal mortality**

432. Maternal mortality is an indicator of the disparity and inequality existing between men and women from different geographical areas and social backgrounds within the same country. The magnitude of the problem reflects the position and status of women in society, their limited access to social, health and nutrition services and their precarious economic conditions. The scale and seriousness of the problem were reflected in the results of the 2000 maternal mortality baseline study, the latest official study made of the issue.

433. In 1989, the maternal mortality rate was estimated at 219 deaths associated with pregnancy, childbirth or the puerperium per 100,000 live births. The 2000 maternal mortality baseline study found a rate of 153 maternal deaths per 100,000 live births, but estimated that there was 44-per-cent under-recording of maternal deaths in the country that year. According to projections based on the National Survey of Maternal and Child Health (ENSMI), the corrected rate for 2005 would be 121 deaths.

434. It should be mentioned that the foregoing maternal mortality rates refer to the national average, but that there are major differences in some regions, where the indicator is even more unsatisfactory. In the departments of Alta Verapaz, Sololá, Huehuetenango, Izabal, Totonicapán and El Quiché, the rate is over 175 per 100,000 live births. Alta Verapaz, with 266, has the highest maternal mortality rate in the country. In the departments mentioned, most of the population are rural and indigenous, and in Huehuetenango and Totonicapán, the illiteracy rate is around 40 per cent.

**Table 25**  
**Maternal mortality rates nationwide**

Code	Health area	Mortality rate			Mortality rate for women aged 10-59 years	Maternal mortality rate
		Neonatal	Post-neonatal	Infant		
20	Guatemala Central	39.99	14.08	54.06	8.86	31.55
21	Guatemala Nor Occidente	4.08	8.48	12.56	2.15	39.45
22	Guatemala Nor Oriente	8.59	23.22	31.81	8.47	96.76
23	Guatemala Sur	6.46	12.32	18.78	3.73	39.13
24	El Progreso	9.62	14.29	23.91	7.33	54.96
25	Sacatepéquez	9.77	15.01	24.77	5.95	99.09
26	Chimaltenango	12.30	19.68	31.98	5.62	129.49
27	Escuintla	14.93	15.67	30.60	6.34	43.36
28	Santa Rosa	6.95	12.11	19.06	6.24	67.26
29	Huehuetenango	11.08	15.90	26.98	2.15	109.01
30	El Quiché	16.03	26.61	42.65	4.83	100.74
31	Totonicapán	10.86	15.77	26.63	10.38	45.48
32	Sololá	10.79	14.35	25.14	8.78	24.95
33	Quetzaltenango	9.93	13.71	23.64	2.29	52.24
34	San Marcos	6.93	17.47	24.40	5.93	100.84
35	Retalhuleu	5.19	12.13	17.32	16.81	174.13
36	Suchitepéquez	7.07	16.89	23.95	8.19	142.30
37	Jalapa	14.29	17.73	32.01	5.38	39.69
38	Jutiapa	8.96	20.61	29.57	14.24	171.47
39	Izabal	9.02	7.92	16.94	1.74	109.29
40	Zacapa	4.48	13.24	17.72	3.08	106.75
41	Chiquimula	4.00	12.39	16.38	1.52	99.88
42	Alta Verapaz	6.45	14.35	20.80	2.38	115.54
43	Baja Verapaz	7.45	15.61	23.07	7.32	70.97
44	Petén Norte	7.35	16.33	23.68	16.05	72.57
45	Petén Sur Oriente	4.89	20.00	24.88	11.40	68.17
46	Petén Sur Occidente	5.45	11.97	17.42	17.96	107.33
47	Ixcán	6.14	18.78	24.92	4.62	144.46
48	Ixil	4.16	17.12	21.28	5.38	122.31
<b>Total for country</b>		<b>10.68</b>	<b>15.90</b>	<b>26.59</b>	<b>6.03</b>	<b>148.88</b>

Source: Calculations of the National Epidemiological Centre/Ministry of Public Health/INE:

Vital statistics 2005

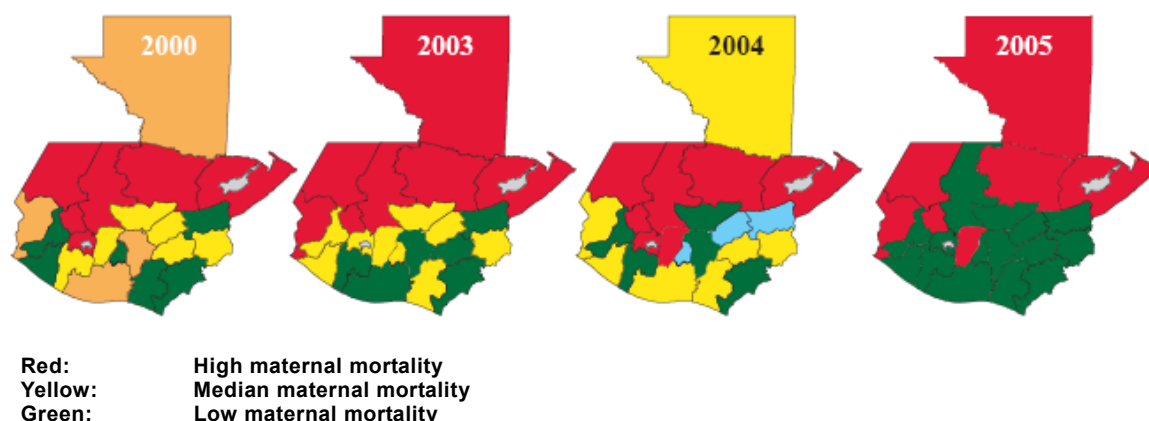
Neonatal, Post-Neonatal and Infant Mortality Rates X 1000 live births.

Mortality Rate for Women aged 10- 59 years X 1000 women aged 10-59 years.

Maternal mortality rate X 100,000 live births

435. According to information compiled in recent years, differences between the national average and the rates in departments where maternal mortality is highest have generally remained the same, as can be seen from the following graph of trends between 2000 and 2005, where the departments coloured in red and yellow consistently have the highest maternal mortality rates. It can also be seen that there are a greater number of departments within a low maternal mortality rate.

**Graph 4**  
**Trends in maternal mortality by department,**  
**2000, 2003-2005**



Source: Ministry of Health monitoring system, 2005.

436. According to the studies made, some of the characteristics which are most frequently observed in women who die of causes associated with maternity and which tend to increase the risk of maternal mortality are: (a) belonging to an indigenous group; (b) being aged under 18 or over 40 at the time of conception; and (c) having had little formal schooling. With age, women's risk of dying of causes associated with their active sex life also increases. For every death among women aged 20 to 24 years, there are almost four deaths among women aged 40 to 49. Inequalities resulting from ethnicity are reflected in the fact that three indigenous women die for every *ladina* woman that dies.

**Table 26**  
**Five leading causes of maternal mortality**

Cause	Female
Placental retention	52
Puerperal sepsis	46
Eclampsia	67
Uterine atony	17
Rupture of uterine artery	12
Other causes	173
Total causes	367

Total data for the country. Annual computing and epidemiological report, 2005.

437. In Guatemala, maternal deaths are attributable to the same causes as in the past. Ninety per cent of maternal deaths are due to “direct obstetric causes”, haemorrhages being responsible for half these deaths. Infection, pregnancy-induced hypertension and complications associated with abortion are responsible for the remaining maternal deaths.

438. Maternal deaths generally occur within the 24 hours following the outcome of the pregnancy. More than half occur at home, while four out of every 10 occur in a hospital setting. At the moment of birth, six in every 10 mothers who die are attended by a midwife, a relative or themselves and four in every 10 are attended by a health provider.

439. To tackle this serious problem, the Ministry of Health, with the support of relevant agencies, defined some strategic guidelines for reducing maternal mortality. In 2004, these became the Strategic Plan for the Reduction of Maternal Mortality. In 2006, the Ministry implemented the plan in three of the country’s priority municipalities: El Estor (Izabal), Ixchiguán (San Marcos) and Cuilco (Huehuetenango).

440. The plan provides for the following actions: information, education and communication, promotion of health as a right, strengthening of community participation, community organization, efforts to link up traditional services with institutional services, development of models for training and equipping midwives (12,000) and a process of training and follow-up at institutional level (80 per cent of health centre staff are familiar with health care norms). A model for training health care providers has also been developed.

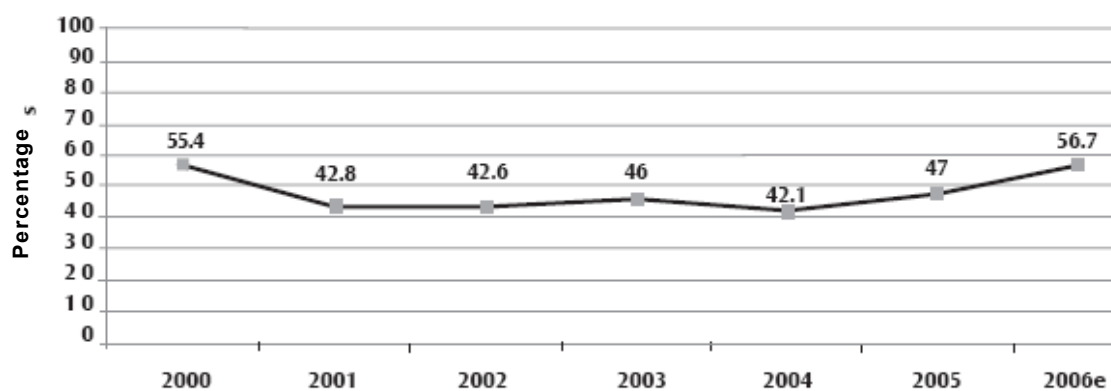
441. The big challenge is to implement the model nationwide in the participatory formulation of departmental plans for the reduction of maternal mortality. All 22 of the country’s departments have set up a participatory body for this purpose. Another direct action to reduce maternal mortality is the National Post-abortion Care Programme, which has been in operation since 2004 in 37 health services providing obstetric care and is due to be extended to type A health centres offering appropriate conditions, starting in 2008.

#### **Antenatal care**

442. According to the 1987, 1997 and 1998-1999 National Maternal and Child Health Surveys (ENSMI), antenatal care coverage provided by institutional health personnel increased from 34 per cent in 1987 to 60 per cent in 1998. However, Ministry of Health records show that in the early years of the new millennium coverage stalled at 45 per cent. In 2004, an analysis of antenatal coverage was made and a decision was taken to change the calculation methodology, replacing the indicator’s denominator by the number of newborns, on the grounds that this provided a more accurate picture than that of the number of pregnancies in a population<sup>5</sup>. This change in the indicator produced the following trends:

<sup>5</sup> Previously, a formula was used that assumed that the number of expected pregnancies was equal to five per cent of total population, an assumption that was not borne out by the facts.

**Graph 5**  
**Trends in antenatal care coverage**  
**2000-2005**



Source: Health Management Information System (SIGSA), 2006. e=estimated

443. As the graph shows, antenatal care coverage has improved slightly, thanks to the processes set in motion by the expansion of Ministry of Health coverage, which has made it possible for health care personnel actively to seek out pregnant women.

#### Care in childbirth

According to the latest National Survey of Living Conditions (ENCOVI) 2006 carried out by the National Statistical Institute (INE), the statistics on care in the most recent childbirth are as follows:

**Table 27**  
**Coverage of care in most recent childbirth (in %)**

Characteristics	Total	Area		Ethnic group	
		Urban	Rural	Indigenous	Non-indigenous
National total	100.0	100.0	100.0	100.0	100.0
Doctor or gynaecologist	50.2	71.8	32.1	24.3	67.8
Midwife or traditional birth attendant	39.5	22.7	53.5	62.9	23.5
Nurse or nursing auxiliary	4.1	4.2	4.0	3.8	4.3
Parents or members of the household	4.8	0.3	8.6	7.0	3.4
Other	1.4	1.0	1.8	2.1	1.0

Source: ENCOVI 2006, INE



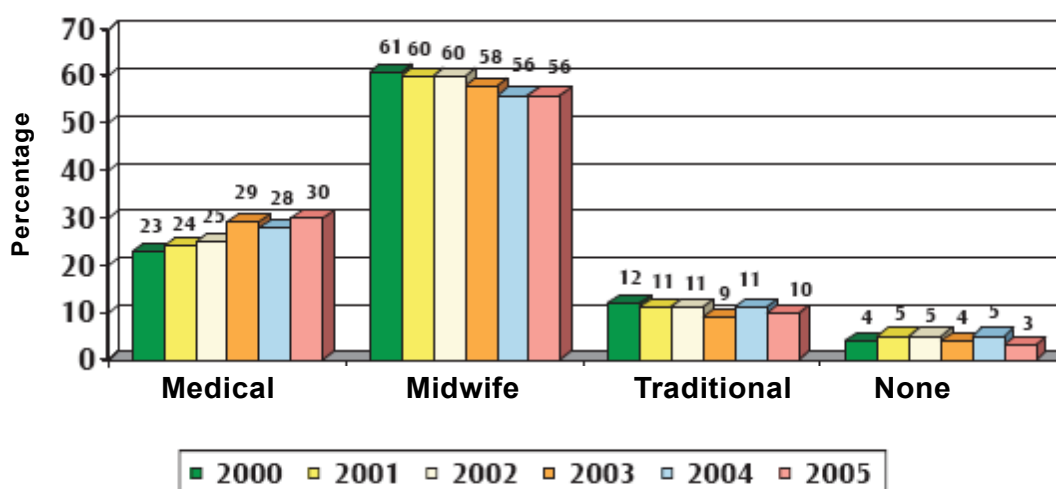
**Table 28**  
**Place of care in most recent childbirth (in %)**

Characteristics	Total	Area		Ethnic group	
		Urban	Rural	Indigenous	Non-indigenous
National total	100.0	100.0	100.0	100.0	100.0
Public hospital	32.2	38.4	27.0	19.7	40.7
IGSS centre	10.1	17.2	4.2	2.7	15.2
Private hospital/clinic	7.7	13.7	2.6	2.5	11.2
Health centre	3.1	4.8	1.7	1.9	3.9
Midwife's home	2.3	2.6	2.1	2.8	2.0
Own home	43.9	22.4	62.0	70.1	26.1
Other	0.6	0.8	0.5	0.4	0.8

Source: ENCOVI 2006, INE.

445. The evolution of the type of assistance in childbirth between 2000 and 2005, according to Ministry of Health statistics, was the following:

**Graph 6**  
**Type of assistance in childbirth (in %),**  
**2000- 2005**



Source: SIGSA.

446. Increasing access to childbirth care in a health centre is one of the main challenges facing the health system. To achieve this, it is important to develop a model of care that takes account of the different cultural realities in the country and also to be able to guarantee problem-solving. To that end, the Ministry of Health has embarked on a process of reforming the second level of care by differentiating among health services in terms of their problem-solving capacity, which involves measures ranging from expanding their working hours to increasing their capacity to handle emergencies.

### Family planning

447. All Ministry of Health and Social Welfare (MSPAS) health areas provide family planning services and are supplied with contraceptives. According to MSPAS records, 80 per cent of regular services had a supply of contraceptives in September 2005. This availability made it possible to cover 317,060 new users, providing 350,796 couple years of protection (CYP) and covering 349,157 protected couples. According to the evaluation made of the nationwide inventory of contraceptives in all services belonging to the family planning network up to September 2006, only six per cent of services did not have supplies (see table 8). In 2005, the supply of contraceptives to health services and non-governmental organizations nationwide was improved. In 2002, 81.2 per cent of services were covered, while coverage was 92.3 per cent in 2005 and 91.7 per cent in 2006.

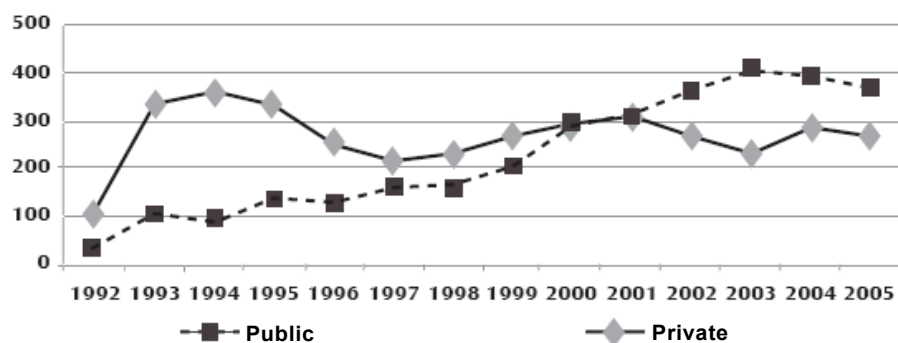
448. As with other maternal health services, statistics vary according to the characteristics of area of residence, schooling and ethnicity. Thus, in 2002 the national contraceptive prevalence rate was 43 per cent, but was only 35 per cent among women living in rural areas, 24 per cent among indigenous women and 25 per cent among women with no formal schooling, while the rate was 57 per cent among women living in urban areas, 53 per cent among *ladina* women and 68 per cent among women educated up to secondary level and beyond.

449. The proportion of women of childbearing age living with a partner, not using any form of contraception and not wanting to have a child in the short term (unmet contraceptive demand) was 28 per cent nationwide, but was 32 per cent among rural women, 39 per cent among indigenous women and 38 per cent among women with no formal schooling.

450. Currently, the supply of family planning services is divided between private and public entities. A major change took place in 2001, when public services overtook private services as a result of the launching of the National Reproductive Health Programme (PNSR) in response to the legal framework established by the Social Development Act. In that year, the Ministry of Health earmarked resources for the purchase of contraceptives, family planning outreach, information and education and the development of a model for the provision of family planning services.

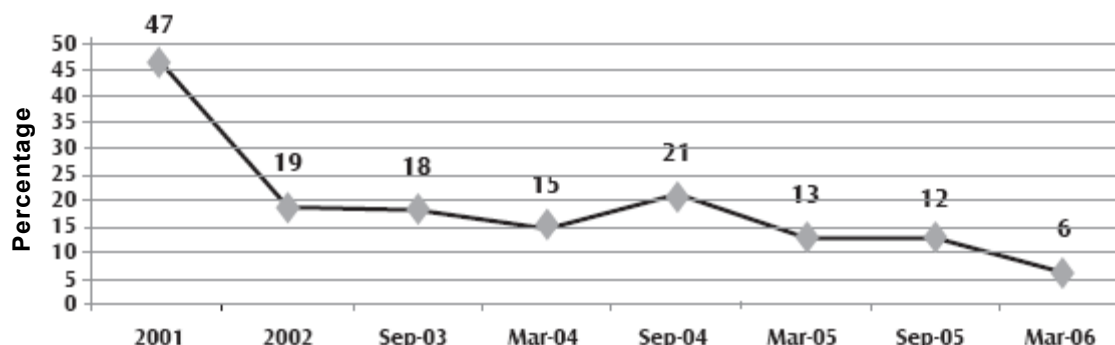
#### Graph 7

Indicator of years of contraceptive protection (in 1000s), 1992 – 2005



Source: Annual report of providers, 2005. MSPAS.

**Graph 8**  
**Percentage lack of supply of family planning methods**  
**2001– March 2006**



Source: PNSR report on nationwide inventories, March 2006.

451. The preceding graph shows the lack of supplies of one or more contraceptives at the time of visiting family planning service providers. The main challenge in the provision of family planning services is to reduce the level of unmet demand significantly. For 2006, the total cost of contraceptives represented an outlay of Q 7,289,629, of which the Government allocation through MSPAS was Q 3,280,333, the rest being covered with cooperation resources from the Governments of Canada and the Netherlands.

**Table 29**  
**Most prevalent contraceptive methods, by type**

<i>Method</i>	<i>Total</i>
Injectable	67,783
IUD	820
Condom	18,826
Pill	15,408
Lactational amenorrhoea	14,720
Standard Days Method (SDM)	298
VSC operations	2,105
Other natural methods	222
<b>Total</b>	<b>120,182</b>

Source: Ministry of Health, July 2007.

### **Improvements in reproductive health information**

452. Pursuant to the Strategic Plan for the Reduction of Maternal Mortality, a routine epidemiological monitoring system was developed in 2007 to permit an annual analysis of the maternal mortality rate. Manuals and protocols were produced for that purpose and epidemiologists in the different health regions were trained. Implementation began in the departments of Sololá and Alta Verapaz and there are plans to follow this up in 2008 in the areas where the maternal mortality rate is

highest. At the same time, the Ministry of Health, with the support of the interagency group, made a study of mortality in women of childbearing age (10 to 49 years) with data collected in 2006. This study was completed in December 2007 and its presentation is scheduled for January 2008.

453. One of the main achievements of the National Statistical Institute, for its part, is the publication of hospital statistics and vital statistics. Hospital statistics cover internal services, for instance, patients requiring hospital admission, and external services, involving outpatients. Vital statistics provide information on births, deaths, stillbirths, marriages and divorces.

454. At the same time, the design of a digital form, modelled on the redesigned hospital statistics forms, was approved. This new system will make it possible to obtain information more quickly, since it will be generated monthly. The system will be digitally assigned codes from the Tenth International Classification of Diseases (ICD-10), making it possible to identify more accurately the code corresponding to each medical cause of morbidity in the different information sources. This digital programme is currently being put in place and should be up and running by the end of 2007.

455. In the context of the National Statistical Development Strategy (ENDE) and the National Statistical System, INE set up a sectoral coordinating office for health statistics, made up of MSPAS, the Guatemalan Social Security Institute (IGSS) and, in an observer capacity, the Pan American Health Organization/World Health Organization (PAHO/WHO). This coordination process resulted in the adoption of a new medical death certificate, which includes the recording of foetal deaths and specific aspects to make it easier to obtain maternal mortality-related information.

456. Workshops were held to train outreach coordinators, midwives and community leaders in the use of new materials such as a video testimonial on family planning, antenatal care leaflets and the intrauterine device (IUD). In 2005, 4,363 men and community leaders were trained in the health outreach and information process at community level, in order to involve men in processes related to reproductive health. In addition, 3,380 cases containing, inter alia, a basic kit for caring for mothers and children, were distributed to traditional birth attendants.

#### **Increase in the number of staff qualified in reproductive health**

457. The National Reproductive Health Programme has carried out the following activities to expand its staff's reproductive health knowledge:

- Training workshops on the guides to antenatal care, childbirth care, postpartum care, neonatal care and obstetric emergencies (325 health providers trained);
- Training in post-abortion care for the health staff of 37 hospital centres;
- Training in the visual inspection technique using acetic acid and colposcopy, biopsy, cryotherapy and LLETZ (10 gynaecologists);
- Training in cervical cancer and visual inspection with acetic acid (150 doctors, directors, nurses and nursing auxiliaries) at the three levels of health care;
- Three regional workshops on the Social Development Act for heads of obstetrics departments (medical staff of 37 national hospitals trained);
- Training in contraceptive technology (530 health providers);

- Training in balanced family planning counselling (160 newly recruited health providers);
- Training in contraceptive logistics and social distribution of contraceptive stocks (258 health providers in the country's 29 health areas);
- Training of 19 municipal youth outreach workers, three regional technicians and 19 health service providers in strategies for dealing with adolescents;
- Reproductive health training (200 community institutional facilitators);
- Responsible parenthood training (25 representatives of central-level institutions and 100 departmental representatives).

458. Among the programmes carried out by the Guatemalan Indigenous Development Fund (FODIGUA), the “*Utzilal Winaq*” (integrated health) programme included 10 projects with a total allocation of Q 1,899,647, nine of which had been ordered and approved by September. The integrated health programme is preventive and is based on coordination with midwives belonging to the community in order to ensure efficiency and effectiveness in the work done with groups of women, men and children. It is aimed at poor communities inhabited by indigenous persons in the departments of Totonicapán, Chimaltenango, Baja Verapaz, Quetzaltenango and El Quiché. Thus far, the programme has benefited 1,078 women, especially midwives.

#### **Public information and education on reproductive health**

459. The National Reproductive Health Programme has developed information, education and communication (IEC) materials; provided support to the reproductive health information campaign in association with the Presidential Secretariat for Social Communication (SCSP); designed radio spots and materials such as leaflets and posters in the four Mayan languages; and supported the introduction of the “adolescent health line”, a joint effort launched in September 2006 by MSPAS, Municipalities of Guatemala and the non-governmental organization Genesis.

460. The following documents have been produced and distributed:

- Guides to care in pregnancy, childbirth, the postpartum and obstetric emergencies;
- Training manual on cervical cancer and colposcopy;
- Mini-guide on family planning;
- Training manual for adolescents;
- Protocol for assisting victims of sexual violence.

461. The National Youth Council (CONJUVE) has supported information and education activities on reproductive health under the national education and training plan, specifically, the project “Youth leadership as a tool for combating HIV/AIDS”. To that end, 84 information workshops were held in 2006, each attended by some 230 young people. Eighteen health fairs, involving an inter-institutional effort and the provision of information on different reproductive health issues to adolescents, were also held in departmental capitals. Some 12,000 young people attend these fairs, visiting the various stands where talks, activities and printed matter are on offer.

462. In 2006, women social workers of the 26 health area directorates were trained in the adolescent reproductive health module so that they could replicate this knowledge, since their job makes them better placed to have an impact on young people.

463. In 2007, the Ministry of Health set up the National Commission for Healthy Motherhood, which carries out integrated health activities aimed at reducing maternal mortality.

464. The Department for Health Promotion and Education runs the National Commission's subcommission for the promotion of healthy motherhood and will coordinate with institutions, civil society organizations, cooperation agencies and other parties interested in contributing to this objective. One of the first departments where this process will be implemented is Alta Verapaz, since it is one of the departments with the highest maternal mortality rates, but it is hoped to implement it in other departments facing the same problems.

465. "*Espacios amigables*" (friendly spaces) providing reproductive health information to adolescent boys and girls have been created and 13 such spaces in selected municipalities have been strengthened. Women social workers from the 23 health areas of the Ministry of Health have been trained in the adolescent reproductive health module and evangelical pastors have been trained to assist as local facilitators on the issue in areas where they are present.

#### **Strengthening of the National Reproductive Health Programme**

466. As a result of the representations made by the National Reproductive Health Programme to the congressional committee on health, Q 32.5 million were earmarked in the 2006 Ministry of Health budget for the execution of an ambitious project for strengthening reproductive health services in six essential areas. This budget allocation is financed by the tax percentage fixed in article 26 of the Act on taxing distilled alcoholic beverages, beers and other fermented beverages (Decree No. 21-2004), which stipulates that at least 15 per cent of the monies obtained from the levying of such a tax shall be allocated to Ministry of Health sexual and reproductive health, family planning and alcoholism programmes. Under the Act, these monies cannot be allocated or transferred to other purposes.

467. To follow up cervical cancer prevention and early diagnosis activities, equipment and materials were provided to the gynaecological clinics of four health districts, namely, Usulután and San Jorge in the department of Zacapa and la Gomera and Puerto de San José in the department of Escuintla. Epidemiological monitoring was also strengthened by making changes in the information system.

#### **Infant mortality**

468. It is important to mention that in the case of infant mortality, services are focused more on education, information and communication processes concerning feeding habits, for instance, exclusive breastfeeding, hygiene, recognition of danger signs and immediate medical attention for complications, with emphasis on acute respiratory infections and diarrhoeal disease. These services are provided in both regular programmes and outreach programmes supported by non-governmental organizations.

469. The Ministry of Health is also developing a training process for institutional staff on national health care standards, with emphasis on children and mothers, covering 85 per cent of health care providers.

### **Responsible parenthood**

470. The Ministry of Health coordinates the National Network for Responsible Parenthood, made up of governmental and non-governmental institutions, Church sectors and academics, which carries out activities to promote responsible parenthood and shared responsibility for the care of children. Departmental networks have also been set up, where the creation of schools for parents is being stepped up. Such schools teach parents about taking care of themselves, sexual and reproductive rights and gender equity in a women's human rights framework.

471. To ensure the sustainability of the National Network, its formalization is being sought through the enactment of a governmental agreement. For central-level staff, a diploma course in responsible parenthood in a human rights framework has been developed, in which some 25 staff from various institutions belonging to the National Network have participated.

472. Health personnel of the management and care areas of the gynaecology and obstetrics departments of 22 hospitals have been trained in post-abortion care.

473. SOSEP has trained fathers and mothers in responsible parenthood under the "*Creciendo Bien*" programme and has also disseminated the PNSR guides and protocols.

### **National HIV/AIDS Prevention Programme**

474. Epidemiological monitoring of HIV/AIDS began in Guatemala in 1984. The process has two aspects: passive monitoring, according to the demand for each health service, and sentinel site surveillance, aimed at pregnant women. The epidemiological monitoring system was modernized in 2002 with the development of a database in EPI-INFO 2002 format, which was put into operation in all health areas starting in June 2003. Reporting of HIV/AIDS cases is compulsory and confidential.

475. Between 1984 and December 2005, a total of 9,199 AIDS cases were reported, with the incidence of cases rising steadily. Seventy per cent of reported cases are men and affect the population aged 20 to 49 years. What is alarming is that the HIV/AIDS pandemic is more prevalent in the young and productive segment of Guatemalan society, the 20 to 49 age group, a situation that poses a threat for the future. The national average prevalence rate for the period (1984-2005) is 87.8 per 100,000 inhabitants. The departments most affected by the pandemic and with the highest prevalence rates are, in descending order: Suchitepéquez (156.2), Guatemala (155.9), Escuintla (141.0), Izabal (138.7), Retalhuleu (135.1) and Quetzaltenango (113.3). Taken together, these departments account for 71 per cent of all cases.

476. HIV surveillance began in 2003. As of August 2006, a total of 2,104 cases had been reported. According to the National AIDS Programme, in 2005 it was estimated that there were 44,473 people aged 15 to 44 living with HIV, with a prevalence of 0.9 per cent, of whom 31.8 per cent were women.

477. It has been found that the high prevalence of this disease manifests itself principally among groups of people engaging in homosexual relations; sex workers; detainees in preventive and penal detention centres; young people at social risk and street children; and people affected by tuberculosis. However, the HIV/AIDS infection rate has been increasing among women, especially housewives, who have generally been infected by their partners.

478. Although the information available is limited, there is evidence that a process of feminization of the disease is taking place in Guatemala, reflected in a reduction in the ratio of HIV/AIDS infection between men and women. Although at the onset of the pandemic, men were more affected (there were five infected men for every infected woman), the number of infected women has grown to the point where there is virtual parity between the sexes.

479. Women are at greater risk of infection because of their subordinate position, reflected in limited control over their sex lives, lack of knowledge about their partner's sexual practices and limited ability to negotiate the use of a condom. Although knowledge about HIV/AIDS seems to be fairly widespread among women of childbearing age, condom use is rare among sexually active women, even more educated, urban and non-indigenous women. In other words, factors such as erroneous beliefs about sexuality and the unequal exercise of power within the couple are undermining prevention of the disease.

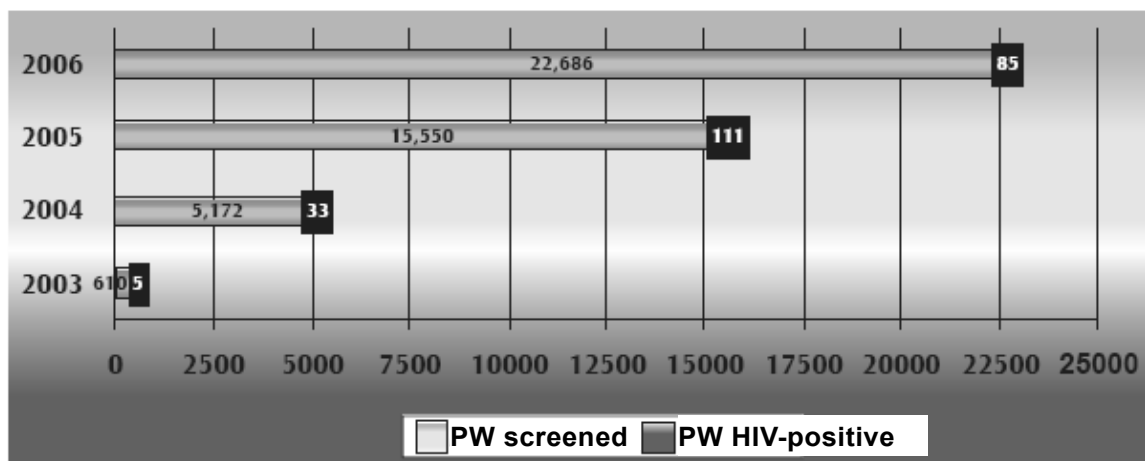
#### **Preventive treatment for pregnant women**

480. In order to prevent mother-to-child transmission, the Ministry of Health carries out voluntary testing, accompanied by counselling, and provides preventive treatment for pregnant women who have tested positive when screened. In 2006, 31,534 pregnant women were screened and 92 pregnant women who had tested HIV-positive were treated with antiretrovirals (ARVs) to prevent mother-to-child transmission.

481. The following graph shows the increase in the coverage of HIV screening of pregnant women between 2003 and 2006. It can be seen that 7,136 more women were screened in 2006 than in 2005.



**Graph 9**  
**Number of pregnant women screened and HIV-positive**  
**Ministry of Health and National AIDS Programme**  
**2003 -2006\***



\*Up to September 2006.

PW = pregnant women.

Source: National AIDS Programme, 2006

482. The considerable expansion of the screening service is the result of three factors: (a) the application of norms for the clinical management of pregnant women who are HIV-positive or have AIDS; (b) the production of a situational analysis of seven health areas that have been identified as priorities but have a zero prevalence rate; and (c) the application of quick HIV diagnostic tests in eight health areas where 39 services are in operation. Health area personnel (250 persons) have also been trained to care for and counsel HIV-positive pregnant women.

483. Because of the growing trend recorded for 2005, steps have been taken to give more than 70 per cent of newborn babies of HIV-positive women access to the ARV prophylaxis provided by the National AIDS Programme. It should also be noted that women patients living with AIDS and their newborn babies have been monitored and followed up in the postpartum in integrated health care units. These activities have cost a total of US\$ 980,000, of which US\$ 600,000 were covered by the Global Fund to Fight AIDS, US\$ 300,000 by UNICEF and US\$ 80,000 by the Ministry of Health.

484. In January 2006, a study on syphilis in pregnant women was launched in four outlying maternity clinics of Guatemala City in order to obtain an epidemiological picture of this problem and analyse the study process.

#### **Mental health programme**

485. This programme forms part of the National Health Plan 2004-2020 and its purpose is to begin the recognition and recording of the mental health problems most commonly observed in primary health care. The main areas of intervention include: violence (domestic, political, gender-based, property-related, child and youth, and sexual), alcoholism and addiction, disasters and emergencies, the most common mental problems, and behavioural problems in children and adolescents.

486. Priority actions in each area include promotion, prevention, detection, diagnosis, treatment and care of mental injury, rehabilitation and psychosocial recovery. The programme's achievements include the following:

- Preparation, dissemination and launching of: (1) protocol for assisting persons affected by violence, gender-based sexual violence and violence resulting from the internal armed conflict; (2) protocol for providing care in disasters; (3) protocol for treating the principal and most common mental problems;
- Mental Health Policy for Integrated Care 2007-2015 and Strategic Plan for the Promotion of Mental Health 2007-2020;
- Research into the country's mental health situation as part of the reform of mental health services and research into the situation of mental health services nationwide;
- Launching of the process of decentralizing psychiatric services from the outpatient clinic at the National Mental Health Hospital to two outlying clinics in zones 18 and 19;
- Recruitment of psychologists for the municipal health districts in Rabinal (Baja Verapaz) and La Libertad (Petén), as part of the integrated health care model with emphasis on mental health implemented in response to the judgement of the Inter-American Court of Human Rights;
- Drafting and implementation of the comprehensive plan with emphasis on mental health in response to the judgement of the Inter-American Court of Human Rights concerning the violation of human rights in the village of Plan de Sánchez in Rabinal, Baja Verapaz, during the internal armed conflict. The plan benefited 41,500 inhabitants of the Rabinal municipal health district;
- Implementation of the comprehensive plan with emphasis on mental health in response to the Government's amicable settlement guaranteeing psychosocial care for the population of Dos Erres, which helped it to avoid condemnation for human rights violations and benefited 60,000 inhabitants of La Libertad municipal district in south-west Petén, Sayaxché;
- Preparation and approval of the protocol for assisting victims of political violence, an exercise unique in Guatemala's public sector, under which the lead role of the Ministry of Health in psychosocial recovery was strengthened, benefiting the whole country;
- Provision of psychosocial care for a year (2005-2006) to 90,000 persons affected by Tropical Storm Stan, using specialized mental health staff for the first six months. Care was provided by a multidisciplinary team in the affected departments: Sololá, Quetzaltenango, Huehuetenango, San Marcos, Chimaltenango, Retalhuleu, Suchitepéquez and Escuintla;
- Training in mental health promotion for 35 psychologists from health areas and the Tropical Storm Stan project Pos, benefiting 2.5 million inhabitants in 12 health areas affected by Tropical Storm Stan and its aftermath and partially funded by USAID/URC/*Calidad en Salud*.

### Domestic violence

487. The State of Guatemala has institutions that are mandated by law to deal with domestic violence and violence against women. The main institutions are the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) and the Programme for the Prevention and Eradication of Domestic Violence (PROPEVI).

488. The work done by CONAPREVI as a body that advises on, coordinates and promotes public policies aimed at preventing, addressing and eradicating domestic violence is described in the section on specialized machinery for women.

### Programme for the Prevention and Eradication of Domestic Violence (PROPEVI)

489. Since 2007, PROPEVI has been located in the programmatic and budgetary structure of the Presidential Secretariat for Social Welfare, with the task of providing comprehensive care at the departmental level to victims of domestic violence. It provides social and legal advice and psychotherapy to victims of domestic violence, most of whom are women. Its services are provided centrally (department of Guatemala) and nationally and it has a representative in each of the country's remaining 21 departments.

**Table 30**  
**Cases handled by PROPEVI, 2004-2007**

<i>Population assisted</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007(*)</i>
Domestic violence cases handled	6,550	4,707	2,625	1,576
Domestic violence awareness-raising	43,184	73,526	76,611	40,696

(\*)Up to March. Source: PROPEVI, July 2007.

490. In the area of communication and dissemination, PROPEVI has designed and reproduced educational materials for the campaign to prevent and eradicate domestic violence throughout Guatemala. A self-help manual emphasizing gender equity was produced. In 2006, the family hotline was set up, which operates 24 hours a day and provides counselling and information to victims of domestic violence on the steps to follow in filing a complaint and obtaining measures of protection.

491. PROPEVI has two temporary shelters in the department of Guatemala for women victims of domestic violence. One of these was set up at the initiative of the National Civil Police Office of Victim Services, since the police did not have anywhere to house and protect women who reported domestic violence during the night or early hours of the morning. This effort was coordinated among the PNC Office of Victim Services, PROPEVI and the municipality of Villa Nueva, through its municipal mayor.

492. To be admitted to the shelters, victims must bring a copy of the complaint received by any of the corresponding institutions. The shelters provide temporary or emergency accommodation, functioning at the moment of the crisis faced by women when they are attacked and usually thrown out of their place of residence, accompanied by their children. In this context, the shelters house them while the

complaint is being processed and safety measures are being ordered, which regularly involves removing the aggressor from the shared home. In January 2007, a shelter was set up in Huehuetenango, considered to be one of the departments most affected by domestic violence, which will help to ensure improved care and support for victims of domestic violence.

### **Justice system**

493. In responding to domestic violence and violence against women, governmental institutions and most non-governmental institutions tend to equate the two kinds of violence. This conceptual confusion has an impact on the way in which the issue is addressed and tackled, because dealing with the two kinds of violence as if they were one and the same problem ignores the fact that their political content is different and overlooks, in the case of violence against women, the oppressive power relations between the sexes that can occur in different social spheres or settings, intersecting with other structural determinants such as the law.

494. In operational terms, the deafening silence and secrecy that surround the problem of violence against women and domestic violence limit the possibility of identifying it as a public safety issue. This logic is associated with society's legitimization of the use of violence in any or all its forms, which endangers society's very reproduction.

### **Judiciary**

495. The judiciary forms part of the assembly of delegates and the coordinating board of CONAPREVI. An analysis is currently being made of legislative proposal 3626, providing for adoption of the Framework Act of the National Security System, as well as the strategic proposal of the committee for the analysis of legislative proposals on femicide in Guatemala. The committee's aim is to work with the assembly of public and civil society organizations and institutions towards the same overall goal, to ensure that the Congress of the Republic adopts appropriate legislation to prevent, punish and eradicate extreme violence against women.

496. In the area of prevention, eradication and punishment of domestic violence, the judiciary has achieved the following:

- It has ensured nationwide coverage of judicial services, chiefly through the courts of the peace operating in the country's interior;
- It has put into effect the standard form for reporting cases of domestic violence, provided for in article 5 of the Domestic Violence Act;
- It has improved knowledge of the problem and the institutional response, enhanced the quality and timeliness of victims assistance services and strengthened awareness-raising and education processes;
- It has established policy guidelines and concerted action designed to prevent, address, punish and reduce domestic violence and violence against women. In this strategic area, action has been taken to prevent the problem and to educate and raise the awareness of judicial officials and of staff of the respective courts and related units involved in providing assistance, as well as to educate the public at large. To that end, it has used social communication techniques developed on the basis of a number of general guidelines: (1) information (to

promote social change); (2) training and education (to trigger a change in sociocultural patterns); and (3) creation of opportunities and a mechanism for dialogue with civil society (to support prevention at the local level).

### **Measures and actions taken by the judiciary to protect victims of domestic violence**

497. The Act on the Prevention, Punishment and Eradication of Domestic Violence (Decree No. 97-96) regulates the application of measures of protection necessary to safeguard the life, physical integrity, safety and dignity of victims of domestic violence. It also aims to provide special protection to women, children, young people, older persons and people with disabilities, taking into account the specific situation in each case.

498. The Act does not regulate crimes or misdemeanours other than those envisaged in article 88 of the Criminal Code. However, it is a valuable legal remedy that is used by judicial officials to order safety measures for victims of domestic violence in order to protect their life and safety (especially women survivors of domestic violence).

499. Different actions have been taken to provide follow-up and support in cases of domestic violence, in accordance with the matrices of the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women, PLANNOVI 2004-2014.

500. *Research, analysis and statistics matrix.* The following research studies have been carried out to identify gender inequalities in the provision of the country's judicial services, the findings of which will permit action to be taken under the relevant work plans:

- *“Institutional response of the judiciary to complaints lodged by women survivors of domestic violence (critical route and recording of cases)”*, carried out by the Unit for the Modernization of the Judiciary in the departments of Guatemala, Quetzaltenango, Suchitepéquez, Alta Verapaz and Zacapa and covering in each case the departmental capital and two municipalities (awaiting publication and public presentation). Among other findings, the study established that there are courts where women receive timely, effective assistance and their cases are followed up through the Community Development Councils and local authorities. A review of case files showed that there is under-reporting of cases, pointing to the need to incorporate the standard form for recording cases of domestic violence into the judiciary's management software to ensure that information from judicial bodies is available. This process is currently under way;
- *“Improvement of the interpretation and application of domestic violence laws in Central America and the Dominican Republic, in the framework of the Guatemalan judiciary”*, carried out in coordination with Costa Rica's Fundación Justicia y Género, with support from the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) and UNIFEM. It includes the presentation of two outputs: “Analysis of the application of the Act on the Prevention, Punishment and Eradication of Domestic Violence in Guatemala” and “Protocol for applying the Act on the Prevention, Punishment and Eradication of Domestic Violence

in Guatemala”. Both documents are currently being reviewed with a view to their adoption and public presentation.

501. An inter-institutional system for recording complaints of domestic violence and violence against women and the action taken to assist victims has been promoted in coordination with the judicial documentation and statistics section of the judiciary’s National Centre for Judicial Analysis and Documentation (CENADOJ).

502. *Comprehensive assistance matrix.* Most family courts and juvenile courts have psychologists and social workers, in order to provide comprehensive assistance in cases of domestic violence and violence against women. A system of support networks for case referral and follow-up has been created for survivors of domestic violence and violence against women, in coordination with State institutions and especially with civil society bodies.

503. To improve access to justice for women victims, the following have been promoted:

- Updating of institutional norms and procedures for addressing and preventing domestic violence and violence against women;
- Activation and promotion of coordination at the highest institutional level to monitor the work of the justice system and others;
- Increased decentralization;
- Design and implementation of a training programme for future judges and judges of the peace;
- Implementation of educational reforms ensuring that a gender approach is incorporated in training programmes for judicial personnel nationwide;
- Amended and adapted curricula that include the problem of domestic violence and violence against women in the education and training system for male and female candidates for the post of judge, as well as for judicial personnel;
- Holding of workshops, lectures, talks and forums for the critical consideration and analysis of domestic violence and violence against women, aimed at target groups such as civil servants, communicators, survivors and leaders.

504. *Prevention, awareness-raising and education matrix.* Information has been generated to promote social change in favour of a life free from violence, with training and education activities aimed at changing cultural patterns and using strategies such as training courses, information materials, the press, television and the national media, especially with the judiciary’s social communication department and institutional training unit.

505. The judiciary’s institutional training unit and social communication department carry out information programmes for the prevention and eradication of domestic violence. Its psychology department created some psycho-pedagogical tools that helped draw attention to the problem and these were incorporated in its internal work agenda. Information, education and awareness-raising materials on the issues of domestic violence, violence against women, abuse and sexual harassment of children and other related issues were also developed.

506. The Women and Gender Analysis Unit has taken up these actions nationwide, reproducing and distributing free materials to judicial units and others that request them, thereby complying with matrix B of PLANOVI 2004-2014 (prevention, awareness-raising and education), with the specific objective: “Generate information for promoting social change in favour of a life free from violence”.

**Table 31**  
**Number of complaints of domestic violence received by the judiciary**

<i>Year</i>	<i>Women*</i>	<i>Men**</i>
2005	32,439	5,165
2006	34,270	4,868
2007***	7,312	1,498

\* Girls are included in the figures for women.

\*\* Boys are included in the data for men.

\*\*\*Figures for January to March 2007.

Source: Women’s Unit. Judiciary, July 2007.

### **Training of judicial personnel**

507. Domestic violence is one of the main topics of the initial training programme for candidates for the position of judge of the peace, since most of the cases handled by courts of the peace tend to be domestic violence cases. Through in-service training of judicial officials and employees, the judiciary has provided the following:

- Two training events in 2004, with 51 judicial officials trained (10 men and 41 women);
- Three events in 2005, with the participation of 215 judicial officials (28 men and 187 women), who were trained in the issue of domestic violence;
- Twenty-four workshops in 2006, at which the application of the Act on the Prevention, Punishment and Eradication of Domestic Violence was publicized and training was given on international instruments for the protection of women’s rights. A total of 280 judicial officials (137 men and 143 women) were trained. Psychologists and women social workers working in courts of the peace also took part in the workshops;
- Two training events in June 2007, which addressed the issue of violence against women. A total of 18 judicial officials (six men and 12 women) participated;
- In-service training, provided mainly with resources from the judiciary, as well as from the Unit for the Modernization of the Judiciary and other cooperating institutions;
- In the area of specialized training, nine women judicial officials took the diploma refresher course in women’s rights and gender in 2005 and seven in 2006;
- In 2006, nine judicial officials (three men and six women) took the Master’s Degree course in women’s rights and access to justice. They were awarded

scholarships funded by the women's rights project executed by Chemonics International with USAID support;

- In 2007, five woman judges are taking the Master's Degree in women's rights and access to justice, with support from the European Union's Access to Justice Programme;
- The specialized education level has been validated academically by the postgraduate programme of the Faculty of Law and Social Sciences of San Carlos University of Guatemala;
- In March 2006, at the initiative of the President of the judiciary (a woman), the Unit for the Modernization of the Judiciary, in conjunction with justice sector institutions, marked International Women's Day by organizing a programme on women's human rights and domestic violence. The topics covered in programme workshops were national and international norms on women's human rights, especially the right to a life free from violence, and the characterization of domestic violence from a gender perspective. The programme was carried out nationally and worked on strategically in five regions of the country and was designed to educate and raise the awareness of justice sector personnel in Guatemala.

#### **Public Prosecutor's Office**

508. At the moment, domestic violence is not criminalized in Guatemala. Despite its not being subject to criminal prosecution, however, the Public Prosecutor's Office receives and processes complaints. It summons the victim, takes his/her statement and applies to the family court for the adoption of safety measures.

509. Safety measures, conciliation boards and the possibility of characterizing the violence as bodily harm (depending on the type of injury and how long the victim is incapacitated) are the mechanisms used to respond to victims' complaints in the absence of the criminalization of domestic violence.

510. The Training Unit of the Public Prosecutor's Office (UNICAP), with support from the Inter-American Development Bank (IDB), redesigned its curriculum to include awareness-raising, specialized training and refresher training on issues related to gender equity. Its courses are aimed at district prosecutors, prosecution officials, assistant prosecutors and staff of the Victims Assistance Offices. In 2005, a workshop was held on domestic violence and child victims.

511. In 2006, the following training and awareness-raising workshops were held:

- Women's rights and domestic violence;
- Domestic violence and gender;
- Masculinity and gender, sexual exploitation of children and adolescents in Guatemala;
- Judicial personnel and their duties in response to femicide in Guatemala;
- Importance of using the Act on the All-round Protection of Minors and the Act on the Prevention, Punishment and Eradication of Domestic Violence;
- Public awareness with a gender approach.



512. In 2007, the following training courses were provided:

- Obstacles to the criminal prosecution of the crimes of sexual and commercial exploitation;
- The crimes of sexual and commercial exploitation, with emphasis on trafficking of minors;
- Procedure for filling out the form for recording cases of domestic violence.

513. The forensic medicine department of the Public Prosecutor's Office has, at its own initiative, promoted a programme of in-service medical training, which, although neither systematic nor fully structured, attempts to organize fortnightly opportunities for discussion and training on forensic medicine. Its methodology involves taking illustrative examples of bodily harm as a starting point for designing and implementing forms of specialized care. Ten per cent of topics are devoted to the gender approach, with emphasis placed on overcoming stereotypes as to the kind of women who may be victims of rape and on ways of avoiding the revictimization of abused women.

#### **Victims Assistance Offices (OAV) of the Public Prosecutor's Office**

514. In 2005, the Public Prosecutor's Office developed four education and training modules in which the gender approach is a cross-cutting element: (1) networking for the victim; (2) overview of victims assistance; (3) work of OAV; and (4) awareness-raising. In 2006, the modules were taught by UNICAP to ensure that their content reached all staff of the Public Prosecutor's Office.

515. The OAV for the department of Guatemala has six female and two male psychologists to assist crime victims. They provide urgent and necessary care, while giving victims preliminary assistance to stabilize them and make sure that they are able to continue with the complaint. In the country's interior, there is an OAV, run by a psychologist, in every district prosecutor's and municipal prosecutor's office.

#### **National Civil Police (PNC)**

516. The Division against Sexual Assault and Sex Crimes operates 24 hours a day, with teams of investigators on rotating shifts providing backup to the PNC Office of Victim Services. Victims of rape, domestic violence, violent indecent assault and bodily harm are transferred by staff to the Women's Section of the Public Prosecutor's Office so that they can receive the necessary psychological support in their crisis situation.

517. Different research projects by a number of governmental and non-governmental organizations have helped to place greater emphasis on gender issues and gradually to create mechanisms for raising public awareness so that men and women are given equal opportunities.

518. Because the PNC Human Rights Office belongs to the support network set up to coordinate multidisciplinary efforts in favour of victims of physical, sexual, psychological or property-related violence, it has organized forums, talks, panels, lectures and in-service training seminars for police personnel working in the Citizens Assistance Division and dealing with domestic violence complaints. The aim is to make police personnel aware of the need to show solidarity, understanding

and respect for women and child victims so that they are not doubly victimized and to expedite proceedings to ensure victims' safety.

519. PNC staff have been trained in gender equity and domestic violence issues, with the result that they are more responsive to calls for help made on the PNC emergency hotline 110, on which there is a steady stream of calls reporting domestic violence problems. Staff manning the telephone lines have received training in: (1) crisis intervention; (2) rights of crime victims; (3) self-esteem and interpersonal relations; and (4) conflict mediation. The PNC Office of Victim Services produced a procedural manual for assisting crime victims, which has a special section on dealing with cases of women victims of crime.

520. The PNC Multi-ethnic Division promotes values of trust and respect between communities and the police in order to encourage their active participation in increasing public safety and institutional legitimacy. To that end, the Division carries out various activities, including so-called community support activities, which are conducted in coordination with other governmental and non-governmental bodies specialized in the issue.

521. Programmes aimed at preventing violence against women and child abuse and promoting the issue of gender have been carried out in predominantly indigenous rural communities in the departments of Quetzaltenango, Santa Cruz del Quiché and Alta Verapaz through exhibitions in the language of each region. As a result of this process, a total of 288 education and awareness-raising days have taken place, involving a total of 11,590 participants.

522. The Vice-Ministry of Community Support of the Ministry of the Interior has made it possible to work in an orderly, coordinated fashion with all programmes designed to support women in the different regions of the country and ensure the protection and safety of Guatemalan children. A number of neighbourhood committees have been set up in order to obtain in-depth knowledge of the safety problems they face and gradually come up with joint strategies to ensure that they are able to live in harmony in their communities and trust their authorities enough to report the various crimes that occur.

523. PNC is a major participant in the community justice panels, in which community leaders, judges, prosecutors, the Office of the Human Rights Procurator and other bodies meet periodically in order to respond more effectively to the population's demands. It has carried out campaigns to promote and disseminate women's rights within the police force by providing training to Police Academy students, geared to whether they will be assigned to public safety offices or to operations to protect public security. Outside the police force, it has taught teenagers (schoolgirls and students) and older persons (PNC and Military Pension Institute retiree clubs), who have attended the following workshops, among others:

- Self-esteem;
- Human rights teaching day;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Emergency contraception (an opportunity for women victims of sexual violence);

- Act on the Prevention, Punishment and Eradication of Domestic Violence (Decree No. 97-96 of the Congress of the Republic of Guatemala);
- Searches and their exceptions;
- Aging with dignity;
- Human rights and older persons;
- Myths and stereotypes in old age;
- Safety measures at home and outdoors;
- Rights, obligations and virtues of children;
- Incest;
- Child abuse.

524. The National Civil Police receive support from radio broadcasters and cable television companies in some communities in the country's interior, where they are given one hour of free airtime a week in which to publicize the different rights of the population, especially the vulnerable population, including women. This kind of communication and dissemination strategy has been well received, since personnel specialized in victim services generally speak the Mayan languages of the different regions where they are posted, with the result that police statistics this year (2007) included a large number of complaints lodged by the indigenous population.

525. The PNC Office of Victim Services has coordinated with the Educational Institute for Sustainable Development (IEPADES) on the design of seven training modules on such issues as human rights, violence, citizenship and human rights in police action. Twelve police officers in the capital city are also being trained to work as facilitators in police stations in order to replicate with other members of the Office the training that they have received.

#### **Institute of Public Criminal Defence (IDPP)**

526. Since 2003, the Director of IDPP has been a woman. As part of its institutional policy, the Institute works in four crosscutting areas: (a) adolescents in conflict with the law; (b) gender approach; (c) interculturalism; and (d) transparency. In August 2005, its Women's Unit was transformed into the Coordinating Office for a Gender Approach, whose primary function is to analyse all cases in which a woman is accused of committing a crime in order to determine whether a defence strategy should be drawn up demonstrating to the court the impact of gender inequalities on the commission of the alleged crime.

527. An inter-institutional cooperation agreement was signed with DEMI and CONAPREVI, the purpose of which is to lay the groundwork for strengthening inter-institutional cooperation to ensure that women victims have access to justice through comprehensive legal aid.

528. The IDPP board approved the implementation of a pilot project providing legal aid to women victims of violence and on family issues. Through this project, support will be provided in obtaining safety measures, medical and psychological referrals or referral to the corresponding institution. The project, which began in October 2007, will be carried out in the departmental capitals of Guatemala, Escuintla, Quetzaltenango, Alta Verapaz, Jutiapa and El Progreso.

529. In the area of education and training of IDDP officials, horizontal, crosscutting training in the gender approach was incorporated into the design of the training curriculum for public defenders and assistants:

- Four training activities on defence strategies with a gender perspective, aimed at instructors, with 210 participants;
- The Coordinating Office for a Gender Approach, with support from the Institute's Training Unit, held 33 awareness-raising workshops on the topic of gender, aimed at public defenders and technical and administrative staff, with 1,112 participants;
- In cooperation with the Unit for the Modernization of the Judiciary, a training workshop was held on the domestic violence and gender programme, attended by 66 participants;
- In 2007, the IDPP Training Unit, in conjunction with the Coordinating Office for a Gender Approach, organized 10 practical courses, attended by 183 participants and aimed at public defenders and assistants, on litigation strategies with a gender approach;
- With USAID funding, seven scholarships were awarded to IDPP staff in 2006-2007 to attend the Master's degree programme in women's human rights, gender and access to justice taught by San Carlos University;
- With European Union funding through the Programme of Support for Reform of the Justice Sector (PARJ), eight scholarships will be awarded to IDPP staff in 2007-2008 to attend the Master's degree programme in women's human rights, gender and access to justice taught by San Carlos University.

#### **Office for the Defence of Indigenous Women's Rights (DEMI)**

530. Indigenous women live in a situation of physical, psychological and property-related violence that limits their human development. Given this situation, DEMI provides comprehensive assistance to indigenous women whose rights have been violated, involving free legal, social and psychological counselling in their mother tongue. Further information can be found in the section on article 3 of the Convention.

#### **Coordination of the justice system – PNC, Public Prosecutor's Office, judiciary and IDPP**

531. In 2006, 24-hour courts of first instance were set up in the department of Guatemala. In 2007, the scheme was extended to the municipalities of Villa Nueva and Mixco in the same department. These courts deal immediately with complaints and detentions in outlying areas of the department and operate jointly with justice system institutions on the same premises, ensuring immediate, effective access to complaints and measures of protection.

#### **Unit for the Protection of Women's and Families' Rights, Office of the Attorney General (PGN)**

532. This Unit is responsible for providing legal advice based on complaints filed by victims of domestic and gender-based violence. It acts in coordination with other institutions, using alternative methods for resolving disputes involving domestic and

gender-based violence, as well as various problems arising in daily and family life. Its rulings refer to current women's rights-related issues.

533. The Unit provides legal advice to victims of domestic violence. It promotes and publicizes women's rights by giving talks to staff of the Attorney General's Office and to users requiring its services, as well as in educational institutions. It raises awareness about the negative impact of domestic violence and the positive impact of responsible parenthood.

534. In conjunction with the Psychology Unit of the Attorney General's Office, the Women's Unit provides comprehensive psychological assistance to women victims of domestic and gender-based violence in order to help them break the cycle of violence and regain their self-esteem. It also counsels couples who come to it for help in resolving domestic and family violence. The services provided by the Psychology Unit include interviews, evaluations, data analysis and guidance. A rescue programme has been promoted for domestic violence victims who are physically and psychologically unable to file a complaint.

535. The Women's Unit has managed to achieve the following:

- Acquire large new premises and recruit staff who are very well informed about domestic and gender-based violence, in order to provide a better service to users and improve its response capacity;
- Strengthen the system for receiving complaints of domestic and gender-based violence, which increased by around 55 per cent in 2007;
- Assist men who are victims of domestic violence: while the number of complaints received from men ranged between three and seven in previous years, between January and October 2007 the Unit dealt with 68 complaints filed by men;
- As a result of its awareness-raising and advisory services, especially those for men, secure the recognition of 14 minors without having to resort to lengthy, cumbersome procedures, thereby avoiding an unnecessary waste of time and money, and persuade fathers to behave more responsibly;
- Receive complaints referred to it by other institutions: SOSEP, PROPEVI, Public Prosecutor's Office, *Grupo Guatemalteco de Mujeres*, courts of the peace, family courts, Archdiocese, *Mujer Vamos Adelante*, *Red de Mujeres por la Construcción de la Paz* (REMUPAZ), human rights offices, health centres and others, thereby raising its profile, credibility and trustworthiness;
- Coordinate with grass-roots lawyer's offices, family courts, member institutions of the Responsible Parenthood Network and members of the Commission on Femicide in order to assist and coordinate channels of support for women victims of domestic violence.

Table 32

Cases handled by the PGN Women's Unit, 2006													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Physical violence	10	10	9	6	8	3	10	2	8	3	3	7	79
Psychological violence	18	36	39	21	54	51	60	50	55	68	53	67	572
Economic violence	98	103	113	76	120	146	143	101	129	177	136	71	1413
Sexual violence	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	6	3		4	4	7	5	10	10	7	3	3	62
<b>Total</b>	<b>132</b>	<b>152</b>	<b>161</b>	<b>107</b>	<b>186</b>	<b>207</b>	<b>218</b>	<b>163</b>	<b>202</b>	<b>255</b>	<b>195</b>	<b>148</b>	<b>2126</b>

Table 33

Cases handled by the PGN Women's Unit, 2007													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Physical violence	10	7	12	8	9	9	8	13	9	14			
Psychological violence	53	68	68	58	53	48	63	66	36	104			
Economic violence	111	168	159	131	155	128	80	107	104	310			
Sexual violence	0	0	0	0	0	0	0	0	0	0			
Other	6	7	0	4	12	7	2	10	3	6			
<b>Total</b>	<b>180</b>	<b>250</b>	<b>239</b>	<b>201</b>	<b>229</b>	<b>192</b>	<b>153</b>	<b>196</b>	<b>152</b>	<b>434</b>			

### Article 13

#### Economic and social development

##### Policies and programmes for the eradication of poverty

536. The *Guate Solidaria Rural* (Guatemala rural solidarity) strategy is the main poverty reduction mechanism promoted by the present Government of Guatemala. It targets rural areas and will focus initially on 41 municipalities given priority by the social cabinet because of their poverty and vulnerability to food insecurity, before being extended to the country's remaining municipalities. Its aim is to use social participation and the coordination of existing public services to improve human capital and expand opportunities for the country's poorest people, thereby ensuring that extreme poverty can be overcome sustainably.

537. The intermediate objectives are to: (1) reduce infant and child malnutrition; (2) increase the incomes of the poorest families by offering incentives for skills training; (3) ensure that all children have the opportunity to complete primary education; (4) expand access to basic secondary education; (5) eradicate illiteracy; (6) improve maternal health; (7) reduce infant and child mortality; (8) promote community participation for development; (9) improve the road infrastructure and local competitiveness; (10) ensure that families have decent housing so that they can stay healthy; and (11) ensure that communities reverse the loss of natural resources.

538. To achieve the strategy's final objective and its intermediate objectives, 37 minimum conditions were established, which are either targets or action lines. These have been identified as areas of public policy intervention whose cost-effectiveness ratio is more favourable for achieving the intermediate and final objectives of the strategy. The minimum conditions will have to be met within a two-year intervention period in each community in which the strategy is implemented in order to make steady, focused progress throughout rural Guatemala in the period 2006-2015.

**Promotion and participation of women in micro-, small- and medium-scale enterprise**

539. The Enterprise Development Department of the Vice-Ministry of Micro-, Small- and Medium-Scale Enterprise (MIPYME) of the Ministry of the Economy provides access to enterprise development services as a means of increasing competitiveness in the MIPYME sector, stimulating and supporting local demand in order to strengthen business activity. It promotes training and technical assistance for women entrepreneurs, carries out awareness-raising activities directed at municipal governments and works to raise the educational level and literacy of women entrepreneurs and advise them on business and administrative management. Successful cases are publicized through the Federation of Inter-American Business Entrepreneurs or the businesswomen's online community. Analyses are made in order to identify women's sectors with greater growth and development potential, so as to target services and ensure that women entrepreneurs have access to them.

540. To strengthen the programme for the development of MIPYME, a National Policy for the Development of MIPYME was adopted in 2005, which includes gender equity as one of its crosscutting themes in order ensure that men and women have equal enterprise development opportunities. The policy includes the creation of the National Council for Business Productivity (CONAPE).

541. Under the National Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunity Plan 2001-2006, the Ministry of the Economy, through the Vice-Ministry of MIPYME, was assigned responsibility for implementing the crosscutting economic/gender equity area.

542. To achieve its objectives, the Vice-Ministry for the development of MIPYME has concluded alliances and signed agreements or letters of understanding with various private and public non-governmental organizations, including SEPREM:

- With support from the Women and Local Economic Development (MYDEL) programme/UNIFEM/United National Office for Project Services (UNOPS), two centres providing business development services with gender equity were set up in rural areas. These centres seek to promote the development of women and men entrepreneurs and of competitive businesses that will help create favourable conditions for their growth and for employment generation, on a basis of equal opportunity for men and women;
- The international association DevNet/WINNER (Women into the New Network for Entrepreneurial Reinforcement – Latin American Network), which seeks to promote gender equity, creating more equitable participation opportunities for women entrepreneurs and helping them to grow and expand.

It also aims to provide women entrepreneurs with enterprise development services using information and communication technologies (ICT);

- Agreement with the MYDEL programme, the National Coordinating Office of Micro-Entrepreneurs of Guatemala (CONMIGUAT) and the Chiquimula Local Economic Development Agency (ASEDECHI) on training processes and the promotion of female entrepreneurship through the “*Inicie su Negocio*” (ISUN) (set up your business) and “*Mejore su Negocio*” (MESUN) (improve your business) programmes, as well as economic empowerment in a framework of local competitiveness and governance in rural areas;
- Agreement between ASEDECHI, the project for women and adolescents at social risk (MARS), UNIFEM/UNOPS and the Vice-Ministry of MIPYME, aimed at providing training to 175 women under the MARS project on the topic “*Inicie su Negocio*”, in the municipalities of Esquipulas and Concepción Las Minas in the department of Chiquimula. The purpose of the training is to help increase women’s economic options or personal autonomy by supporting vocational training and/or economic development (credit), focusing on the prevention and reduction of violence against women;
- Agreement with the Technical Institute for Training and Productivity (INTECAP) on a process of strengthening business management training, production techniques and technical assistance to help develop the MIPYME sector in Guatemala by improving business capacities and thereby promoting the development of entrepreneurs and competitive businesses;
- Agreement with the National Competitiveness Programme (PRONACOM) on disseminating an educational project on Guatemala’s competitive potential, as part of efforts to bring about a change of attitude and competitiveness in Guatemalans. The project will train young entrepreneurs and promote a change of attitude towards the business sector, thereby helping to foster an entrepreneurial attitude among young people and businesspeople in the MIPYME sector, by providing courses on competitiveness aimed at building entrepreneurship and awareness of Guatemala’s competitive potential;
- Agreement with the Association of Exporters of Non-Traditional Products (AGEXPORT) for strengthening management training, production techniques and technical assistance processes aimed at improving business skills and the design quality of handicrafts, guiding innovation in products made by the craft sector and coordinating action to develop marketing strategies;
- Letter of understanding between the Ministry of the Economy and the Guatemalan Chamber of Commerce (CCG) on supporting activities for the application, legislation, development and investigation of free trade agreements in the spheres of government and e-commerce and strengthening the good relationship between the two institutions for the benefit of the country’s MIPYME sector in general;
- Letter of understanding between the Ministry of the Economy and SEPREM for the gradual, systematic implementation of specific actions under a strategy that permits effective progress in meeting the economic equity targets of the women’s policy.



543. In the Ministry of the Economy, the European Union programme has had a women entrepreneurs component since 2005. The aims of the project “Promotion of commercial investments and exchanges – support for the micro- and small-scale enterprise sector in Guatemala” are to: (1) strengthen the situation of women heads of business and their access to services; (2) strengthen inter-institutional coordination and organizational capacity in the small- and medium-scale enterprise (SME) sector; (3) improve the quality, sustainability and coverage of enterprise development services and financial services; (4) improve the levels of competitiveness, access to markets and quality cycles of micro- and small enterprises and their products; and (5) improve the economy’s capacity for integration in international and regional settings.

**Table 34**  
**Beneficiaries of enterprise development services**  
**Investments made and distribution by sex,**  
**2004–April 2006 (in quetzales)**

	2004	2005	2006	TOTAL
Total Investment				Q3,010,113.00
No. of beneficiaries	2,372	12,830	6,944	22,146
Men	1,212	5,448	3,526	10,186
Women	1,160	7,383	3,418	11,961

Source: Vice-Ministry for the Development of MIPYME, Ministry of the Economy.

**Table 35**  
**Amounts of credit, credits granted and distribution by sex, 2004 –April 2006 (in quetzales)**

<i>Credit information</i>	2004	2005	2006	TOTAL
Total funding	Q83,500,000	Q130,525,000	Q24,620,000	Q238,645,000.00
Women	Q50,100,000	Q71,788,750	Q16,825,000	Q138,713,750.00
Men	Q33,400,000	Q58,736,250	Q7,795,000	Q99,931,250.00
No. of credits	22,983	41,941	1,842	66,766
Men	9,193	25,165	780	35,138
Women	13,790	16,776	1,062	31,628

Source: Vice-Ministry for the Development of MIPYME, Ministry of the Economy.

#### Access to credit

544. Women’s relationship with credit began with the influx of rural development projects and took the form of communal banks or individual micro-credits granted through federated and non-federated cooperatives and private financial development organizations (OPDF), where the requirements for obtaining access to credit are less stringent than in the formal banking sector, but interest rates are higher than the banking interest rate, which is regulated by the central bank.

545. In 2005, there were 35 institutions nationwide that provided micro-credits, compared with 38 in 2004. Most of these were private financial development organizations and federated cooperatives, with 205,281 loans equivalent to 76.56 per cent of all registered micro-credits, even though interest rates tend to be higher than in the formal banking sector, ranging from 20 to 36 per cent, while the annual rate on outstanding balances in the formal banking sector is 20 per cent.

**Table 36**  
**Average interest rates charged on credits, by type of institution, 2004-2005**

<i>Type of institution</i>	<i>Interest rate charged</i>
Banks	20.3%
Federated cooperatives	20.1%
Non-federated cooperatives	18 – 30%
OPDF	28%

*Source:* Based on data from the *Boletín Financiero y Estadístico Microfinanzas 2004*.

546. In the formal credit system, low-income women are still not considered credit-worthy. For the years 2004-2005, two banks granted micro-credits: the Coffee Bank (BANCAFE) and the Rural Development Bank (BANRURAL). The former ceased operations in 2006 and there is now only BANRURAL, which has made it possible for women's organizations to participate in its board and as shareholders. The women shareholders group brings together 22 organizations represented by the Federation of Rural Integrated Women's Development Organizations, *Mujeres en Acción*, ADIGMIA of Aguacatán and DIGUA on the south coast, among others.

547. According to Ministry of the Economy reports, credits granted through communal banks in any of the institutions that engage in this activity account for a very small proportion of the total credits granted: 3.05 per cent in banks of the system, 0.24 per cent in federated cooperatives, 11.09 per cent in non-federated cooperatives and 21.10 per cent in private financial development organizations.

548. In 2007, SOSEP signed an agreement with Grameen Bank and BANRURAL for the granting of micro-credits mainly to rural women. Through its different programmes in the country's interior, SOSEP will provide the necessary support to ensure that organized groups of women (at least five women) can meet the necessary conditions and requirements for obtaining credit.

#### **Other programmes to strengthen economic and social development**

549. In 2006, the Ministry of Environment and Natural Resources, through the Community Development Programme, executed 90 projects benefiting 3,462 women. It distributed Q 68,865,00 in seed capital and implemented production projects such as barnyard animal raising, family vegetable gardens, hothouses and reforestation, dressmaking, food preparation, bread making and sausage making.

550. The Ministry of Labour, in cooperation with the non-governmental organization Trickle Up, funded a total of 405 businesses in 2005 in the departments of Quiché (167), Alta Verapaz (157) and Guatemala (8). The main beneficiaries were women heads of household living in extreme poverty, indigenous women

victims of the armed conflict and, in the department of Guatemala, women with HIV.

### **First Lady's Social Work Secretariat (SOSEP)**

551. In the strengthening of community self-management area, women's participation as promoters of change is fostered through production projects that generate additional income for the family budget. In this framework, the following programmes are being implemented.

552. **Community Development Programme**, in operation since 2005. Its main aim is to promote the development of poor urban and rural communities through women's participation in production activities. It is working with 164 groups nationwide, benefiting 6,980 women.

553. The Community Development Programme instructs rural outreach workers in extension and technology transfer methodologies through training courses given by the Governance Institute on specific topics such as organization, the three decentralization laws, production and marketing systems, and administration/Tax Administration Superintendency. It works with women's groups to identify their skills, aptitudes and potential and on that basis establish a production activity – producing either a good or a service – that will guarantee success and sustainability, working through a strengthened community organization (participation in Municipal and Community Development Councils).

554. Of the 164 women's groups, 106 have already started production activities. Most of these involve commercial products for sale on local markets and activities such as tree nurseries for reforesting the Chixoy river basin. In October 2006, the first 13,000 plants were sold to the Ministry of Agriculture, Livestock and Food and an agreement was signed with the Ministry to produce 56,000 trees for the first half of 2007. A partnership has also been established with the company Kiej de los Bosques, which produces and sells on local and international markets crafts, costume jewellery, packaging bags, fattening pigs and sausages.

555. **Community day-care centres (*hogares comunitarios*) programme**, comprising day-care centres where boys and girls received personalized care while their mothers work. It has 1,173 centres in 193 municipalities in the country's 22 departments, providing for a population of 12,524 boys and girls. At the same time, 7,500 mothers are given an opportunity to engage in income-generating activities to help their family finances and/or support their families. In 2006, 74 new comprehensive care centres were opened nationwide to provide care for a further 1,942 boys and girls.

### **Ministry of Agriculture**

556. The Ministry carries out training and technical assistance processes for the implementation of rural production projects to promote economic self-sufficiency:

- Phase II of the Zacapa-Chiquimula project, promoting small-scale livestock development activities to help improve, diversify and rationalize peasant women's production activities;
- The project for sustainable natural resources management in the Sierra de los Cuchumatanes, under which a study is planned for expanding and modifying

agro-environmental and gender-based production systems in the nine municipalities covered by the project, in the hope of benefiting businesses operated by women with the services of three producers' organizations in the project area;

- The project for the promotion of commercial investments and exchanges through the activation of financial and non-financial services known as enterprise development services, under which technical training and assistance have been provided, with women accounting for 54.93 per cent of participants;
- The Petén forest protection project (PROBOPETEN), which includes, as a rural women's development activity, the provision of access for organized housewives' groups to social funds that promote family self-management with initiatives such as communal banks.

#### **National Development Fund (FONADES)**

557. Governmental Agreement No. 448-2006 established the National Development Fund (FONADES) to carry out work left pending by the closure of the Social Investment Fund (FIS).

558. Women and gender activities are promoted within the framework of the communal banks. Organizational processes aimed at women are encouraged and strengthened and women's participation in community assemblies, with the right to speak and to vote, is required when projects are being identified and prioritized.

#### **Land Trust Fund**

559. Since 2004 and the adoption of the Land Trust Fund's gender equity policy, technical assistance has been coordinated to provide advice and support to Land Trust Fund beneficiaries in both programmes and production projects. The recruitment of gender experts to advise and support women's participation at the community level was coordinated with the technical assistance area. A Peasant Women's Unit was set up and became a member of the SEPREM Advisory Board.

560. The Unit's 2006 operational plan "Mainstreaming the gender equity policy of the Land Trust Fund" comprises three strategies:

- Institutionalization of the gender equity policy with respect to peasant men and women in the political, planning and operational structure of the Land Trust Fund to guarantee equitable access to and use and occupancy of land, promote ownership and joint ownership among peasant women and guarantee the all-round development of men and women on a basis of equal conditions and opportunities;
- Promotion and active participation of men and women in community and agricultural organizational structures to guarantee men's and women's equal position and decision-making powers in the farm's organizational structure; promotion of equal opportunities for economic, social and educational development; strengthening of community work with gender equity without adversely affecting coexistence between men and women of all ages; and encouragement of efforts to resolve situations affecting women's participation;
- Coordination and strengthening of inter-institutional alliances that help put into practice the gender equity policy of the Land Trust Fund. An approach to

gender equity from the standpoint of the Land Trust Fund, greater impact on the different units and areas of work and greater internal and external coordination.

561. A number of programmes are being executed through the Land Trust Fund. These include the **access to land programme**, which grants credits for the individual or collective purchase or lease of farms to peasants who have little or no land. In 2004-2007, 356 women heads of household, organized into a total of 44 groups, benefited directly, purchasing 13,367.66 hectares of land on which various production activities are being carried out in which women participate on a joint ownership basis.

562. The following table shows the farms awarded in the period 2004-2007 to men and women heads of household. It is important to remember that the spouse of every head of household is awarded joint ownership of the farm.

**Table 37**  
**Farms awarded by the Land Trust Fund, 2004-2007**

<i>Year</i>	<i>Number of farms</i>	<i>Families</i>	<i>Women heads of household</i>	<i>Men heads of household</i>
2004	29	2,103	245	1,358
2005	12	764	83	681
2006	2	247	19	228
2007	1	90	9	81(*)
TOTAL	44	3,204	356	2,848

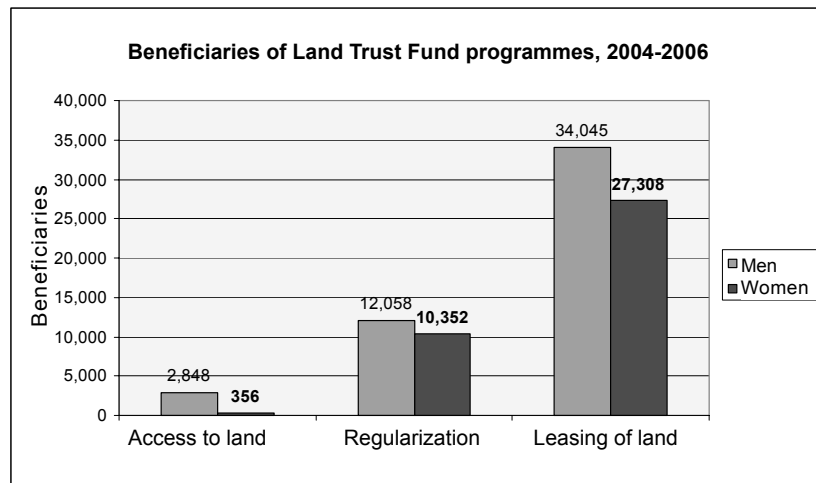
(\*) Partial data.

Source: Land Trust Fund, July 2007.

563. **Regularization of land ownership programme.** The purpose of this programme is to enable beneficiaries of programmes deriving from the laws on this issue to formalize the award of land to them and obtain full ownership of the awarded land, in accordance with legal requirements. In the period 2004-2007, the land regularization programme expedited the award of land at low cost and on soft funding terms. It also provided notary services, drawing up deeds (individual and collective) at no cost to beneficiaries. Under technical and administrative cooperation agreements with non-governmental entities, support and advice are being provided to beneficiaries so that families can become self-supporting and pay off the credit granted to them.

564. During the period in question, 10,362 women benefited, either individually or as members of communities, from land regularizations and purchases, with 2,429 individual and 168 community title deeds being issued, corresponding to a little over 206,000 hectares of land on which various production activities were carried out.

Graph 10



Source: Based on Land Trust Fund data.

565. As part of the annual operating plan (POA), the regions of Cobán and Quetzaltenango have a POA for implementing the gender equity policy, under the supervision of the Peasant Women's Unit.

#### Article 14

##### Rural women

##### Recommendations of the Committee on the Elimination of Discrimination against Women

*The Committee urges the State party to ensure that all poverty eradication policies and programmes incorporate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women, in particular women living in rural areas. It recommends that the State party strengthen its efforts to implement nationwide effective health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation, and adopt measures to ensure women's equal access to land.(6)*

*The Committee encourages the State party to adopt concrete, targeted measures to accelerate improvement of the living conditions of indigenous women in all spheres of life. It calls upon the State party to ensure that indigenous women have full access to bilingual education, health services and credit facilities and can participate fully in decision-making processes. It requests the State party to include information and data on the situation of indigenous women, and on the impact of measures taken to overcome the multiple discrimination against them, in its next periodic report. (6)*

566. Guatemala is a multilingual, multicultural and multi-ethnic country with 22 indigenous groups. Forty three per cent of its population is indigenous and it has a high level of biodiversity in a relatively small territory (108,889 sq. km.). It has approximately 12.7 million inhabitants, of whom 6.5 million are women. The

majority of the population (nearly 54 per cent) lives in rural areas and it is predominantly young (some 66 per cent of inhabitants are aged under 25).<sup>6</sup>

### **Rural women's participation in the economically active and inactive population**

567. According to information from the National Survey of Living Conditions (ENCOVI) 2006, the economically active population comprises 61.7 per cent men and 38.3 per cent women. Of the total economically active population, 52.1 per cent are in urban areas and 47.9 per cent in rural areas. The economically inactive population comprises 25.3 per cent men and 74.7 per cent women, of whom 49 per cent live in urban areas and 51 per cent in rural areas.

**Table 38**

### **Rural women's participation in the economically active and inactive population**

<i>Selected characteristics</i>	<i>Employed population</i>	<i>Unemployed</i>	<i>Visible under-employed</i>	<i>Economically active population (EAP)</i>	<i>Economically inactive population (EIP)</i>	<i>Open Unemployment rate</i>	<i>Visible under-employment rate</i>
Total	100.0	100.0	100.0	100.0	100.0	1.8	15.4
Sex							
Men	61.9	50.5	60.0	61.7	25.3	1.5	14.9
Women	38.1	49.5	40.0	38.3	74.7	2.4	16.1
Area							
Urban	51.7	75.3	53.6	52.1	49.0	2.6	15.8
Rural	48.3	24.7	46.4	47.9	51.0	0.9	14.9
Ethnic group							
Indigenous	39.3	17.3	30.8	38.9	34.6	0.8	12.2
Non-indigenous	60.7	82.7	69.2	61.1	65.4	2.5	17.4

Source: National Survey of Living Conditions (ENCOVI) 2006.

### **Education and rural women**

568. The National Survey of Living Conditions (ENCOVI) 2006 establishes the educational level of women of childbearing age, by area and ethnic group, indicating that 33.3 per cent of rural women have no education at all (cannot read or write), compared with 11.1 per cent of urban women, that 39.8 per cent have not completed primary school (six grades) and only 0.1 per cent complete higher education.

<sup>6</sup> INE, Eleventh Population Census and Sixth Housing Census, 2002.

**Table 39**  
**Educational level of women of childbearing age, by area and ethnic group**

<i>Characteristics</i>		<i>Total</i>	<i>Area</i>		<i>Ethnic group</i>	
			<i>Urban</i>	<i>Rural</i>	<i>Indigenous</i>	<i>Non-indigenous</i>
<b>National total</b>		<b>100.0</b>	<b>100.00</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Able to read and write	Yes	78.1	88.9	66.7	62.0	87.6
	No	21.9	11.1	33.3	38.0	12.4
	None	23.0	12.3	34.4	38.8	13.7
Level of schooling	Not completed primary school	32.3	25.1	39.8	36.3	29.9
	Completed primary school	16.4	18.3	14.4	11.3	19.3
Level of schooling	Not completed secondary school	14.3	20.3	8.1	8.6	17.7
	Completed secondary school	9.5	15.8	3.0	3.7	13.0
	Not completed higher education	2.9	5.5	0.3	1.1	4.0
	Completed higher education	1.5	2.8	0.1	0.1	2.3

*Source:* National Statistical Institute (INE).

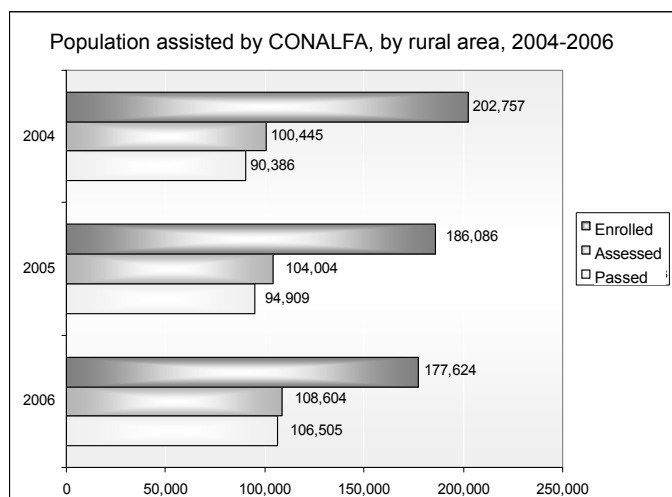
### **Rural educational activities**

#### **National Literacy Council (CONALFA)**

569. As described in the section on education, CONALFA actions have nationwide coverage. Its strategies for meeting the target of reducing the illiteracy rate have included strengthening the decentralized activities being carried out in each Departmental Literacy Coordination Office (CODA). These offices generate and develop inter-institutional coordination processes to achieve indicators of effectiveness and efficiency.

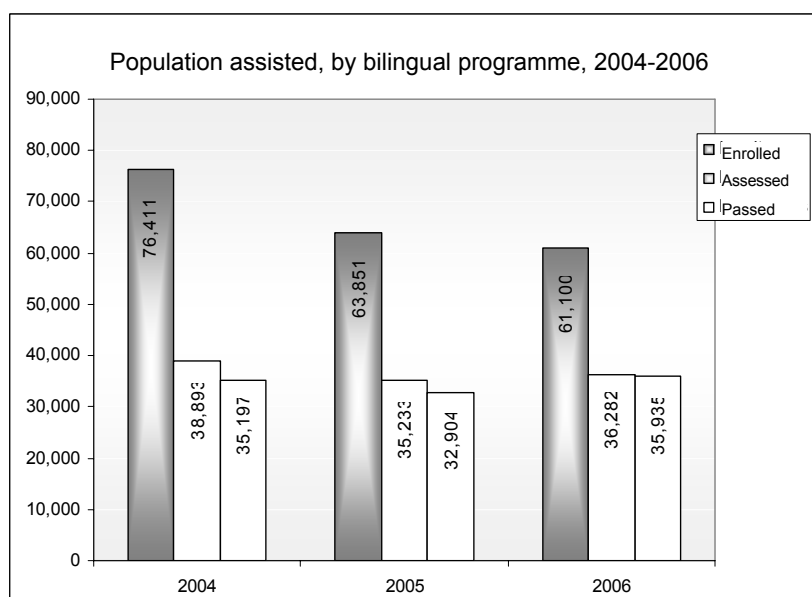
570. CONALFA has an organizational structure at departmental and municipal level and currently deals with an average of 9,450 communities. It provides literacy teaching in Spanish and in 17 Mayan languages. The greatest Mayan language coverage is in the most frequently used languages: K'iché, Kakchiquel, Mam and Q'eqchi. One of its actions gives priority to rural areas. The following graph shows the coverage for rural areas.



**Graph 11**

Source: CONALFA Computation Centre, 2007.

571. In the reporting period, each CODA produced a newly literate population target (population who pass each year), which has helped to reduce the 2003 illiteracy rate of 27.49 per cent to 23.97 per cent at present. Covering the Maya-speaking population remains a priority for CONALFA. To this end, it has reached out to the most remote rural communities and a system of ongoing supervision has been put in place. Its strategy has been to use programmes that respect Maya beliefs and forms of cultural and religious expression. The following graph shows the results of the bilingual literacy programme.

**Graph 12**

Source: CONALFA Computation Centre, 2007.

### Ministry of Education scholarship programme for rural girls

572. Through the scholarship programme for rural girls, especially indigenous girls, the Ministry of Education is aiming to increase school enrolment among rural girls, with emphasis on populations and communities with the lowest rates of educational coverage and the highest primary school dropout rates. The target population is girls aged 7 to 12 years enrolled in the first four grades of primary education. Rural families that enrol their daughters in local State schools receive Q 300.00 a year in financial assistance. The scholarships for rural girls are paid in 18 of the country's 22 departments and mainly in the five departments with the largest indigenous populations.

573. In the time that it has been in operation, the programme has managed to reduce the enrolment gap between boys and girls. In 1994, when educational coverage of the school age population was 69 per cent, boys accounted for 63 per cent of enrolments as against 37 per cent for girls. In 2005, educational coverage was 93.5 per cent and girls accounted for 48.5 per cent of enrolments.

**Table 40**  
**Scholarships awarded by the rural girls scholarship programme**

<i>Department</i>	<i>Population (7-12 years)</i>	<i>Enrolled (7-12years)</i>	<i>Net coverage rate</i>	<i>Primary school scholarships awarded</i>	<i>Rural girls scholar-ships</i>
Alta Verapaz	166,284	125,944	75.74%	17,616	11,119
Huehuetenango	173,320	150,992	87.12%	20,456	9,084
Quiché	142,578	125,125	87.76%	26,322	11,284
Petén	83,696	78,406	93.68%	12,568	8,041
San Marcos	156,518	153,079	97.80%	19,290	8,789
<b>Total</b>				<b>96,252</b>	<b>48,317</b>
<b>Total scholarships</b>				<b>139,999</b>	<b>73,333</b>
<b>% for these departments</b>				68,75%	65,89%

Source: Ministry of Education, August 2007.

### National Programme for Educational Self-Management (PRONADE)

574. Both the peace agreements and the educational reform proposals mention the need to create mechanisms that facilitate rural communities' access to education, the promotion of measures to make such access easier, decentralization and communities' active participation. PRONADE was launched in 1996 through Governmental Agreement No. 457-96 and focuses on rural communities, most of which are quite inaccessible. It currently supports over 3,400 schools nationwide. It operates through local education committees (COEDUCA), which organize legally to administer community-managed schools on a decentralized basis with funding from the Ministry of Education.

575. The programme is aimed at promoting the involvement of parents as those responsible for their children's education; strengthening local organization to ensure community development; decentralizing the education service and distributing functions and sharing responsibilities with COEDUCA and other units of the

Ministry of Education. It is based on the principles of solidarity, community participation, administrative efficiency and strengthening of democracy.

576. Through PRONADE, the following has been achieved: (1) 3,433 committees have been empowered nationwide; (2) coverage has been extended to almost all the country's departments: 21 out of 22; (3) children's school success and retention rates have increased; (4) coverage targets have been achieved one year early; (5) actual class hours have increased; (6) the number of class days per year has increased; and (7) teachers have been assigned who speak the same language as their pupils.

### Health services

577. The results of ENCOVI 2006 show the place of health care provision and the demand for basic health services for each member of the household, by area, sex and ethnic group.

**Table 41**  
**Demand for and access to health services**

Characteristics	Total	Area		Sex		Ethnic group	
		Urban	Rural	Men	Women	Indigenous	Non-indigenous
<b>National total</b>	<b>100.0</b>	<b>100.00</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Demand for health services							
Sought services	51.0	57.5	44.1	49.1	52.3	42.5	55.4
Did not seek services	49.0	42.5	55.9	50.1	47.7	57.5	44.6
Place where care provided							
Public	43.2	36.0	53.0	43.6	42.9	49.6	40.7
Private	56.8	64.0	47.0	56.4	57.1	50.4	59.3

Source: National Statistical Institute (INE), ENCOVI 2006.

578. Health services are mainly provided to the population through three channels: the Ministry of Health and Social Welfare, the Guatemalan Social Security Institute (IGSS) and the private sector. Seventy per cent of the population receive health care through the Ministry of Health and 8.2 per cent through IGSS.

579. The services provided by the Ministry of Health involve three levels of care, according to the complexity of the services, and are interlinked through a system of referral and response:

- The first level comprises institutional services (health posts and primary health care centres) and services contracted out to non-governmental service managers and providers. This has made it possible to extend coverage to the population identified as having been left furthest behind by health services. The coverage provided at the first level is defined as a basic basket consisting of 26 services:
  - Eight directed at women's health care;
  - Eight for children;
  - Six for emergencies and prevalent diseases;

- Four relating to the environment.
- The second level comprises services provided institutionally by health centres and integrated maternal and child health care centres (CAIMI);
- The third level comprises services provided by district, departmental and national referral hospital centres.

580. According to the 2005 report on the health situation and its funding, at the first level of health care the Ministry of Health has 1,244 assembly centres, 926 health posts and 300 minimum units in rural areas. At the second level, there are three integrated maternal and child health care centres (CAIMI), 32 type A health centres, 249 type B centres, 16 cantonal maternity hospitals, three outlying clinics and 32 integrated centres. The third level comprises 43 hospitals, of which two are national referral hospitals, seven are considered specialist hospitals, eight are regional, 16 are departmental, five are district hospitals and five are contingency hospitals. In all, there are 6,030 hospital beds in Ministry of Health hospitals.

581. To follow up its health policies for 2004-2008 of: (1) meeting the health needs of Guatemala's population by providing quality, friendly health services with equity and an intercultural and gender approach at the different levels of care; and (2) strengthening the process of decentralizing competencies, responsibilities, resources and power to health areas and hospitals, the Ministry of Health carried out the activities described below.

582. To strengthen the process of modernizing and decentralizing health services, agreements were signed with the Presidential Secretariat for Executive Coordination (SCEP) and the National Association of Municipalities (ANAM) for mainstreaming the decentralization policy. As a result, a pilot plan for the transfer of health competencies was set in motion in conjunction with the municipality of Santa Catarina Pinula.

583. The project "Healthy communities and schools" was drawn up and submitted to the Inter-American Development Bank (IDB). Funding totalling \$ 150,000 was obtained for executing the project through the *mancomunidad Chortí* (association of Chortí municipalities). Agreements were signed on decentralizing the first level of health care through the "*El médico en tu casa*" (the doctor in your home) project in the municipalities of Santa Catarina Pinula, Chinautla and Villa Nueva.

584. Similarly, in 2005, a new service concept was introduced to meet the demand for maternal and child health care in geographical areas with high maternal, neonatal and child mortality rates. To this end, integrated maternal and child health care centres (CAIMI) were set up in remote areas to provide non-hospital outpatient care linked up with mothers' homes.

585. In 2005, the following CAIMI were set up:

- Cuilco, Huehuetenango, which provides surgical care;
- El Estor, Izabal;
- Ixichiguán, San Marcos.

586. Twenty-four hour health centres offering maternal and child health care were also set up in the municipalities of Tacaná and San Pedro Sacatepéquez in San Marcos department. Two community emergency plans to prevent maternal deaths

and ensure safe home births were approved, benefiting the population of Huehuetenango and Totonicapán.

587. In 2005, a total of 659,411 women of childbearing age were vaccinated with diphtheria toxoid, while in 2006 a total of 960,806 women were vaccinated. The vaccination was provided through the formal and outpatient health posts of the country's 332 municipalities, with special emphasis on municipalities given priority by *Guate Solidaria*, which have high rates of malnutrition. These actions were publicized in Spanish, Mayan languages, Garifuna and Xinka.

588. The norms for promoting breastfeeding were revised and 1,000 copies were produced and distributed in hospital services, benefiting 201 people in 23 hospitals and five cantonal maternity hospitals. The Ministry of Health also participated in the maternal mortality reduction project, funded by Spanish cooperation, in the department of Sololá, which benefited a population of 600,000 inhabitants.

589. Training in the use of the guides for managing antenatal care, childbirth, the postpartum and obstetric emergencies was given to 102 providers from childbirth care centres in the health areas of the departments of Jutiapa, Santa Rosa and Petén. In coordination with the school of continuing education and the *Calidad en Salud*/AID project, 54 nursing auxiliaries qualified in maternal and neonatal care were trained in each district, benefiting 540,000 inhabitants in Alta Verapaz, Sololá, Quiché, Totonicapán, Chimaltenango, Sacatepéquez and Huehuetenango.

590. Folic acid, vitamin A and iron were provided to 211,395 children under one year of age. Folic acid, vitamin A and iron were also provided to children aged six to 59 months and to 86,735 women aged 15 to 19 during pregnancy and in the six months following childbirth. Two community emergency plans to prevent maternal deaths and ensure safe home births were approved, benefiting the population of the departments of Huehuetenango and Totonicapán.

591. The Act on Universal and Equitable Access to Family Planning Services was disseminated in all health areas. The difficulties faced by women in accessing this service include: distance and lack of money to pay for transport; obstacles such as cultural practices; language, since they are monolingual and most of them are illiterate; lack of decision-making power with respect to their own bodies; and the fact that it is older persons, husbands or mothers-in-law that take the decisions about women's health and whether they should attend health services. It has been possible to overcome some of these obstacles through the education and awareness-raising processes described under article 12 in this report.

592. Following the disasters caused by Tropical Storm Stan in 2005, the Ministry of Health drew up a plan of action for dealing with the emergency and rebuilding infrastructure affected by the storm. The aim was to reduce morbidity and mortality among the affected population by launching prevention, treatment and rehabilitation activities from the onset of the emergency, tailoring them to requirements in each locality.

593. In response to the resulting health emergency, the projects "Food and nutritional monitoring of the Guatemalan population affected by Tropical Storm Stan, with emphasis on women and children, in order to prevent malnutrition, and action to assist that population" and "Women's health care" were designed and were implemented in institutional shelters and services.

594. As part of the assistance provided in the aftermath of Tropical Storm Stan, the Ministry of Health undertook the following mental health activities: (1) evaluation of damage; (2) plan of action; and (3) recruitment of 21 people (psychologists, psychiatrists and a social worker) for six months, starting on 12 December 2005, for the Sololá, San Marcos, Huehuetenango, Suchitepéquez, Retalhuleu, Escuintla and Quetzaltenango health areas.

595. In the area of women's health, cooperation in an amount of US\$ 200,000 was obtained from the United Nations Population Fund (UNFPA) for the San Marcos, Sololá and Escuintla areas and US \$ 70,000 from the Office of Project Services (OPS) for the Suchitepéquez and Retalhuleu health areas. Action to address sexual violence was coordinated with PROPEVI and SEPREM. Information, education and communication (IEC) activities were carried out with OPS.

### **Social security**

596. Social security programmes providing accident, sickness, maternity and disability benefits, old age pensions and survivors' benefits are provided by the Guatemalan Social Security Institute (IGSS). According to the National Employment and Income Survey (ENEI) 2003, 85 per cent of women and 80 per cent of men working in rural areas are not insured by IGSS. Rural Guatemala has virtually no social security coverage because most working women work independently and perform unpaid family work, meaning that they are not affiliated with or covered by IGSS.

### **Access to land**

597. The Land Trust Fund's gender equity policy with an ethnic approach promotes and guarantees equal opportunities for men and women peasants in access to and the use and occupancy of land. It also makes it possible for peasants to secure ownership and/or joint ownership of land. The Fund's programmes are listed under article 13 in this report, dealing with economic and social development.

### **First Lady's Social Work Secretariat (SOSEP)**

598. Under the Government's economic and social recovery programme, SOSEP carries out activities in the areas of social protection, education and capacity-building, promotion of production management in rural areas and encouragement of social participation. It has implemented the programmes detailed below.

599. The *Creciendo Bien* (growing well) programme is a model of community self-management that promotes food and nutrition security for the smallest children in the community, starting from the premise that women of childbearing age can be agents of change and key players when they are taught to influence improvements in the health and nutritional status of their children, especially those under the age of five. The programme trains mothers to ensure better conditions in achieving food and nutrition security and sustainable human development by strengthening individual, family and community self-management. In 2005, it won the national social management prize sponsored by the Inter-American Institute for Social Development (INDES)/IDB in Guatemala.

600. The *Hogares Comunitarios* (community day-care centres) programme promotes the all-round development of children living in extreme poverty, from

conception to six years of age, by providing personalized daytime care, food and nutrition, early education, preventive health and education in values and good habits. It provides care in two ways: (1) simple day-care centres operating in private homes, with mothers who care for and look after 10 to 12 children; and (2) comprehensive care centres (CAI), which operate on the same basis but directly involve the community and local authorities, taking care of a total of 20 to 80 children, with one mother for every 10 children.

601. The *Amigos de la Escuela* (friends of the school) programme was set up in 2004 to promote the overall development of schools and communities, in order to ensure safe, healthy and inclusive educational settings offering children better learning and health conditions. The schools identified and prioritized in the census are concentrated mainly in the pre-primary and primary levels. They are located principally in rural or marginal urban areas and include State schools and PRONADE community self-managed schools.

602. The **Community Development Programme** began work in January 2005 and promotes the public, socioeconomic and sociopolitical participation of rural and urban women through comprehensive training processes. It has promoted municipal registration of the female population who tended not to be registered and organizes various work projects that can generate a decent income by encouraging the formation of communal banks. The idea is that women should not only improve their and their family's quality of life but also develop business skills.

The **scholarship programme** helps raise the quality of life of rural women living in poverty and extreme poverty by ensuring their advancement, inclusion and enhanced social status and gender equity, with a view to creating opportunities for their social, economic and political participation. Raising awareness of the serious problem of lack of education of Guatemalan girls, especially rural girls, which is why it works to give young and teenage girls access to scholarships, has been an important part of the programme,.

## **Food security**

### **Programme to reduce chronic malnutrition (PRDC)**

604. The Act on the National System of Food and Nutrition Security, Decree-Law No. 32-2005, was adopted in 2005. It regulates the Secretariat for Food and Nutrition Security (SESAN) and prohibits discrimination on grounds such as sex in access to food and to the enjoyment or exercise of the right to food and nutrition security.

605. Through PRDC, SESAN assists children under the age of three, pregnant women and nursing mothers up to six months after childbirth. The programme was launched in 508 communities of 18 municipalities located in rural areas and is expected to benefit over 42,000 people. Through the *Creciendo Bien* programme, SESAN focuses on providing training to women of various ages in priority communities, principally on issues of nutrition, food preparation and family vegetable gardens. Its main achievements in the area of food security include:

- Establishment of 81 municipal food and nutrition security commissions (COMUSAN) and 17 departmental commissions (CODESAN). The latter underwent a process of institution- building;

- Determination of the formula to use as a food supplement (vitacereal) appropriate to the nutritional needs of target groups;
- Launching in August 2004 of the inter-institutional forum on information, education and communication (IEC) to standardize the content of the messages on food security disseminated by different institutions;
- Launching of a distance diploma on food security to upgrade the skills of operational staff of the first and second levels of health care;
- Formulation of a strategy for assisting families at risk of food and nutrition insecurity;
- Standardization of indicators for monitoring and early warning at community level, agreed between the Government and international cooperation agencies working on the issue;
- Implementation of the programme for the distribution of food aid to persons at risk of food and nutrition insecurity, using food donations, with the participation of the Ministries of Agriculture and Education, the Peace Fund (FONAPAZ), and SOSEP;
- Emergency food aid in response to the disaster caused by Tropical Storm Stan;
- Holding of the Latin American Conference on Chronic Hunger in September 2005, in the context of the Millennium Development Goals, at which the proposal for a “Latin America without Hunger” was made, aimed at reducing under-nutrition in the region to a level not exceeding five per cent by 2025, through public policies of the countries of the region that promote the eradication of hunger;
- Adoption of a strategic plan.

#### **National Network of Women Farmers**

606. The Ministry of Agriculture, in its agricultural and sectoral policy 2004-2007 “Cementing the development of agriculture and rural areas”, upholds the principles of subsidiarity, equity, decentralization, sustainability and shared responsibility in the priority area of public and private agricultural institution-building.

607. The agricultural policy develops the strategic action of strengthening interaction between the Ministry of Agriculture and non-governmental agricultural organizations. It includes within the legal and institutional framework of the National Council for Agricultural Development (CONADEA) the bilateral institutional committees, one of which, the Ministry of Agriculture/Rural Women Bilateral Institutional Committee was set up by Governmental Agreement No. 650-94 of 30 September 1994.

608. In order to integrate women from different areas of the country engaging in activities throughout the commercial agricultural production chain, a National Network of Women Farmers was set up to create a channel of communication with the Ministry of Agriculture. The aim was to provide a forum for, inter alia, exchanging experiences and sharing lessons learned and successful methodologies that genuinely help to create opportunities for representation and for enhancing the social, economic, cultural and political status of the 53.2 per cent of Guatemalan



women who live in rural areas, most of whom engage in agriculture-related activities.

609. One of the network's main aims is to help groups of women farmers tap into their potential on their home ground and empower them by linking groups up among themselves and with technical and financial cooperation sources in order to improve their economic, social, cultural and political conditions. A total of 667 organizations of women who engage in different agricultural activities have been identified. Currently, 305 women's organizations with a total membership of 66,046 women are involved in the process of setting up the network, together with a group of 40 national delegates, representing the country's 22 departments, who will ultimately form its board of directors. There is a database of the 305 organizations, with a card recording the characteristics of each one.

### **Guatemalan Indigenous Development Fund (FODIGUA)**

610. FODIGUA has projects for assisting low-income indigenous communities, divided into the following programmes.

611. **Kemb'al Tz'ib** programme, which gives children and young people from rural indigenous communities access to knowledge and use of computer programmes, strengthening their identity by teaching them the symbology, terminology and content of their own ancestral culture.

612. The programme funds, supports and organizes computer labs in indigenous communities, in coordination with public education centres and civil society organizations, in order to generate a sustainable impact on the cultural and ethnic identity of upcoming generations, who will be able to recreate their culture by combining ancestral traditions with modern life.

613. **Ri Chak Winaq** (people's work) programme, which provides technical and financial support to people's work, namely, the work of groups of women and men who engage in agricultural and craft production activities. It involves the use of revolving funds, seed capital and micro-credits intended as a source of sustainable income and the leverage of local, regional and extra-regional commercial activities. In the long term, it involves taking strategic production actions that will help raise the standard of living of low-income rural indigenous populations by means of innovation and the promotion of novel initiatives that will generate wealth.

614. **Utzilal Winaq** (people's wellbeing) programme, comprising projects that help ensure that preventive health and treatment conditions translate into a state of physical, mental and social wellbeing, facilitating the alternative use of traditional and modern prevention and treatment systems. The programme seeks to enhance the status of midwives, who not only assist mothers in childbirth but are also a source of ancestral knowledge and have moral authority in advising on family and motherhood. It seeks to raise the profile of midwives by giving them high-quality technical training and reinforcing and researching traditional forms of treatment of health problems.

615. **Uchuq'ab' Tinamit** (people's power) programme, which involves promoting action to strengthen indigenous peoples' strategic opportunities. These opportunities may lie in civil society or in State institutions, through human and social resources training. The programme includes political education for staff linked to projects financed by the Fund, in order to keep them abreast of advances in the national and

international indigenous movement and strengthen their cultural practices, such as language, use of the Maya calendar, clothing, daily life and spirituality.

**Table 42**  
**FODIGUA**  
**Beneficiaries by programme, 2006**

<i>Programme</i>	<i>Beneficiaries</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>
Utzilal Winaq		1,078	1,078
Ri Chak Winaq	959	701	1,660
Kemb'al Tz'ib'	2,292	2,281	4,573
Ri Uchuq'ab' Winaq	300	440	740
<b>Total</b>	<b>3,551</b>	<b>4,500</b>	<b>8,051</b>

Source: FODIGUA, October 2007.

**Table 43**  
**FODIGUA**  
**Beneficiaries by programme, 2007**

<i>Programme</i>	<i>Number of projects</i>	<i>Beneficiaries</i>	
		<i>Men</i>	<i>Women</i>
UCHUQ'AB' TINAMIT	8	438	486
UTZILAL WINAQ	3	47	221
KEMB'AL TZ'IB'	16	2,060	1,981
RI CHAK WINAQ	21	507	910
<b>TOTAL</b>	<b>48</b>	<b>3,052</b>	<b>3,598</b>

Source: FODIGUA, October 2007.

### Challenges

616. The Office for the Defence of Indigenous Women's Rights (DEMI) held a National Congress of Indigenous Women in September 2006, as a result of which a coordinated agenda of Maya, Garifuna and Xinka women was formulated that served as an important input for updating the National Policy for the Advancement and Development of Guatemalan Women, 2008-2023. The basic aim is to recognize and value the contribution of Maya, Garifuna and Xinka women to cultural preservation, peacebuilding, democracy and the country's all-round development by mainstreaming the agenda's thematic areas in local and State public policy.

### Article 15

#### Equality before the law

617. As indicated in previous reports, Guatemala's legislation in civil matters and matters of legal capacity enshrines the legal equality of women and men, as established in the Constitution, article 4 of which provides that "all human beings are free and equal in dignity and rights". The Act on Enhancing and Advancing the

Status of Women and the Social Development Act formally recognize women's and men's equal rights in the home, at work, in production and in social and political life. Guatemalan civil law establishes that the capacity to exercise civil rights is acquired upon coming of age, at which point women acquire full capacity to act and to enter into contractual arrangements on an equal footing with men and with the same rights and obligations.

618. One problem faced by women in Guatemala, especially in rural areas, is lack of documentation. In Guatemala, as in other parts of the world, without an identity document a person has no legal existence. "Persons", many of them women or girls, cannot exercise their rights, such as access to education, work or health. A person's legal existence is also intrinsically linked to the requirements for being able to own property or have access to credit. An identity document is also an essential requisite for women to be able to exercise citizenship rights.

619. To ensure that women are able to participate on an equal footing, transitional norms have been adopted to help promote equality between men and women in the exercise of citizenship for women affected by the armed conflict. In 2000, the first Temporary Special Act on Personal Documentation (Decree No. 67-2000) was adopted with an initial period of validity of two years. Despite multiple extensions of this period, there are still uprooted populations, especially women and minors, who have no documentation. Accordingly, in April 2006 a new Temporary Special Act on Personal Documentation (Decree No. 9-2006) was adopted, with a period of validity of six months. During the first two months, the documentation process was publicized by the media in the Mayan, Xinka and Garifuna languages.

620. Currently, there are a number of legislative reform proposals before the Congress of the Republic, designed to bring the legislative framework into line with legal equality and enable women to develop professionally, politically, economically and socially on an equal footing in the various spheres in which they are involved. Given the current electoral process in the country and the election by popular vote of new authorities that will take office in January 2008, it will be important to encourage the acquisition of basic legal knowledge for mainstreaming a gender perspective in legislative proposals and to emphasize the importance of taking all human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention of Belém do Para, as a basis for legislative work.

## *Article 16*

### **Marriage and the family**

621. The State of Guatemala has positive domestic law on equality in marriage and family relations, for instance, the Constitution, the Social Development Act and the Act on Enhancing and Advancing the Status of Women.

622. The Constitution, for its part, establishes general norms of non-discrimination and equal protection (article 4). Article 47 provides that the State must protect the family and promote its organization on the basis of marriage, equal rights of the spouses, responsible fatherhood and the right to decide freely on the number and spacing of children. Article 52 provides that the State must protect maternity and ensure stringent compliance with the rights and obligations deriving therefrom.

623. Similarly, the Social Development Act (2001) establishes in its preamble that all human beings are free and equal in dignity and rights. Men and women, regardless of their civil status, have equal opportunities and responsibilities. Article 6 states that the organization of the family is the basic unit of society and marriage is regarded as its legal basis. De facto unions and single parents are also regarded as family nuclei, in the light of article 48 of the Constitution and article 173 of the Civil Code.

624. The conditions protected by civil law are those described in the previous report submitted to the Committee. Despite this, there are still some provisions that maintain unjustified gender-based distinctions. Articles 89 and 299 of the Civil Code continue to create gender-based distinctions that seem to be in direct conflict with the State's obligation not to discriminate and to provide equal protection. Article 89 regulates permission to marry and establishes a minimum age for marriage with the parents' consent: 14 years for girls and 16 years for boys. It also provides that women must wait 300 days after the dissolution of a marriage or union before entering into another, while there is no corresponding provision for men. Article 299 deals with the guardianship of minors and provides that preference shall be given to the paternal grandfather.

625. SEPREM made an analysis of civil law governing family relations and marriage and drew up a proposal for amending the Civil Code and the Courts Act. This proposal was sent to the Congress in 2002, but was not considered. It was subsequently included in the 2004 congressional legislative agenda, but at the end of the legislative period it was shelved because no positive decision had been taken on it.

626. In the absence of a response to calls to amend articles of the Civil Code that discriminate against women, the Guatemalan branch of the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM Guatemala), together with other women's organizations, filed an action for unconstitutionality with the Constitutional Court, impugning a number of articles of the Civil Code. The action, case No. 541-2006, was filed on 7 March 2006. Among other articles containing subjective and discriminatory provisions, the articles in question refer to the minimum age of marriage; the exercise of legal guardianship, in which paternal grandfathers are given priority and maternal grandmothers come last; the right of a wife who was not at fault, in a case of separation or divorce, to receive alimony as long as she behaves "decently"; and the period of time that a woman must wait before remarrying, whereas men are not subject to any such provision.

627. The action for unconstitutionality was accepted for hearing but the provisional suspension of the impugned articles is still pending a final ruling on the action's admissibility or otherwise by the judges of the Constitutional Court. As of the date of submission of this report, no final decision had been taken on the action for unconstitutionality.