

# FINAL REPORT

## GUATEMALA: Country Gender Profile

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## GUATEMALA

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## List of abbreviations

AGEXPRONT	Asociación Gremial Exportadores de productos no tradicionales	Gremial Export Association for non traditional products
APROFAM	Asociación Pro-Bienestar de la Familia	Association for the Wellbeing of the Family
ASDI	Agencia Sueca de Cooperación Internacional	Swedish Agency of International Cooperation
BCG	Vacuna contra la tuberculosis	Tuberculosis vaccine
CAFTA	Tratado de Libre Comercio para Centro América	Central America Free Trade Agreement
CEPAL	Comisión Económica para América Latina	Latin America Economic Commission
CONALFA	Comisión Nacional de Alfabetización de Adultos	National Commission for Adult Alphabetizing
DTP	Vacuna contra Difteria, Tos Ferina y Tétano	Diphtheria, Pertussis and Tetanus Vaccine
ENSMI	Encuesta Nacional de Salud Materno Infantil	National Survey of Mother-Infant Health
FAO	Organización para la Agricultura y la Alimentación	Food and Agriculture Organization
FIS	Fondo de Inversión Social	Social Investment Fund
FONAPAZ	Fondos Nacionales para la Paz	National Funds for Peace
FNUAP	Fondo de Naciones Unidas a la Población	The United Nations Population Fund
GDI	Índice de Desarrollo de Género	Gender Related Development Index
GDP	Producto Interno Bruto –PIB-	Gross Domestic Product
GSP	Sistema General de Preferencia	General System of Preference
GTZ	Cooperación Técnica Alemana	German Technical Cooperation
HDI	Índice de Desarrollo Humano –IDH-	Human Development Index
HPI	Índice de Pobreza Humana -IPH-	Human Poverty Index
ICTA	Instituto de Ciencia y Tecnología Agrícolas	Institute of Agricultural Science and Technology
INTA	Instituto Nacional de Transformación Agraria	National Institute for Agrarian Transformation
ITS	Infecciones de Transmisión Sexual	Sexual Transmitted Infections
MAGA	Ministerio de Agricultura, Ganadería y Alimentación	Ministry of Agriculture, Livestock and Food
MSPAS	Ministerio de Salud Pública y Asistencia Social	Ministry of Public Health and Social Assistance
NGO	Organización No Gubernamental	Non Governmental Organization
PESA	Programa Especial de Seguridad Alimentaria	Special Program for Food Security
PNPDMG	Política Nacional de Promoción y Desarrollo de las Mujeres Guatemaltecas	National Policy of Promotion and Development of Guatemalan Women
PNUD	Programa de Naciones Unidas para el Desarrollo	United Nations Development Program -UNDP-
SEPREM	Secretaría Presidencial de la Mujer	Women's Presidential Secretariat
SIDA	Síndrome de Inmunodeficiencia Adquirida	The Acquired Immune Deficiency Syndrome
UN	Naciones Unidas	United Nations
UNIFEM	Fondo de Naciones Unidas para el Mejoramiento de la Mujer	The United Nations Fund for Women's Improvement
UPIE	Unidad de Políticas e Información Estratégica	Policy and Strategic Information Unit

## 1. BASIC PROFILE

### 1.1 Socio-economic Profile

GDP Millions US\$ <sup>1</sup>	GDP growth rate % <sup>2</sup>	GDP growth rate estimated % <sup>3</sup>	GDP growth rate average % <sup>4</sup>	GDP per capita US\$ <sup>5</sup>
19,296 (00)	3.6 (00)	4.4 (06)	2.58 (00-05) (Real prices)	1,718 (00)
31,664 (05)	3.2 (05)			2,532 (05)

#### Contribution of main economic sectors to GDP (%)<sup>6</sup>

Year	Agriculture	Industry	Commerce	Services
1990	25.9	15.1	24.1	14.1
2001	22.6	13.0	24.8	15.9

Family transfers from overseas US\$ <sup>7</sup>	Contribution of family transfers to GDP % <sup>8</sup>
563,439,000 (00)	3.1 (00)
Preliminary figure 2,992,823,000 (05)	Preliminary figure 13.9 (05)

Human Development Index (HDI) % <sup>9</sup>	HDI Rank among 177 countries <sup>10</sup>	Population below poverty line % <sup>11</sup>	Population living with 1 US\$ a day % <sup>12</sup>	Population living with 2 US\$ a day % <sup>13</sup>	Social welfare coverage % <sup>14</sup>
0.663 (04)	119 (04)	53.4 (05)	16 (05)	37.4 (05)	8.98 (60)
					7.98 (04)

Gender-related Development index (GDI) % <sup>15</sup>	GDI rank among 177 countries <sup>16</sup>
0.502 (92)	94
0.649 (03)	

#### GINI Index, Guatemala and other selected countries 2005<sup>17</sup>

Rank	Country	GINI Index
1	Denmark	24.7
2	Japan	24.9
74	United States	40.8
82	Nicaragua	43.1
92	Costa Rica	46.5
108	El Salvador	53.2

<sup>1</sup> Banco de Guatemala, 2006. Algunas Variables Macroeconómicas de Guatemala 1950-2005.

<sup>2</sup> Banco de Guatemala, 2006. Análisis de Mercados y Comercio Exterior.

<sup>3</sup> Idem.

<sup>4</sup> Banco de Guatemala, 2006. Algunas Variables Macroeconómicas de Guatemala 1950-2005.

<sup>5</sup> Banco de Guatemala, 2006. Análisis de Mercados y Comercio Exterior.

<sup>6</sup> PNUD, 2002. Informe de Desarrollo Humano, Capítulo VI, p. 91.

<sup>7</sup> Banco de Guatemala, 2006. Balanza de pagos, remesas familiares, 16.REMFAM.HTM

<sup>8</sup> Rosenthal G. 2006. Visión Macroeconómica de Guatemala, Organización Internacional para las Migraciones –OIM-.

<sup>9</sup> UNDP, 2005. Human Development Report, Human Indicators, p.228.

<sup>10</sup> Idem.

<sup>11</sup> Idem.

<sup>12</sup> Idem.

<sup>13</sup> Idem.

<sup>14</sup> Banco de Guatemala, Boletín Estadístico 2006.

<sup>15</sup> UNDP, 2002. Human Development Report, Chapter II, p.22.

<sup>16</sup> Idem.

<sup>17</sup> PNUD, 2005 in [www.pehuen.org/node/703](http://www.pehuen.org/node/703)

Rank	Country	GINI Index
110	Honduras	55.0
<b>118</b>	<b>Guatemala</b>	<b>59.9</b>

#### Expenditure of the public sector budget in selected fields <sup>18</sup>

Public sector	Year 1998	Year 2000	Year 2003	Year 2006
	%	%	%	%
Education	15.8	17.6	18.1	13.8
Health	7.6	8.2	7.8	5.5
Agriculture	2.6	2.4	3.5	3.5
Defense	5.1	5.7	4.7	2.9

#### Labor force 2002 (10 years of age and above) <sup>19</sup>

Indicator	Country	%	% Women	% rural labor (total)	Minimum wage, monthly US\$ <sup>20</sup>
Labor force	8,254,510	100	51.86	60.67	Agricultural sector 153
Labor fully employed	4,893,153	59.23	22.03	36.30	
Labor part time or informal sector	812,460	9.84	3.57	6.02	Other sectors 158
Labor force unemployed	2,548,897	30.93	26.26	18.35	

#### Distribution of employment by economic sector <sup>21</sup>

Sector	Men	%	Women	%	TOTAL	%
Agriculture	1,430,639	46.5	334,324	18.4	1,764,963	36.1
Industry	393,373	12.8	424,509	23.3	817,882	16.1
Commerce	503,572	16.4	591,326	32.5	1,094,898	22.4
Services	211,735	6.9	423,260	23.3	634,995	13.0
Construction	270,190	8.8	2,632	0.1	272,822	5.6
Others	265,355	8.6	42,220	2.4	307,593	12.2
<b>TOTAL</b>	<b>3,074,882</b>	<b>100</b>	<b>1,818,271</b>	<b>100</b>	<b>4,893,153</b>	<b>100.0</b>

#### Population distribution by age, sex, and rural <sup>22</sup>

Ages	1981		2002		Women population % <sup>23</sup>	Rural population % <sup>24</sup>
	Total	Total	Total	%		
Total	6,054,227	100	11,237,196	100	50.2 (81)	67.3 (81)
0-14	2,715,728	44.9	4,750,021	42.3	51.1 (02)	53.9 (02)
15-17	398,137	6.6	751,968	6.7		
18-64	2,752,755	45.4	5,237,140	46.6		
65 and above	187,607	3.1	498,067	4.4		

#### Population distribution by ethnic group, and population density

Ethnic Group	1981		2002		Population density people/km <sup>2</sup> <sup>25</sup>
	Total	Total	Total	%	
Total	6,054,227	100	11,237,196	100	103 (03)
Indigenous	2,536,523	41.9	4,610,440	41.0	
Non indigenous	3,510,627	58.1	6,626,756	59.0	

<sup>18</sup> PNUD, 2004. Desarrollo Humano y Ruralidad, compendio estadístico, p.79-80 / Congreso de la República de Guatemala, Dictámenes 21-2005.

<sup>19</sup> MECOVI-INE, 2003. Encuesta Nacional de Empleo e Ingresos, Febrero-Marzo 2003.

<sup>20</sup> Ministerio de Trabajo y Previsión Social, en: [www.mintrabajo.com.gt/mtps/](http://www.mintrabajo.com.gt/mtps/)

<sup>21</sup> Idem.

<sup>22</sup> INE, 2003. XI Censo Nacional de Población, Características de la Población, p.20.

<sup>23</sup> 2003. XI Censo Nacional de Población, Características de la Población, p.19.

<sup>24</sup> 2003. XI Censo Nacional de Población, Características de la Población, p.17.

<sup>25</sup> UNDP, 2005. Human Development Report, Human Indicators, p. 234.

Households headed by women % <sup>26</sup>	Internal migration between 96-02 % <sup>27</sup>	External migration people and % <sup>28</sup>
18.2 (94)	2.9	1,049,349 (04)
22.7 (02)		28.5% women

## 1.2 Health profile

Life expectancy at birth, years <sup>29</sup>	Category	Fertility rate % <sup>30</sup>	
		1987	2002
67.3 (03)	Country total	5.6	4.4
	Rural women	6.5	5.2
	Urban women	4.1	3.4
Life expectancy, women related to % of men <sup>31</sup>	Indigenous women	6.8	6.1
	Non Indigenous women	5.0	3.7
	With no formal education	7.0	6.4
	112 (04)	Elementary	5.2
	High school and above	2.7	2.1

### Age of mother when delivers her first child <sup>32</sup>

	Age of mother				
	< 15	15-17	18-19	20-21	22-24
%	3.0	19.0	18.0	12.3	9.6

### Malnutrition by category and type, children under five years of age <sup>33</sup>

Category	Type of Malnutrition		
	Chronic %	Acute %	Global %
Country total	49.3	1.6	22.7
Male	48.6	2.0	22.5
Female	50.0	1.2	22.9
Rural Children	55.5	1.8	25.9
Urban Children	36.5	1.2	16.2
Indigenous Children	69.5	1.7	30.4
Non Indigenous Children	35.7	1.6	17.5
Education level of mothers:			
No formal education	65.6	2.2	29.9
Elementary	46.4	1.4	21.6
High school and above	18.6	1.1	8.5

	1990	2002	2004	% of GDP in health <sup>34</sup>
Physicians per 1,000 people <sup>35</sup>	0.8	---	0.9	1.4 (06) (Lowest in Central America)
Hospital beds per 1,000 people <sup>36</sup>	1.1	1.0	---	

<sup>26</sup> 2003. XI Censo Nacional de Población, Características de la Población, p.24.

<sup>27</sup> Idem, p.26.

<sup>28</sup> PNUD, 2004. Guatemala: Desarrollo Humano y Ruralidad. Compendio estadístico, p. 102.

<sup>29</sup> UNDP, 2005. Human Development Report, Human Indicators, p. 220.

<sup>30</sup> MSPAS et. al. Guatemala, Encuesta Nacional de Salud Materno Infantil 2002, p. 47.

<sup>31</sup> UNDP, 2005. Human Development Report, Human Indicators, p. 220.

<sup>32</sup> MSPAS et. al. Guatemala, Encuesta Nacional de Salud Materno Infantil 2002, p.52.

<sup>33</sup> Idem, p. 192-194.

<sup>34</sup> Observatorio del Gasto Social, 2006. El Periódico 30/07/06, p. 9. Guatemala.

<sup>35</sup> www.devdata.worldbank.org

<sup>36</sup> Idem.

**% of vaccination, children between 12 and 23 months of age <sup>37</sup>**

	BCG	DPT 1	DPT 2	DPT 3	Polio 1	Polio 2	Polio 3	Measles
1995	69.9	80.4	66.3	48.2	83.6	66.5	45.2	53.4
2002	97.3	97.4	95.4	91.0	97.2	95.2	91.5	25.5

**Morbidity rate, children under five years of age <sup>38</sup>**

Category	Disease	
	Acute respiratory infection %	Diarrhea %
Country total	18.2	22.2
Male	17.5	22.0
Female	18.9	22.4
Rural Children	20.2	25.4
Urban Children	14.4	15.8
Indigenous Children	18.3	24.2
Non Indigenous Children	18.2	20.8
<b>Education level of mothers:</b>		
No formal education	19.7	24.1
Elementary	18.5	24.2
High school and above	13.9	11.6

**Infant mortality rate, March 1992-April 2002 <sup>39</sup>**

Category	Mortality per 1,000 newborn	
	Period 1977-1987	Period 1992-2002
Country total	79	44
Rural Children	84	48
Urban Children	65	35
Indigenous Children	76	49
Non Indigenous Children	85	40
<b>Education level of mothers:</b>		
No formal education	82	57
Elementary	41	40
High school and above	41	17

**Contraceptive methods used by women between 15 and 49 years of age <sup>40</sup>**

Category	Married or coupled % year 1987	Married or coupled % Year 2002
Country total	23.3	43.3
Rural women	13.8	34.7
Urban women	43.0	56.7
Indigenous women	5.5	23.8
Non Indigenous women	34.4	52.8
With no formal education	9.8	24.7
Elementary	24.3	45.6
High school and above	53.3	67.6

**Community and household services <sup>41</sup>**

	Household services %							
	Running water		Toilet		Wood as fuel for cooking		Electricity	
	1981	2002	1981	2002	1981	2002	1981	2002
<b>Year</b>								
<b>Total %</b>	52.3	74.6	56.8	85.5	77.9	57.5	37.2	79.9
<b>Urban %</b>	NA	89.5	NA	94.6	NA	28.9	NA	95.0
<b>Rural %</b>	NA	59.6	NA	76.3	NA	86.3	NA	65.6

<sup>37</sup> MSPAS et. al. Guatemala, Encuesta Nacional de Salud Materno Infantil 2002, p. 160.

<sup>38</sup> MSPAS et. al. Guatemala, Encuesta Nacional de Salud Materno Infantil 2002, p. 163-164.

<sup>39</sup> Idem, p. 174.

<sup>40</sup> Idem, p. 83.

<sup>41</sup> INE, XI Censo de población y VI de Habitación 2002, Características de la población, p. 51-54.

### 1.3 Education profile

#### Literacy by sex, population of 7 years of age and above <sup>42</sup>

Literacy	Year 1981		Year 2002	
	Total	%	Total	%
Total	4,561,185	100	8,921,367	100
Men	2,263,178	49.62	4,328,450	48.52
Women	2,298,007	50.38	4,592,917	51.48
Total Literate	2,607,421	57.2	6,350,188	71.2
Men	1,441,032	31.59	3,292,222	36.90
Women	1,166,389	25.57	3,057,966	34.28
Total illiterate	1,953,764	42.83	2,571,179	28.82
Men	822,146	18.02	1,036,228	11.62
Women	1,131,618	24.81	1,534,951	17.20

#### Country Education level, population of 7 years of age and above <sup>43</sup>

Education level	Year 1981		Year 2002	
	Total	%	Total	%
Total	4,455,827	100	8,921,367	100
Men	2,197,901	49.33	4,328,450	48.52
Women	2,257,926	50.76		51.48
Elementary	1,975,905	44.34	4,624,154	51.83
Men	1,085,143	24.35	2,395,426	26.85
Women	890,762	19.99	2,228,728	24.98
High school	373,460	8.38	1,462,520	16.39
Men	188,770	4.24	745,330	8.35
Women		4.14		8.04
University	64,470	1.45	322,133	3.61
Men	44,681	1.00	181,084	2.03
Women		0.45	141,049	1.58
No formal education	2,041,992	45.83	2,512,560	28.16
Men	879,307	19.73	1,006,610	11.28
Women	1,162,685	26.10	1,505,950	16.88

#### Education level urban areas, population of 7 years of age and above <sup>44</sup>

Education level	Year 1981		Year 2002	
	Total	%	Total	%
Total urban population	1,513,099	100	4,277,580	100
Men	711,906	47.05	2,039,035	47.67
Women	801,193	52.95	2,238,545	52.33
Elementary	813,353	53.75	2,104,344	49.19
Men	404,618	26.74	1,037,767	24.26
Women	408,735	27.01	1,066,577	24.93
High school	285,434	18.86	1,159,459	27.11
Men	139,821	9.24	572,078	13.37
Women	145,613	9.62	587,381	13.74
University	52,772	3.48	301,265	7.04
Men	36,554	2.42	168,729	3.94
Women	16,218	1.06	132,536	3.10
No formal	361,540	23.89	712,512	16.66

<sup>42</sup> Idem, p.36.

<sup>43</sup> Idem, p.38.

<sup>44</sup> Idem, p.39.



education				
Men	130,913	8.65	260,461	6.09
Women	230,627	15.24	452,051	10.57

#### Education level rural areas, population of 7 years of age and above <sup>45</sup>

Education level	Year 1981		Year 2002	
	Total	%	Total	%
Total rural	2,942,728	100	4,643,787	100
Men	1,485,995	50.50	2,289,415	49.30
Women	1,456,733	49.50	2,354,372	50.70
Elementary	1,162,552	39.51	2,519,810	54.37
Men	680,525	23.13	1,357,659	29.24
Women	482,027	16.38	1,162,151	25.13
High school	88,026	2.99	303,061	6.53
Men	48,949	1.66	173,252	3.73
Women	39,077	1.33	129,809	2.80
University	11,698	0.40	20,868	0.45
Men	8,127	0.28	12,355	0.27
Women	3,571	0.12	8,513	0.18
No formal education	1,680,452	57.11	1,800,048	38.76
Men	748,394	25.43	746,149	16.07
Women	932,058	31.68	1,053,899	22.69

#### Literacy by sex and ethnic group (%), 2002 <sup>46</sup>

Total	Total		Men		Women	
	Indigenous	Non-indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
69.1	52.3	79.6	63.7	82.8	41.7	76.7

#### Average in years of schooling by sex and ethnic group, 15-24 years of age, 2002 <sup>47</sup>

Total	Total		Men		Women	
	Indigenous	Non-indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous
5.4	3.8	6.5	4.4	6.6	3.2	6.4

Literacy gender gap <sup>48</sup>	% of GDP in education <sup>49</sup>	Literacy rate, women related to % of men <sup>50</sup>	Universities <sup>51</sup>	% of population above 25 years of age with university degree <sup>52</sup>
- 14.0 (94)	1.4 (98)	84 (05)	10 (1 public)	2.4 (06)
- 12,1 (02)	1.7 (04) (Lowest in Central America)			

<sup>45</sup> Idem, p.40.

<sup>46</sup> PNUD, 2005. Guatemala, Informe de Desarrollo Humano, p. 362.

<sup>47</sup> Idem, p. 365.

<sup>48</sup> PNUD, 2004. Guatemala: Desarrollo Humano y Ruralidad. Compendio estadístico, p. 109.

<sup>49</sup> Secretaría de Planificación y Programación de la Presidencia, 2005. Metas del Milenio: Segundo Informe de Avance de Guatemala, p.9.

<sup>50</sup> www.unicef.org/spanish/infobycountry/guatemala\_statistics.html

<sup>51</sup> San Carlos University, Register and Statistics Department.

<sup>52</sup> Own elaboration based on information provided by San Carlos University, Register and Statistics Department, and the XI national population census.

## **2. General Situation of Women and Governmental Policy on Gender**

### **2.1 General Situation of Women in Guatemala**

Women situation is widely related with the history of aggression, discrimination and exclusion that they have lived; this has led to relate their situation with the systematic violation of the women human rights, issue that has become of greater public interest since a quinquennium ago.

In spite of the mechanism that exists in the country that has as a purpose to look for ways to diminish the gap of exclusion between men and women. The data of the country shows slow advances that really do not match with the size of the problems and with the gap of inequality. There does not exist short term indicators that allow prevention for a radical change on the women situation.

The poverty situation within the women is overwhelming, specially, among the Indigenous population, the lack of education opportunities, the inaccessibility to political positions, the inequality among wages and work, the small possibility to carry out a family planning and the violence against women, are some of the most evident problems that Guatemalan women have to face in the present time.

The behaviour of the Gender Development Index registers that the differences among men and women tended to reduce in the country, but there are still meaningful differences between men and women related to the Gross Domestic Product per person. Situation that relates with the existent differences in regard to the matter to the income among both genders and to the idea that girls should not attend school and be qualified to perform duties outside of the house when they are already grown ups, but to stay home contributing to the house chores. Although among 1989-2000, women lightly increased their participation in agriculture, industry and commerce, and they reduced in the services label. Women still prevail in the industry (57.4%) and in the services (65.3%). These processes have consequences over time in the productive and reproductive home economy, primarily, because there has been no variation in the relative pattern to the sexual distribution of the work at home, where it is estimated women, bosses or home mates, work 4 times more than the actual bosses or partners of the house when it comes to house chores.<sup>53</sup>

The economic rights are related with work, production, income and economical decisions, among others. The country data shows a precarious situation for women. The households in Guatemala that have a woman as the head of the house, approximately 22.7%<sup>54</sup>, have average incomes less to the national mean.<sup>55</sup>

According to the CEPAL study, the 95% of the domestic job is being taken by women, and according to data of the National Survey of Incomes and Expenditures in 2003, it establishes that women that perform productive jobs earn less salary in comparison to men, even if they both execute the same labour. The work in the clothes factories concentrates a high percentage of female labour force, primarily in the capital and it characterizes for the constant violation of the rights pertaining to labour and the human basic rights to the women, which in most of the cases are held to the arbitrariness of the employer.

Added to the inequalities of the conditions of women is the access to credit in the formal bank systems, which is still limited, due to the persistence of absence on warranties such as property titles, high interest rate, women cannot prove their incomes and in the worst cases, they do not know how to read or write, in spite of this they are not considered as bank credit subjects.<sup>56</sup>

The Guatemalan State has confirmed diverse international instruments in protection of Women, within the most important are “The Convention for the Elimination to all the Discrimination Forms Against the Woman” ratified in 1982 and “The Interamerican Convention to Prevent, Sanction and Eradicate the Violence against the Woman (Belem Do Pará), ratified in 1995. There is a national law

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<sup>53</sup> SEPREM. Perfil de Género en la economía guatemalteca: resumen analítico. Serie Género y Economía. Guatemala, 2006.

<sup>54</sup> INE. Censos Nacionales de Habitación y Población. Guatemala 2002.

<sup>55</sup> Ibid, p.8

<sup>56</sup> Idem p. 16.

to prevent, sanction and eradicate the domestic violence, Decree No. 97-96. Even when these instruments represent an important advance, they are not accompanied with concrete and effective measures that have not been useful to reduce the high rates and acts of violence that women suffer in Guatemala. For Example: Women murders has increased hundred percent in the past five years, of these the 30% have been committed in the year 2005 and less than 10% of the total amount have been convicted. The women murders have explicit expressions of sexual character: sexual violence and sexual mutilation. The 53% of the violent death victims are among the ages of 11 and 30 years old. The domestic violence has not been declared as a felony, the gravity of the infraction for a woman who has been object of domestic violence is being measured by the function of the time she needs for the healing of the physical wounds, regardless of the psychological ones, and the aggression and abuse modalities they have been object of. The sexual abuse has the third place on the reporting list (38%), taking place in 90% of the calls in the capital city, according to data of the General Law Office of the Nation. In the capital there are more than 2,000 young girls and adolescents among 8 and 18 years old that are being sexually exploited in more than 600 brothels and 200 night clubs where prostitution is being practiced.<sup>57</sup>

The development and its capability to sustain itself through the impulse of participative process based on equality and justice principles, continue to be a utopia in the Guatemalan society, primarily, among women. However, it could be affirmed that in the country, the movement of women that carry the mobilization of women of different ethnical, social-economy and cultural groups, is the one that has shown more advance, integrity and better proposal.<sup>58</sup> According to the Datafem, there are in the country around 89 organizations, collective groups and associations that form the women movement for the present social politic joint, where prevails first level organizations (NGO, Civil Associations, Collective Groups and Groups of Mixed Organizations) with an 81% and, the rest are second level organizations. It is registered that the majority of the groups arose in the decade of the 90's and that in the last years this growth has diminished.<sup>59</sup> The headquarters of a 57% of the organizations are found in Guatemala city, followed by Quetzaltenango with a 9.3% and Sololá with a 5.4%. Of these organizations a 40% are Mayan-indigenous and, an equal percentage corresponds to mestizo organizations, the mixed ones represent 19% and the garifunas just 1.4%. The main worked thematic axes are: civil-political and the citizens participation, leadership, women human rights, integral health and reproductive health, domestic and gender violence, sexual harassment, gender perspective and rural development.<sup>60</sup>

During the transition period to the democracy of the country, the signing of the Peace Agreements opened spaces to promote the integral participation of the Guatemalan women. However, the access of the women to total and non restrained citizenship requires the existence of conditions that guarantee the taking possession and exercise of their rights. This implies the inclusion of their participation in the social and political sphere, thus, in inspection and social auditing.<sup>61</sup>

The Peace Agreements recognize the specific discrimination against women, they promote the combat against it and an equal treatment, with the purpose of assuring the same possibilities as men in participation and political incidence, education, health, work, access to credit, earth awarding and productive and technological resources. The commitments acquired towards the fairness of gender by the Government, are in the Socioeconomic Agreement and Agrarian Situation, in the Agreement for the Resettling of the Populations Uprooted by the Armed Confrontation and in the Agreement on Identity and Rights of the Indigenous People.

Since the peace was signed, various advances in the gender issue have been registered, as much in the Government policies as well as in the creation of instances and institutions dedicated to the subject.

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<sup>57</sup> USAC. IDHUSAC. Informe sobre los Derechos Humanos de las Mujeres en Guatemala. Guatemala, junio 2006. 400 p.

<sup>58</sup> Comité Beijing Guatemala. Guatemala Beijing+5: Aproximación a la Verificación del Cumplimiento por parte del Estado de Guatemala de los Compromisos Contraídos en Beijing, 1995. 1era edición. Guatemala, septiembre 2001. 95 p.

<sup>59</sup> Empodem Guatemala. El Movimiento de Mujeres en Guatemala: dinámica y retos. 1era impresión, marzo 2004. 61 p.

<sup>60</sup> Idem p. 20-27.

<sup>61</sup> Misión de Verificación de las Naciones Unidas de Guatemala –MINUGUA-. Informe: Los desafíos para la participación de las mujeres guatemaltecas. Guatemala, marzo 2001. 47 p.

In the normative scope there are shown several advances:

- 1999. The Congress of the Republic approves the Law of Dignification and Integral Promotion of the Woman.
- 1999. The Law of the Earth Fund, according to the Decree 24-99, that included an innovating element, the right to the coproperty between pairs.
- 1999. According to Governmental Agreement 525-99, the creation of the Post of Defence Counsel of the Indigenous Woman occurred.
- 1999. Creation of the National Forum of the Woman
- 2000. Opening of the Government Office of the Woman –SEPREM, abbreviation by its initials in Spanish—
- 2002. The Law of Counsel of Urban and Rural Development that establishes the possibility of indigenous and non-indigenous women participation in different levels of the Counselling System.

The Peace Agreements have generated a much greater visibility of the subject of inequality of gender of the Guatemalan women. However, there have been few substantive advances against discrimination and the citizen participation of women, it is still very limited.<sup>62</sup>

With regard to the civic-political participation of the women, it outstands that women occupy only 19% of the positions that make or take decisions in the three State powers: in the Executive, 8 out of 63 including Ministries, Vice –ministries, Presidential Government office; in the Legislative, 15 out of 158 congress positions; and in the Judicial 221 out of 794 positions. The participation of women in the political parties is distinguished for being highly limited; there are no norms that could pay attention to the equality participation. In the electoral lists women are placed in the lower positions. There are, neither, precise nor official records of women participation in the National Council System of Development, it is estimated that only the 20% of the positions are being held by women and they are in the Board of Directors.<sup>63</sup>

In regards women's rights and gender equality in health, the access to higher health levels still has a long way to go, the sexual and reproductive rights are the less approached and analyzed because of their social and cultural implication these topics have in the country. Until a couple of years ago, the family planning was still associated to the population control and to the poverty reduction, taking no consideration, neither on the well being of the woman, nor on her right to choose the quantity of children she would like to have. The maternal mortality rate is still being overwhelming, placing itself with 153 deaths per every 100 thousand children born alive. The reports state that approximately the 53% of the deaths are due to hemorrhages, 14% infections, 12% hypertension and 10% due to complications during non therapeutic abortions. Regarding to the fertility of the teenagers, the reports state that: a) at the age of 15 the 6.1% have been pregnant at least once and the 2.6% are mothers already; b) at the age of 18 the 29.6% have been pregnant and the 24% are mothers already; c) in the past fifteen years, the fertility tendency in the 15-19 years old group has not diminished.<sup>64</sup>

At the end of the year 2005, in the middle of a social debate, between the catholic talkative sector and the civil society organizations, the Universal Equality and Access to the Family Planning Services Law was approved, where there are recognized some of the reproductive and sexual rights. There have not been any effective actions by the governmental mechanisms to this law; it has been the civic society organizations and, mainly women, who have taken this task on their hands.<sup>65</sup>

In regards to public development initiatives for Indigenous women, some efforts are being made as part of the so called "Social Funds", through The Fund for Indigenous Development (whose Spanish acronym is FODIGUA). Most of these efforts are through productive projects like handicrafts, some others are related to health or politics (human rights). However, coverage in terms of Indigenous

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<sup>62</sup> MINUGUA. Situación de la Mujer. Retomando el camino: tareas pendientes en la construcción de la paz. Guatemala, Febrero 2004.

<sup>63</sup> USAC. IDHUSAC. Derechos Humanos de las Mujeres en Guatemala. Guatemala, junio 2006. Resumen Ejecutivo. P 7.

<sup>64</sup> Idem p. 12.

<sup>65</sup> Personal communication to Dra. Lilly Caravantes, Ex Secretaria Presidencial de la Mujer. Guatemala, Julio de 2006.

women population is extremely low; currently FODIGUA is benefiting approximately 8,000 women in the country. <sup>66</sup>

The cooperative movement has opened some opportunities for women's participation in social organization, as well productive, and commercial enterprises, particularly credit services for micro-enterprises. According to the Confederation of Cooperative Federations (whose Spanish acronym is CONFECOOP), 38% of cooperative members in the country are women, and 24% of them have participation in directing bodies; however most of the directive positions are the traditional ones for women, like the Secretariat, or minor officials in the Board of Directors. <sup>67</sup>

Due to the situation described above, it seems that the most relevant problem for the Guatemalan women, which do not let the situation and the quality of life to get better, is the poverty situation related with the lack of jobs and low educational capability to those opportunities, the domestic violence and the violence against women, that impacts directly in the autonomy of the women in different areas; the health and most important, the health area that is related with sexual and reproductive rights and, the need of the political participation and organization to press charges or proposals and, by these, make a difference in the public politics formulation at a national level.

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<sup>66</sup> Personal communication to Licenciada Dominga Tecún, Coordinadora de Unidad de la Mujer, FODIGUA.

<sup>67</sup> Norges Vel & CDR-ULA. Línea de Base: Proyecto Mujeres Líderes cooperativistas en Guatemala, Honduras, Nicaragua.

## 2.2 Government Policy on WID-Gender

### 2.2.1 Government Policy:

The government policy on WID-Gender is officially known as: “National Policy on the Promotion and Development of the Guatemalan Women and Plan of Opportunities Equality 2001-2006”.

SEPREM, the Presidential governmental office for the woman, took as a task since its creation, the articulation of the different efforts and proposals of the groups of women, with the purpose to make a policy that included their interests and needs. Having this in mind, SEPREM convoked different women organizations to integrate and consent the National Policy of Promotion and Development of the Guatemalan Women and Equality Plan of Opportunities 2001-2006 – PNPDMG --. This policy is the instrument through which the Guatemalan State has decided to confront the existent inequalities among women and men in diverse topics. In those topics, the economic, land and living, education, integral health, job, juridical, the total eradication of the violence against women, creation of institutional mechanisms to the advance of the women equality are the priority in the social political participation.

The PNDPDMG is the main instrument to the achievement to the equality and it pretends to facilitate the fulfilment of four global goals:

- i) To have the actions of the government to the women population of all ethnic groups as a priority, taking care of the polyethnic, prulicultural, prurilingual and the social political situation of the country.
- ii) To accommodate the public policies, plans, programs and projects to the incorporation of the women needs.
- iii) To raise the participation of the women in the different levels of the public gesture and in the spaces of participation and representation of the civic society to the dialogue with the State.
- iv) To adapt the legal, budgetary frames, institutional mechanisms that could assure the making of the PNDPDMG an institution.<sup>68</sup>

### 2.2.2. Development Plans for Women

**Economic equity:** (i) Incorporation of the gender equity in the Program of Economic and social Reactivation 2004-2005, as an answer to the commitments defined in the Peace agreements – the ACP, which constitutes in events of training women in order to promote the generation and the improvement of the enterprise activity. Parallel to this, they work on the proposal for the conformation of the Consultative Group for the Women in the structure of the Ministry of Economy and the Instance that protects the Fulfillment of the Human rights for workers of textile factories. Investigation and Publishing of the book “Profile of Gender in the Guatemalan Economy”. Three Studies of Cases on Occupational Health in Textile Factories, the Agro-exportation of Berries Industry and the Tourism Industry. The mapping of these accomplishments is still at hand. The document of Proposal of Law of Public Investment with Perspective of Gender was elaborated and presented. The training progress was observed and it followed a procedure of sensitivity in personal administration units. A proposal of Gender Equity was elaborated and presented in the National System of Public Investment. Encounter on gender and Economy. Through Ministry of Work and Social Prevention coordinated at regional level the development of factories related to Rights and Obligations in the matter of health and occupational security.

**Land and Housing:** Institutionalization of the approach of gender equity and intercultural in the planning unit of the Ministry of Agriculture and the Policy of Equity of the Land Found Institute. Women access to land and credit with the program DACREDITO and FONAGRO. Government of the Unit of Cadastral Registry of Information formed to officials on gender equity. The SEPREM was

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<sup>68</sup>Política Nacional de Promoción y Desarrollo de las Mujeres Guatemaltecas y Plan de Equidad de Oportunidades 2001-2006. Gobierno de Guatemala. Secretaría Presidencial de la Mujer. Guatemala, enero 2005. 64 p.

integrated in Mesa Intersectorial de Desarrollo Rural (Inter-institutional Table for Rural Development) and Negotiating Equipment for the formulation of the Policy of Rural Development.<sup>69</sup>

**Education:** Inclusion of the SEPREM as part of the Consultative Commission for the Educative Reformation and the Sub-commission of Gender of the Ministry of Education. Elaboration of Proposal to incorporate subjects related to Gender Equity in the Plan of Education 2004-2007. Incorporation in curricula of axis education of “Gender, social, and ethnic equity”<sup>70</sup>.

**Integral health:** Coordination with the Ministry of Health and the National Institute of Statistics – INE-, the establishment of indicators for health with gender approach, which were presented/displayed to the National Commission of Population. Participation of the SEPREM in the following studies: Profile for Health of Women and Men in Guatemala 2004; Epidemiology Monitoring; Intra-familiar Violence against Women. Monitoring and implementation of the Social Development and Population Policy for the National Program of Reproductive Health. Participation in the National Network of Paternity and Responsible Maternity. Coordination with Ministry of Health in the installation of a Virtual Library of Gender and Health in Guatemala.<sup>71</sup>

**Violence against Woman:** Spreading of the National Diagnosis of the Institutional Attention of the Intra-familiar Violence against Women; Spreading of the Plan to Prevent and Eradicate Intra-familiar Violence against Women – PLANNOVI- 2004-2014. Formulation of a National Pact for the Integral Security of Women. Creation of the Specific Commission for the Boarding of the women murders in coordination with the judicial, executive and legislative organisms<sup>72</sup>.

**Labor equity:** Workshops for training on gender equity with inspectors of The Ministry of Work from the metropolitan region. Training activities within the framework of the Project Promotion and Defense of the Labor Rights of adolescents and women workers 2001-2006 (UNICEF), within the framework of the Project: Creation of the National Network of Women Defenders. Understanding Letter with the Center of Support for the Workers of Particular House – CENTRACAP-, for the formation on labor rights. Support for the creation of the Special Unit of Inspectors of Work to offer attention and social prevention in “maquilas” (drawback activities). In coordination with The Legal Center for Human Rights -CALDH- and the specific body for conflict resolution in drawback activities it is promoted ratification of the 155 agreement of the International Work Organization– OIT-<sup>73</sup>.

**Legal equity:** Legal support with a gender perspective to the International Group: “Cooperation against Youth Prostitution” for the proposal for reforms to the Penal Code. Member of the Inter-institutional Forum on Human Rights, coordinated by the Presidential Commission of the National Policy on Human Rights – COPREDEH-. Member of the Executive Secretariat of the National Commission for Eradication of Infantile Work and Protection of Youth Workers. Member of the Mesa American Plan on policies and laws for the goals of the National Plan of Promotion of Women Development of Guatemala. Participation in the Commission of Gender, organized for the first time in the 18<sup>o</sup> Guatemalan Legal Meeting. Elaboration of a Proposal for Reformation to the Civil Code and the Law in regards Courts of Family, in order to rule equality in the marriage, access to land and access of women to justice<sup>74</sup>.

**Equity in socio-political participation:** Participation in the decentralization process through the National System of Development Councils. Support to the organization of 15 Departmental Commissions of Woman and 25 Municipal Commissions. Regional representation of the SEPREM in the Women Commissions of the Development Councils, training in Gender issues. Agreement with the Presidential Executive Secretariat – SCEP- for training of personnel in gender issues<sup>75</sup>.

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<sup>69</sup> Secretaría Presidencial de la Mujer -SEPREM-. Informe de Gestión 2004-2005. p. 8.

<sup>70</sup> Idem p. 8.

<sup>71</sup> Idem p. 9.

<sup>72</sup> Idem p. 11.

<sup>73</sup> Idem p. 12 y 13.

<sup>74</sup> Idem p. 14.

<sup>75</sup> Idem p. 18.

### 2.2.3. WID/Gender related laws and regulations

The legal rights of the Guatemalan women come from two types of instruments, the national and the international. The international, referred to the International Conventions and Facultative Protocols that have been subscribed by the Guatemalan governments, and the national to the Political Constitution of the Republic. See details in annex one.

#### International/national legal framework on Health in Guatemala

Guatemala subscribed<sup>76</sup> the Convention on the elimination of all forms of discrimination against woman (CEDAW), the Convention on the Rights of the Child (CDN); and the Declaration on the elimination of violence against woman; the Inter-American Convention to prevent, to sanction and to eradicate violence against woman. It has been attended a cycle of world-wide governmental conferences that have given, as a result, an action program to obtain a sustainable and socially equitable development in the XXI century. Encounter like the Fourth World-wide Conference on Woman in Beijing (CCMM), the World-wide Summit on Social Development, the International Conference on the Population and the Development in the Cairo and the World-wide Conference of Human Rights have influenced the program in order to obtain social equality, justice, development and peace for women's health.

Some articles of the National Constitution<sup>77</sup> are specific to protect woman health rights. It is recognized the right to live, the freedom and the equality, in which it is specified that men and women have equal opportunities and responsibilities; it makes reference in guarantees for physical, mental and moral health of children and adult people. It is mentioned the maternity protection and, specifically, in concordance with the international conventions it raises that the enjoyment of health is a fundamental right of the human being without any discrimination.

The Peace Agreements make reference that national programs of integral health for the woman should be implemented; this implies the access to appropriate services of information, prevention and medical attention. Priority is given to reduce and eliminate malnutrition, a healthy environment, preventive health, and primary attention, especially maternal-infantile. The Peace Agreements also states the promotion of women's participation in the planning, execution and control of health services and programs, through the local systems of health.<sup>78</sup>

The Code of health<sup>79</sup> decree 90/97 defines health like a "resulting social product of the interaction between the level of development of the country, the conditions of life of the population and the social participation, at individual and collective level, in order to provide to the inhabitants of the country the most complete mental and social physical well-being ". However, the way that the code of health has been implemented is responding more to an epidemiologist concept rather to be focus on the people itself. Publication in regards women, they are placed in the context of the family and related to the childhood, under an infantile-maternal concept which responds to an approach of women and development instead a gender and development approach.

In concordance with the Constitution, the Code of Health also states that the inhabitants of the Nation have the right to prevention, promotion, recovery and rehabilitation of their health, without any discrimination. In article 41 is mentioned the responsibility that the State has to promote the health of

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<sup>76</sup> The conventions, such as, the convention of Elimination of all the forms of discrimination against women (CEDAW) and the convention of children's human rights (CDN) are human right's treaties that are juridical binding that oblige legally the states to implement. The Declarations of the conferences such as the women and the population and development, are document of consensus that reflect the prior engagements of the governments. They are considered part of a growing assembly of consuetudinary international norms of right that passed to be consuetudinary that the governments respect and rule by them. (Family Care International)

<sup>77</sup> Articles 3, 4, 44, 47, 51, 52, 93, 94 y 98 of the Republic's Constitution..

<sup>78</sup> Paragraphs 13 b y d, 23 d f y g of the Agreement on socioeconomic aspects and agrarian situation.

<sup>79</sup> Article 1 of the Health Ethics code.



women, nevertheless, it binds the health of these to the health of the childhood, denominating that approach as integral health. It is considered necessary to pay special attention to the health of women by themselves and not like necessary instruments of procreation for the perpetuation of the specie. Article 43 enunciates the promotion of actions that guarantee the availability, production, consumption and biological use of food for the Guatemalan population, but does not give priority to the vulnerable groups in risk as pregnant or nursing woman, or children. Article 125 norms the substances allowed of food and drinking production; however, it was not considered necessary to norm the additives which could have pathological consequences. It is not mentioned either pregnant or nursing women as groups of special attention.

The Law of Dignification and Integral Promotion of Women, Decree 7/99, in the article 15 determines actions and mechanisms to allow and promote women's participation in the definition of practices in order to guarantee their access to integral health services which includes sexual and reproductive education, family planning, mental health, social security at work and maternal care to decrease the maternal mortality rate.

The Law of Social Development (Decree 42-2000), in which advances in the conceptual scope are observed, mainly in articles 4, 5 and 6. Here Guatemala is characterized as multicultural, and Gender equity is defined as equal rights for men and women, paternity and maternity responsible and reproductive health and healthy maternity as basic principles, which must be promoted by the State. In article 6 it is recognized single mother and father as a family with equal rights than married couples. It also includes actions to eradicate and to sanction all type of violence, abuse and individual and collective discrimination against women, observing the agreements and international agreements signed by Guatemala.

The National Plan of Action against sexual commerce of children and youth people <sup>80</sup> states that sexual commerce of this sector of the population is still a non-well documented problem, but it is presumed to be of alarming proportions. The Plan sets out to promote integral actions to approach the causes and effects of the sexual commerce operation in order to be eradicated and establish proper conditions to allow a healthy and decent life for children and youths.

Recently the National Coordinator for Prevention of Domestic Violence against Woman, - CONAPREVI- has formulated the National Plan of Prevention and Eradication of Domestic Violence Against Women 2000-2014 -PLANOVI-. The plan sets out strategies and specific actions in regards control of violence against women and children.

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<sup>80</sup> Formulated by: General Procurators of the Nation, Support Program for the Mother-Infant and other risk groups. PAMI; Pro centralamerican boy and girl, PRONICE, Feminist association, The Rope, Social Pastoral of the Archbishop of Guatemala, OPSAG; Presidential Commission of Human Rights COPREDEH; National Commission against Minor Violence, CONACMI, Worldwide view of Guatemala, The Association of the eradication of prostitution, pornography, sexual tourism of girls, boys and teenagers in Guatemala.

## 2.3 National Machinery

The Presidential Governmental Office of the Woman – SEPREM – is the governmental entity of Guatemala that is responsible to coordinate and to counsel public policies to promote the integral development of the women, created through the Governmental Agreement 200-2000. Due to the fact that the SEPREM has a Ministry rank, it integrates diverse offices of the Government, place that allows it to exercise coordination and incidence at that level, with the purpose of conciliating the fulfilment of the goals of the National Policy of Promotion and Development of the Guatemalan Women and the Equality of Opportunities Plan 2001-2006.

**Objectives.** The SEPREM is the counselling and coordinating institution of the public policies to promote the integral development among Guatemalan women. Their main goal is to promote the formulation and use of the public policies with gender perspective, that contribute to eliminate the inequalities among men and women and bring better opportunities to themselves that redound in a better quality of life.

**Functions.** This institution has among their functions, to inform and counsel the President of The Nation in matter of public policies to the development of the women and the development of a coherent and democratic culture with respect towards the human rights, to promote the fulfilling and the negotiation of settlements, treaties and national and international agreements about women human rights to form part of the process, to institute the process of decentralization and modernization of the State; to integrate the equality of gender idea into the politics, strategies, plans and development programs and, to facilitate the dialogue between governmental authorities and women organization, to strengthen the political, economical and social development with equality. It represents the state before different international woman organizations.<sup>81</sup>

**Structure.** The SEPREM is formed by the superior Dispatch, integrated by the Presidential Governmental Office of the Woman and the Presidential Sub-Governmental Office of the Woman, which has authority and competition throughout the Nation. They develop the politic and administrative gesture and guide the technical duties of the institution. It counts with two substantive directions: Promotion and Participation of the Women and the Institutional Strengthen, they both promote the institute of the National Policy of Promotion and Development of the Guatemalan Women among different State entities. It also counts with the Direction of Planning, Administration, Finance, International Cooperation and Communication, Legal Counselling and Documentation Center.

From the process of decentralization and modernization of the State, the SEPREM structure has grown widely, representatives at a regional and departmental level have been named in the different areas of the National System of Development Counselling, and nowadays, it counts with nine representatives at a regional level.<sup>82</sup>

Within the structure, the organization counts with an Advisory Counsel as a support and counselling instrument, being its main function to study and propose strategies for the development of public policies in protection of the woman. It is integrated by Delegations of the Ministries, Governmental Offices and other offices of the Executive Organism responsible of executing the actions that contribute to the advance of the women.

When it comes to talk about the budget, the SEPREM is the executive unit in the Program of Promotion and Development of the Guatemalan Women. This program is being financially integrated by two important sub programs: a) The Strengthen to the use of the Politic and b) The Prevention of the violence against women. The last one executed by the National Coordinator to the Prevention of the Domestic Violence and Violence against the Woman -- CONAPREVI --, in which the SEPREM participates in the representation of the President of the Nation.

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<sup>81</sup> Secretaría Presidencial de la Mujer –SEPREM- Informe de Gestión 2004-2005. Guatemala, 2005. 20 p.

<sup>82</sup> Idem p. 3.

During the year 2004 an analysis of the SEPREM work was done, having as a guide the already existing plan. The priority lines defined for the 2004-2008 period are: a) to strengthen the process of supervising the politic, b) to introduce the gender perspective to the main entities, c) to strengthen the dialogue mechanisms with the women organizations of the civic society, d) to strengthen the capability of the SEPREM to strengthen its duty, e) to coordinate the execution of the PNDPMG. The main actions made during the 2004-2005 period are summarized in the Annex No 1.

**Coordination and relationship with cooperation agencies.** Since year 2004 the Forum of Cooperants was formed as a dialogue and coordination mechanism with the agencies of international cooperation that support the SEPREM. Before this forum, it was presented the Work Plan of the Governmental office that will allow guiding the support of this cooperation. The strategic objective of this mechanism is to avoid the duplication of efforts and, by this, to achieve a better coordination and fulfil and the actions.<sup>83</sup> Within the financial cooperation agencies outstand the Swedish Agency of International Cooperation for the Development –ASDI--, The United Nations Program for the Development –PNUD--, German Technical Cooperation GTZ, the United Nations Fund for the Forward of the Woman –UNIFEM--, the United Nations Population Fund, FNUAP and the Royal Embassy of the Lower Countries. There have been added technical cooperation agreements with the Mexican Institute of the Woman and the National Governmental Office of the Woman from Chile.

Currently, under the coordination of SEPREM there is an interagency committee, working in the strategic plan 2007-2001. This committee is integrated by JICA, GTZ, CIDA, UNIFEM, PNUD, WORLD BANK, and IDB.

According to the financial report of the year 2005 presented by the SEPREM, the final budget given by the Guatemalan government for the year 2005 was from Q. 9,483,964.00 corresponding to a 0.4% of the national budget.<sup>84</sup>

The main challenges that could be interpreted as work priorities of the SEPREM are being taken under terms of continuing taking actions to accomplish a full implantation of the PDPDMG and related with the themes axis, to continue with the implementation of the PLANOSI 2004-2014 and the National Pact for the Integral Security of the Woman through the Specific Commission for the Approach of the Femicide, to wide and strengthen the women participation in the National System of Counselling of Development through capacitating and counselling. To strengthen the coordination among governmental entities to make the processes of incorporation of the equality of gender stronger. To promote the involvement of gender equality idea in the processes of Land Strategic Planification.<sup>85</sup>

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<sup>83</sup> Secretaría Presidencial de la Mujer –SEPREM-. Memoria de Labores 2004. Guatemala. P 26.

<sup>84</sup> Gobierno de Guatemala. Informe de Ejecución Presupuestaria 2005.

<sup>85</sup> Secretaría Presidencial de la Mujer –SEPREM- Informe de Gestión 2004-2005. Guatemala, 2005. p 19.

### **3. Current Situation of Women by Sector**

#### **3.1 Education**

The limited access to the educational system has not allowed that the total of the population would be benefited with the education. Recently, greater resources for the education have been assigned. In 1991, education was destined more of 16% of the total budget to the sector; in 2004 it was more than 19%. From 1998 to 2004, the resources assigned to the Ministry of Education, as proportion of the Gross Domestic Product passed from 1.4% to 1.7%.<sup>86</sup> Nevertheless, the Guatemalan State continues being the one that less percentage of the GDP assigns to the education in the Latin American region, making this factor in one of the main limitations that the country has to give in order to give a quantitative jump of greater reach in educative matter.<sup>87</sup>

##### **3.1.1 Government Policy**

The Peace Agreements put emphasis in the subject of the education, like the strategic axis of the change process that will lead to the construction of the peace. In this frame, in 1,997 the Paritaria Commission for the Educative Reformation was constituted that was in charge to design that Reformation.

At the moment, it is continued to impel a National Strategy of the Educative Reformation, which is oriented to results and goals and it rests in four features: 1) educative quality, 2) educational career, 3) new model of management and 4) improvements in the scholastic infrastructure. Of the Educative Reformation important initiatives of education like the one of making a profession out of the Human Resource are born, Curricular Transformation, Scholarships for the Peace, Scholarships for the Girl and the National Movement of Alphabetization.<sup>88</sup>

Although, in its origins, the Educative Reformation did not consider specifically to deal with the subjects of equity of gender in its work, due to initiative of the women involved in this process, of the organized women of civil society and the SEPREM, constituted the Sub-commission of Gender that has facilitated the incorporation of the equity in the process of the Educative Reformation. At the present time the SEPREM is the coordinating instance of the Sub-commission of Gender of that Ministry and it is integrated by organizations of women of the civil society and State, interested in working by the search of a participative educative reform, with gender equity, where it can be visualized an including future by means of the educative quality. The Plan of Education 2004-2007, raises concrete strategies to cause the fulfilment of the National Policy of Promotion and Development of the Guatemalans, with regard to the eradication of the illiteracy in the women.<sup>89</sup> By means of the SEPREM, the DEMI, the Forum of the Woman and other instances of the Executive, are executing a set of programs and projects of support to the advance and promotion of the integral development of the woman.

It must be indicated that the efforts have stayed oriented, specifically, to the education of the children. Thus, in 1996 the first Plan of Education of the Girl was formulated. In 1998 the second was elaborated, denominated Strategic Plan of Education of Girl 1998-2002 and recently was formulated the Plan and the Policy of Education of Girl 2003-2007.

As results of this process, stand out: a) the institutionalization of the Program of the Girl in the Ministry of Education, b) to have obtained and to have maintained the coordination and cooperation of a strategic alliance deprived sector, public sector and international cooperation and c) the institutionalization of the Commission We educate the Girl, in which they converge a variety of sectors and actions in protection of the minors are defined. As important element of this process, it emphasizes the Program of Scholarships for the Children of the Rural Area, which was created in

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<sup>86</sup> SEGEPLAN. Metas del Milenio: Segundo Informe de Avance. Guatemala, septiembre 2005. P 4.

<sup>87</sup> PNUD. Informe Nacional de Desarrollo Humano (INDH) 2005: Diversidad étnico-cultural: la ciudadanía en un estado plural. SNU 2005. P 150.

<sup>88</sup> Idem p. 5.

<sup>89</sup> Idem p. 9.

1993 and continues being impelled by the Ministry of Education. The objective of the program is to elevate the index of retention and promotion of children of the rural area, by means of a consisting of scholarship a monetary contribution of Q. 300.00 annual ones for each beneficiary. In 2004 32,030 scholarships were granted.<sup>90</sup>

There is not a specific governmental policy on education for indigenous people; however the Ministry of education, as part of the Educational Reform, has implemented a particular bilingual ax for the elementary and high school levels, which is being implemented in some of the most important indigenous regions of the country. This ax, named Gender, Ethnicity and Social Equity is part of the agenda of The General Direction of Bilingual and Intercultural Education, whose Spanish acronym is DIGEBI.<sup>91</sup>

The Ministry of education has proposed eight policies in order to consolidate the Educational Reform for the 2004-2015 period, one of these policies is the bilingual, monolingual and intercultural education at national level, for elementary, and high school levels.<sup>92</sup>

### **3.1.2 Primary, Secondary and Higher Education**

These efforts show that they have been closing the gap in the access for girls and boys to primary education. In 1994 the net rate of schooling for boys was 75% and the one for girls 67.1%; in 2004 the rates were of 94.6% and 90% respectively. In such sense, it is about to be reached the parity in the access to the primary education between boys and girls (with a value of 0.95 for the 2004).<sup>93</sup> Nevertheless, the general performance of country sample that the schooling of the men was increased almost in a year (4.9 to 5.7); the one of the women a 5.1 behaved of similar form (4.2), reason why the gap between Genders was not modified throughout the period.<sup>94</sup>

In high school girls surpass boys slightly, but the access for both groups is very limited. In 1994 the net rate of schooling in the basic cycle for the country was of 20.59%, being 21.44% for boys and 19.73% for girls. To the 2003, an increase of almost 10% for both groups with a girls/boys parity rate of 0.92 was registered. In the diversified cycle this is reversed in protection of the women. Of that way, from 1994 to 2003 the rate of parity women/men has been greater to 1, with a slight advantage in the net matriculation of the women of 18.89% compared with 17.53% for the men in 2003. Nevertheless, these numbers are very low compared with the inscription in primary and individual, the North regions and the north West (predominantly indigenous regions) where the inscription in the cycles basic and diversified is smaller to 15% and 10% respectively.

But the difficulty persists, of which the average or secondary education takes care of except 50% of the population. According to data of the 2001, in several departments the cover (gross) was smaller of 30%. The greater deficit of the installed capacity is in the rural areas, since only 24.5% of the educative establishments were in those areas, the data is impressive, if it is considered that approximately 60% of the Guatemalan population resides in the rural area. The diversified cycle of (previous to the enter the university) has the lowest cover of the Guatemalan educative system, for year 2000, the capacity installed for the level was very low, and only in 58% of the municipalities of country there were establishments that offered educative services corresponding to the diversified cycle.<sup>95</sup>

More women study in the university and in the departments they surpass the men. According to the registries of the University of San Carlos, every time more women register and from 2000 to 2005 the reason women/men registered passed from 0.69 to 0.86. Although in the capital city the men surpass

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<sup>90</sup> Idem p. 11

<sup>91</sup> Ministerio de Educación, 2004. El Desarrollo de la Educación en el Siglo XXI, Informe Nacional, República de Guatemala.

<sup>92</sup> Idem.

<sup>93</sup> Idem p. 11

<sup>94</sup> IDH 05. P. 155

<sup>95</sup> PNUD. Informe Nacional de Desarrollo Humano (INDH); Guatemala: desarrollo humano, mujeres y salud 2002. SNU. P. 31

the women, in the rest of the country the enrolled women have surpassed the men registered, passed from a reason of 0.81 in 2000 to 1,03 in 2005.<sup>96</sup> This data seemed encouraging; however, according to data of the National Report of Human Development of the 2002, only 8% of the feminine population concludes the university.

### 3.1.3 Literacy Education

With respect to the illiteracy, the gaps are reduced slowly. Between 1994 and 2002, the rate of illiteracy of the population of 15 years old or more, passed from 64.2% to 69.1%, registering an increase of 5%. In which it concerns the young people between 15 and 24 years, specifically, the rates of alphabetization show a greater increase during this period. In 1994 east group of population presented/displayed a rate of 76%, in 2002, it has risen to 82.2%. It emphasizes the increase of almost nine points in the rate of the women of the rural area, that passed from 59.8% in 1994 to 68.2% in the 2002, and young population of the indigenous, where the increase was still greater: eleven points in that same period from 60.4% to 71.5%; meanwhile, in the non indigenous population, the increase in the rate of alphabetization was of hardly 2.3% in that same period.<sup>97</sup>

It is added to the limitations of cover and access to the education, the quality of the same one, which is described like deficient, since children who study in public schools arrive at the university with serious formative deficiencies. The desertion is another critical problem in all the educative levels and particularly the repeating rate in the primary education; it is added to this weak entailment between the education and the exigencies of the present labour market, its burdens is also the gap among the educative contents and historical, social, cultural and economic reality of the country, although, some advances with the implementation of the Educative Reformation are observed.

### 3.1.4. Non-formal education

Non-formal education in the country is carried out by public and private efforts. The public initiatives are trough bilateral projects focused on human development and mainly trough the official non-formal education program in charge of The National Adult Literacy Committee (whose Spanish acronym is CONALFA).<sup>98</sup>

The creation of CONALFA in 1980 and the formal designation of 1% of the national budget for its operation constitute the constitutional basis to try to alleviate the serious illiteracy situation that affects more than one-third of the population of the country. In 1982 the Guatemalan population of 15 years of age and older, numbered 4,509,988 people, of these, 1,959,812, or 43.45% were illiterate. Of these, 21.64% resided in urban areas and 78.36% in rural areas. Like today, in both instances, the number of illiterate women was greater than that of illiterate men.<sup>99</sup>

Due to the linguistic diversification of educational services, the increased demand for bilingual processes, and the increase of administrative and technical tasks that the foregoing imply, in March, 1996, the Executive Secretary of CONALFA created a Bilingual Program Office, composed of personnel with extensive cumulative experience in supporting bilingual projects that the organization had carried out. From that time forward, bilingual literacy and post-literacy training programs have taken on added vigor and have more support for their operation.<sup>100</sup>

The private efforts to carry out non-formal education are in hands of several NGO's, both local and international, which have an educational component as part of their human development programs.

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<sup>96</sup> Idem p. 12 y 13

<sup>97</sup> IDH 05: P. 154.

<sup>98</sup> Benavides, Luis, 1999. La Comisión Nacional de Alfabetización de Adultos (CONALFA) una Herramienta Clave Para la Alfabetización y la Educación Informal.

<sup>99</sup> Idem.

<sup>100</sup> Idem.

Besides literacy projects, among these educational activities are very important adult educational projects trough in service training for different economic fields, such as agriculture, carpentry, forge, tailor, construction, and handicrafts. Also topics like human rights, political participation, women rights, health, sanitation, and micro enterprises. With no exceptions all these kinds of initiatives currently have incorporated the gender approach as a transversal axe.<sup>101</sup>

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<sup>101</sup> Personal communication to Jeremías Ochoa, Latin America Director of World Vision.

## 3.2. Health

### 3.2.1. Public policy in health

The Ministry of Public Health; it has extremely low an assigned public budget, with relation to the GDI was reduced in a 3%, decreasing from 0.87% in 1995 to 0.84% in 1997, which was very far from the goal established for the 2.000, which it was of 1.31% (CIEN-CIPE, 1,999: 9). The investment in public health increased only from 1999; at the moment, it corresponds to 5.5 % of the total budget of the Nation; in relative terms Guatemala is the country with the lowest budgetary allocation of the Central American region.<sup>102</sup>

The Reformation of the health sector began in 1996 with the "Program of Improvement of the Services of Health", in this frame executes the Integral System of Health Attention (SIAS) defined by the Ministry of Public Health and Social Attendance MSPAS as the organization of the sector health for the maintained development of the actions of health in the different levels from attention, with the active participation of the community and of other actors of the development for the profit of the quality of the attention, the extension of health services cover and the efficiency in the use of resources.

The normative strategic instrument of the MSPAS is the National Plan of Health 2004 - 2008, main document of analysis to analyze the conception of the women of the normative strategic levels of this institution. The objectives and strategies of the National Plan, makes reference to the women from different approaches that go from the "maternal-infantile one", from the "integral attention of the woman".<sup>103</sup>

The National Policy of Promotion and Development of the Guatemalan Women and the Plan of Fairness of Opportunities 2001 - 2006 contemplate two axes in which it becomes jumbled the MSPAS: the Axis of Integral Health and the one of Violence against the Woman. Although, these axes do not appear in explicit form in the National Plan of Health (2004-2007), have been assumed in the Strategic Plan of the created institutional mechanism for the effect, the Consultative Council of the Integral Health of the Woman.

The MSPAS counts on two important programs in protection of the health of the women, the National Program of Mental Health and the National Program of Reproductive Health, of recent formation (2000) that came, conceptually, to transform the boarding of the health when including and to extend the previous structure, the Infantile Maternal Program.

**3.2.2. Health Situation of women.** The main problems of women health in the developing countries are: malnourishment and anemia; problems associated to the lack of sexual and reproductive health; violence; problems of mental health (depressions and lack of recreational activities); and problems in its occupational health related to the risks that carry the tasks that water transport, use of agrochemicals, burns by food baking (associated respiratory problems to the precarious conditions of the habitat).

The cover of the health public services of the Ministry of Health is of 71.0 % of the population. There are no specific public services for women this occur mainly in the private sector of health in where they excel the services of APROFAM (Association Pro-Family Wellbeing).<sup>104</sup>

Guatemala occupies the last place in terms of public cover among the Central American countries and, it is located within the group with High Reproductive Risk, in Latin America only two countries are located in this group, Guatemala and Bolivia.<sup>105</sup>

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<sup>102</sup> IDH 03. P. 170

<sup>103</sup> Se evidencian concepciones de los años sesentas en los que las mujeres son percibidas como un vehículo para frenar el crecimiento poblacional y como medio para mejorar la salud de la niñez. Si bien en el Plan no se definen los términos, se observa una transformación del discurso, que no llega a explicitar lo que implica una concepción integral de la tención de la salud de las mujeres. Todavía tiene un fuerte énfasis en la concepción de la biológica de la salud, y prevalece la función reproductiva de las mujeres en sus líneas de acción.

<sup>104</sup> Guatemala. Encuesta Nacional de Salud Materno Infantil 2002 –ENSMI-. Guatemala, octubre 2003. 296 p.



The global fertility rate for Guatemalan women is of 4.4 children per woman, the double of the rate of Costa Rica. Women who live in the rural area have an average of 5.2 children, compared with the women who live in urban area which they have 3.4 children. Of equal way, in the rural area the greater levels of fertility in all the groups of age are observed. When classifying women according to the ethnic group and the educative level, it is observed that the greater recent reductions are in the non Indigenous group (from 5 to 3.7) and with secondary or superior studies (from 2.7 to 2.1). By regions, in the country, the highest rate of 6.5 is observed in the North region. Among the population with the most elevated fertility levels are women without education, Indigenous and living in rural areas in the Northern region of the country.<sup>106</sup>

The gap between the observed and wished fertility has been reduced in the last years slightly, from 1.1 children in 1995 against 0.7 children in 2002, demonstrating still the necessity to give answer to the reproductive intentions of the Guatemalans.<sup>107</sup>

The age at the time of the first union (legal or in fact) and the first sexual relation is a demographic variable that can influence significantly in the fertility phenomenon, because while these events are more delayed, less is the effective duration of the reproductive age of woman and, therefore, the probability of having less children is increased. In the group of women from 20 to 49 years, the average age for the first sexual relation is 18.4 years; for the first union is 19.3 years and for the first delivery is 20.4 years.<sup>108</sup>

At the moment, it is recognized that the adequate interval between births must be between 3 and 5 years. According to the data collected in ENSMI 02, for period 97-02, the 66.3% of births happened with a smaller period of 3 years and that the 29.9 percent, happened with a smaller interval of 2 years. Shorter intervals in women of rural area are observed (11.5 months); in those of the Indigenous groups (9.6 months) and for women without formal education or elementary (10.3 months).<sup>109</sup>

Family planning methods have increased in an important way in the last three years, from 38.0 to 43.3 percents of the married or united women. Still with this increase, Guatemala is the country with smaller prevalence in the use of this kind of methods in Central America.<sup>110</sup>

The use of modern contraceptive methods, sometimes by the sexually active women is 34.4%; in united women and single, but sexually active women it is 49.6% and 42%, respectively. The methods more used by the women have been the pill (3.4) and the injection (9.0). In united women and non united women, but sexually active ones, in addition to the mentioned methods, the feminine and masculine sterilization and, the use of masculine condom are important. In urban areas 56.7% of women use some contraceptive method, against 34.7% of rural areas. With respect to Indigenous and non Indigenous groups, it is 23.8% and 52.8%, respectively. Women with high school level are 67.6% and women without formal education are 24.7%.<sup>111</sup>

**Prenatal attention, professionally attended childbirth and births attended by midwives.** Among Latin American countries, Guatemala and Bolivia are the ones where women receive minor attention by professional personnel. In Guatemala only 41% of women receive this type of attention.<sup>112</sup>

At national level 57.9%, of the childbirths happen at home. It is important to point out that differences in attention of childbirth at home are greater according to the birth order, because after the sixth birth 76.8% take place at home, whereas in the first one, only 39.3% is born at home. Similar situation happens according to education level of the mother; 78.5 of women without formal education deliver

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<sup>105</sup> Idem.

<sup>106</sup> Idem p. 47.48

<sup>107</sup> Idem p. 8.

<sup>108</sup> Idem p. 43

<sup>109</sup> Idem p. 48.

<sup>110</sup> Idem p. 8.

<sup>111</sup> Idem p. 81.

<sup>112</sup> Idem p. 147.

their children at home, whereas in women with high school or superior education this situation only happens in 10.7% of the childbirths.<sup>113</sup>

In the northern region 8 out of every 10 childbirths are at home. For Indigenous women the percentage is 80.4 meanwhile for non Indigenous woman it is 42.1%.<sup>114</sup>

**Postnatal attention.** Only 2 out of every 10 mothers have postnatal attention during the last five years, meanwhile, a follow-up attention for the new born only happened in 4 out of every 10 children.<sup>115</sup>

Guatemala has a very high rate of maternal mortality, 153 deaths of pregnant woman for every 100.000 children born alive.<sup>116</sup>

**Breast feeding period.** At a national level children are breastfed an average of 20 months, meanwhile, the average period for exclusive breastfeeding is relatively low 3.5 months; however, in the western highlands of the country (with majority of Indigenous population) exclusive breastfeeding averages around six months. In rural areas the average for exclusive breastfeeding is five months, while in urban areas it is less than a month. In general terms among Indigenous children it averages 4.5 months, for non Indigenous children it also averages less than a month.<sup>117</sup>

**Nutrition of Mothers.** The prevalence of anemia in mothers who are practicing breastfeeding from 15 to 49 years of age at national level is of 20.2%. In urban areas it is 16.5% and 22.3% in rural areas. The metropolitan region has the lowest prevalence with 13.1%. Among non Indigenous mothers it is 17.8% and 24.4% for Indigenous mothers.<sup>118</sup>

**The Papanicolau test.** At National level 85% of the women from 15 to 49 years have some knowledge about this type of test; however, 32.4% of women between 30 and 49 years of age have never taken the test. 41.9% of woman in rural areas, 57.7% of Indigenous women, and 51.6% of women without formal education have never taken the test.<sup>119</sup>

**Sexual Transmitted Diseases and AIDS.** The three most known diseases in women between 15 and 49 years of age are AIDS (85.6% of women) gonorrhoea (461%) and syphilis (33%). Women with less knowledge about STD are Indigenous women (63.9%) and women in rural areas (79.7%).<sup>120</sup>

In spite of the high percentage of women with knowledge about AIDS, when asking them about the changes on its sexual behaviour, just 8.6% responded that would be different, the 78.8% said that would not change it.<sup>121</sup>

In the country, from January 1984 to August 2005 a total of 8.685 AIDS cases were registered by The Health Ministry, 29.33% corresponded to women. The age groups that represent greater incidence in women are between 20 to 39 years old. Of the total being registered 23.04% cases have died. The most common via for infection is the sexual intercourse, 94.43%.<sup>122</sup>

The epidemic distribution of AIDS follows the most important economic development routes, the ones with greater economic and commercial activity. The Department of Guatemala where the capital

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<sup>113</sup> Idem p. 148.

<sup>114</sup> Idem p. 149.

<sup>115</sup> Idem p. 155.

<sup>116</sup> PNUD. Informe Nacional de Desarrollo Humano (INDH), 2002: Guatemala: Desarrollo Humano, Mujeres y Salud. Guatemala, SNU 2002. 468 p.

<sup>117</sup> ENSMI 02, p. 197.

<sup>118</sup> Idem p. 200.

<sup>119</sup> Idem p. 223.

<sup>120</sup> Idem p. 230.

<sup>121</sup> Idem p. 240.

<sup>122</sup> Ministerio de Salud Pública y Asistencia Social. Programa Nacional de Prevención y Control de ITS/VIH/SIDA. Informe de Casos Notificados de SIDA enero 1984 – agosto 2005.

city is located registers the highest rate of cases: 150 cases per 100,000 inhabitants. Quetzaltenango in the western highlands and Suchitepequez in the southern coast report the second and third place.<sup>123</sup>

**Abortion.** Although abortion as a practice is illegal in Guatemala, some information indicates that by each ten pregnancies there are three abortions, and that complications related to the abortions are the second cause of women's death. Therapeutic abortions are legally allowed, when it is a risky situation, in order to do so, it is needed the woman's agreement, and the opinion of at least two doctors. Since abortion is sanctioned with prison, official information about this problem is very scarce; however, the Ministry of Health has recognized that it is a serious social problem.<sup>124</sup>

In Guatemala abortion is illegal, except to save the life of the woman. However, the little evidence available suggests that induced abortion is a common practice. Great part of this evidence is based on the number of women hospitalized for the treatment of abortion complications. Nevertheless, it is recognized that the information of the Ministry of Health underestimate the number of women who receive treatment by abortion complications.

The unsafe abortion is one of the main causes of morbidity and reproductive mortality in countries in where it is illegal or severely restricted. In these surroundings the abortion is a clandestine event that is poorly documented and is hard to study. Consequently, in Guatemala there has been made little empirical research and there is no data available on a national level on the abortion incidence.

According to the Report of the Ministry of Public Health, Basal Line of Maternal Mortality for year 2000, the abortion is the third more important cause of maternal deaths. The most recent study on the subject is the one denominated Abortion and Post Abortion Attention in Guatemala, from which the following results are derived: Nearly 65.000 induced abortions are performed in Guatemala every year, and about 21.600 women are hospitalized to receive treatment by complications derived from it. The abortions happen on a rate of 24 by 1.000 women in ages between 15 and 49 years, and there is an abortion for every six born alive. The highest average rate of abortion in the country is in the following order: metropolitan region, southwest region and central region. Another important data is that it is estimated that every year about 557.000 pregnancies happen in Guatemala, of which a 12% result in induced abortions, 16% in spontaneous abortions and the 72% left are births.

The rate of abortion in Guatemala, 24 by 1.000 women in reproductive age, is similar to the rate considered by the World Health Organization for Central America. Nevertheless, although the global rate in Guatemala is substantially smaller than the one of Latin America (34 by 1.000), the metropolitan region and the southwest of the rural area have rates next to the regional estimation.

This situation is due to some hypotheses, for example, the relatively low use of contraceptives, as well as the barriers related to the ethnic origin, the poverty and the lack of access to the services of health. As it is shown, there is a critical necessity of an integral and coordinated effort to help the great amount of women that want to have smaller families and to space births but they do not practice the contraception and they are for that reason, in a high risk of unplanned pregnancies and uncertain abortions.<sup>125</sup>

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<sup>123</sup> Núñez, César Antonio et al. Exclusión social y VIH-SIDA en Guatemala / César - Guatemala: Sistema de Naciones Unidas, 2001. Cuadernos de Desarrollo Humano; 2001. 34 p.

<sup>124</sup> OEA. Comisión Interamericana de Derechos Humanos. Situación de las Mujeres en Guatemala, 2003.

<sup>125</sup> Singh, Susheela; Prada, Elena y Kestler, Edgar. Aborto inducido y embarazo no planeado en Guatemala. The Alan Guttmacher Institute. December 2005.

### 3.3 Agriculture, Forestry and Fisheries

#### 3.3.1 Agricultural Policy and Gender

In terms of national gender policies focused on rural development, on October 30<sup>th</sup>, 2000, The Ministry of Agriculture Livestock and Food (whose Spanish acronym is MAGA) created the “Gender, Women, and Rural Youth Unit” a specific institutional organ in order to integrate and institutionalize gender perspective in all actions regarding agriculture and rural development in the country. The legal framework of this unit is the official policy called: “Policy on Gender equity and Opportunities for promotion and Development of Rural Women in the Farming Sector”, Ministerial Agreement No. 1525. This Governmental initiative is legally supported by the “Law of dignity and integral promotion of Women”, Decree 7-99 of the National Parliament.<sup>126</sup>

The Ministerial Gender Policy and MAGA’s Gender Unit have been one of many results in Guatemala of a relative long process and complex background to focus on women’s conditions, particularly in less developed countries. This process began in the 70’s in an international arena with the “World Conference on Land Reform and Rural Development” organized by The Food and Agriculture Organization (FAO) and continue with a serial of international efforts promoted by other agencies like The United Nations. Among these international efforts are: The First Women’s World Conference in 1975 carried out in Mexico City; The Convention Against Discrimination of Women, organized by The UN in 1979; The II, III and IV Women’s World Conference in Denmark, Kenya, and Beijing, respectively.

At national level, it is important to point out that The Guatemalan National Constitution estates that any international agreement signed by Guatemala has preeminence over any internal law. Also, as another result of the effort focused on women’s conditions, and to reinforce the country legal framework as part of the Peace Agreements, The National Parliament released the Decree No. 97-96 to protect and eliminate any form of interfamilial violence.<sup>127</sup>

Currently, with a new government and different authorities in the Agriculture Ministry office, the implementation of actions towards gender development have lost pace, the Gender Unit not longer exists as an institutional body, instead there is only a Gender specialist in the Unit of Policy and Strategic Information (whose Spanish acronym is UPIE). There is not a specific budget for gender activities, and gender perspective shows much less priority.<sup>128</sup> Among all decision making positions in The Ministry of Agriculture currently there is only one<sup>129</sup> woman, the head of the Policy Unit. Since the Agricultural sector has the 9<sup>th</sup> position in terms of governmental budget assignation; resources devoted to the gender issue are practically inexistence.<sup>130</sup>

In terms of rural organization for social development, many development projects in Guatemala are promoting a gender approach, under the framework of communal organization. An important part of the Decentralization law and its actions focus on organization and strengthening of local organizations called Development Councils. This organizational system is being organized at different levels: local, municipal, departmental, regional, and national. As part of the implemented strategy, women participation is also highly promoted, all Development Councils should be integrated by men and women; however, women in directive positions still are a very small percentage in relation to men<sup>131</sup>.

#### 3.3.2 Ownership of Farming Land and Agrarian Reform

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<sup>126</sup> MAGA, 2002. Política de Equidad de Género y Oportunidades Para la Promoción y Desarrollo de las Mujeres Rurales, en el Sector Agropecuario. Guatemala.

<sup>127</sup> Idem.

<sup>128</sup> Personal communication to Silvia Montepeque, Gender Specialist of The Ministry of Agriculture of Guatemala (MAGA).

<sup>129</sup> Idem.

<sup>130</sup> PNUD, 2004. Desarrollo Humano y Ruralidad, compendio estadístico, p.79-80

<sup>131</sup> Zambrano Ada, et.al. 2006. Programa Participación de la Sociedad Civil, Informe de Evaluación Externa. Fundación SARES-PNUD. Guatemala.

Agriculture and its problematic is crucial in Guatemala, the majority of the country population is rural and most people in rural areas are peasants making a living out of the land, but with little or not owning any land at all, around one third of rural families are landless<sup>132</sup>. 87% of landholders own only 16% of the land, on the other hand, 56.6% of the land is owned by just two percent of the population. Land distribution in Guatemala shows one of the highest inequity rates which in turn make worse socio-economic conditions and affects the natural resource base<sup>133</sup>, the Gini Index is the second highest of The Americas.<sup>134</sup> Meanwhile, the general scene is deplorable for rural population as a whole, the particular situation of women peasants is even worse.<sup>135</sup> Several figures related to health and education indicators shown in previous chapters of this profile, are examples of the uneven situation between rural and urban women, in disadvantage of the first.

### 3.3.3 Rural Life and Gender

Traditionally, Guatemalan women are responsible for the majority of reproductive activities; however, most rural women participate in many productive activities like planting and weeding in food crops and raising minor livestock (poultry, pigs, sheep, and goats). Twenty-six percent of rural women farm their own land (farms owned by women themselves or owned jointly with their husbands), 12% farm family land, 3.7% farm rented land, and 58% work as hired labor in large farms, mainly coffee plantations.<sup>136</sup> However, the main production-management decisions are made by men, who are the ones that own and have control of the main production means (land, capital, and equipment).<sup>137</sup>

The literate level of rural women is 39.9%, meanwhile, for men is 55.3%. Among literate women 78.9% have elementary level, 8.8% high school, 1.5% university, and 10.8% are literate without formal education. Most of the ones without formal education are women who participated in the Adult literacy Program (whose Spanish acronym is CONALFA) or in private literacy projects carried out by NGO's.<sup>138</sup>

An important rural production activity is backyard farming, which is mostly a women's responsibility, 79.2% of the country backyard producers are female (adult and children) producing a variety of agricultural and livestock products. Among the most important products are fruit trees, like mango, citrus (orange and lemon), avocado, and peaches, in that order. Also very important is livestock production, being the most important chicken, ducks, turkey, and pigs, in that order.<sup>139</sup>

In spite of the fact that 18% of the rural households economically depend on women's work conducting farming,<sup>140</sup> just half of them are owners of the land that they work.<sup>141</sup> From 1962 to 1996 (34 years) the former land reform institute (whose Spanish acronym is INTA) benefited with land just 8% of women<sup>142</sup>. A relevant aspect of the "Land Found Law" (the current official land distribution mechanism in the country) is that land property titles are registered on the name of both, men and women, heads of the beneficiaries' households<sup>143</sup>. However, up to date when land titles have been granted to individuals only 11% of land beneficiaries are women with children.

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<sup>132</sup> Hernández, Rosalinda, 2005. *Las Campesinas y su Derecho a la Tierra*. Ediciones La Cuerda. Guatemala, ActionAid, p. 13.

<sup>133</sup> Idem.

<sup>134</sup> PNUD, 2005 in [www.pehuen.org/node/703](http://www.pehuen.org/node/703)

<sup>135</sup> Hernández, Rosalinda, 2005. *Las Campesinas y su Derecho a la Tierra*. Ediciones La Cuerda. Guatemala, ActionAid, p. 13.

<sup>136</sup> Idem, p. 15.

<sup>137</sup> Hernández, Rosalinda, 2005. *Las Campesinas y su Derecho a la Tierra*. Ediciones La Cuerda. Guatemala, ActionAid.

<sup>138</sup> INE, 2004. *IV Censo Nacional Agropecuario*, Tomo I, p. 15

<sup>139</sup> INE, 2005. *IV Censo Nacional Agropecuario*, Tomo V, *Actividades de Traspaso*, p. 11,15, y 33

<sup>140</sup> Idem, p. 17.

<sup>141</sup> INE, 2003. *IV Censo Nacional Agropecuario 2003*, Tomo II, p. 9.

<sup>142</sup> Hernández, Rosalinda, 2005. *Las Campesinas y su Derecho a la Tierra*. Ediciones La Cuerda. Guatemala, ActionAid, p. 15.

<sup>143</sup> UNDP, *Misión de Verificación*, 2000. *La Situación de los Compromisos Relativos a la Tierra en los Acuerdos de Paz*. Guatemala, p. 10.

Of the total amount of credits for agriculture activities granted by the Rural Bank in recent years, only around 5% have benefited women. Among the principal limitations are lack of land titles, lack of identification documents, high interest rates, lack of information, and ignorance. To live in a rural area, being Indigenous and being a woman in Guatemala are synonymous of poverty and exclusion.<sup>144</sup> In other words, Indigenous rural women are the ones located at the bottom of the social scale in Guatemala.

As part of the poverty vicious cycle, natural resources degradation has become an increasing problem attached to many socio-economic and structural problems. More than 86% of rural households and 29%<sup>145</sup> of urban households are using wood as the main fuel for cooking; it means a high rate of deforestation, soil degradation, water scarcity, and many other negative consequences. At rural level wood collection and cooking are part of women's duties, both children and adult female. Besides the negative effects pointed out in the previous sentence, smoke produced by the cooking process is one of the main causes of respiratory diseases, mostly affecting women<sup>146</sup>.

### 3.3.4 Fisheries

The fishery industry is carried out, mostly, in rural communities on both coastal areas (Pacific and Atlantic). Among local fishing families, women mainly participate on fish preparation, before the product is sold, and in most commercialization duties.<sup>147</sup> A similar situation occurs in continental fishing resources like Atitlán Lake.<sup>148</sup> Some of the main reasons why women do not participate in fish capture are: They do not own the most expensive mean of production like boats; the existence of "machista" believes like "fishing is a men's job", and some myths like the fishing law prohibits women to fish and as a consequence, they are not able to obtain fishing licenses. In some communities on the pacific coast there is another believe: Women should not get into the ocean to avoid getting wet, because if they do so, then they will become sick.<sup>149</sup>

Most women that do commercialization are able to administrate revenues which then are invested mostly for reproduction needs such as food, health care, and education. Like in agriculture, in the fishing industry women usually have a longer daily working agenda than men due to their reproductive responsibilities.<sup>150</sup>

In fishery communities, also Development Councils are being organized, like in other rural communities, women participation is low, and even lower is their participation in directive positions. In these communities also exist fishing organizations, most of them, with participation of women (spouses). However, one main reason on the part of men to agree about women participation is that could be an effective way to attract governmental, private, and international cooperation and aid<sup>151</sup>. Men's opinion about women participation in communal organizations is oriented, mostly, by their interest in increasing opportunities for family wellbeing rather than for women empowerment<sup>152</sup>.

### 3.3.5 Forestry

The administrative and technical governmental responsibility for forestry in the country has been assigned to the National Forestry Institute (whose Spanish acronym is INAB), an autonomous

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<sup>144</sup> Hernández, Rosalinda, 2005. *Las Campesinas y su Derecho a la Tierra*. Ediciones La Cuerda. Guatemala, ActionAid, p. 16.

<sup>145</sup> INE, XI Censo de población y VI de Habitación 2002, *Características de la población*, p. 54.

<sup>146</sup> Piña Jorge, Ruano S. y Rodas L. 2006. *Evaluación Intermedia del Programa de Desarrollo de las Verapaces (PRODEVER)*. FIDA-FONAPAZ, Guatemala.

<sup>147</sup> Cruz Albis and Raffalli Susana, 2005. *Informe Final en el Sector de la Pesca Artesanal en Guatemala*. UNIPESCA-MAGA-AECI, Guatemala, p. 9.

<sup>148</sup> Ruano Andrade Sergio, 2006. *Informe Final, Caracterización Socio-económica de Cuerpos de Agua Continentales, Lago de Atitlán*. PREPAC-MAGA, Guatemala, p. 32.

<sup>149</sup> Cruz Albis, and Raffalli Susana, 2005. *Informe Final en el Sector de la Pesca Artesanal en Guatemala*. UNIPESCA-MAGA-AECI, Guatemala, p. 64.

<sup>150</sup> *Idem*, p. 54.

<sup>151</sup> *Idem*, p. 58.

<sup>152</sup> *Idem*, p. 59.

institute which besides conducting the legal aspects in this field, provides technical assistance in forestry management, mostly to rural organizations led by men.<sup>153</sup>

INAB has been developing a monetary forest incentive program at national level, which has been very successful in terms of reforesting hundreds of areas and slowing down the speed of the deforestation rate. Also in many protected areas, especially in the northern Petén Department, forestry communal concessions have been taking place, with more than 700,000 thousand hectares of forest areas currently under management. These governmental policies have created many new rural jobs for both, men and women, being seedling and planting two of the most important activities where women actively participate.<sup>154</sup>

### **3.3.6 Agricultural Development**

A large part of the efforts on agricultural development is private, and this side is mainly in hands of some international agencies, as well as several local and national non governmental organizations, most of them promoting a gender approach. In the past most of the agricultural extension effort was a public responsibility, currently is the hands of the private sector, as a result of the structural adjustment policy. A large part of the resources being invested in extension by the public sector, finance the activities conducted by Guatemalan NGO's.<sup>155</sup>

In terms of agricultural exports the most important organization is the Export Gremial Association for Non Traditional Products (whose Spanish acronym is AGEXPRONT). Women participation in decision making positions as part of AGEXPRONT is relatively important. There are no women in the board of Directors, but they participate in other positions as follows: Managers 50%; Technical team 45%; Committees 40%; and Committees Directors 20%.<sup>156</sup>

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<sup>153</sup> Personal communication to Ing. Mario Paiz, head of the Forestry Incentives Unit of the National Forestry Institute (INAB).

<sup>154</sup> Idem

<sup>155</sup> Idem.

<sup>156</sup> Personal communication to Ing. Luis Rodas, member of the vegetables committee of AGEXPRONT.

### 3.4 Economic Activities

#### 3.4.1. Government Policy

In Guatemala there is a specific Ministry in charge of the economic policy, he has to supervise and advice the fulfillment of the legal agreements related to all non agricultural economic activities; internal and external commerce; consumer protection; competitive promotion; prevent and eliminate any monopolist production and commerce; national and external investments; industry and commerce development. It also has to coordinate any international commerce agreement, both bilateral and multilateral.<sup>157</sup>

Some of the principal laws under responsibility of the Ministry of Economy are: 1. The Law for the Encouragement and Development of Export and Drawback Activity; 2. The Foreign Investment Law; 3. The Free Zones Law; 4. The Author Rights Law; 5. The Industrial Property Law; and 6. The Market Value Law. Each one of these with their specific regulation.

To encourage and protect the labor side, there is the Ministry of Labor and Social Prevision which is the governmental institution in charge of guarding and promoting the fulfillment of the labor legislation, as well all policies and programs related to labor and social prevision to benefit the Guatemalan society. Each one of these laws has its specific regulation.<sup>158</sup>

There are several laws related to labor, the principal ones are: 1. The Labor Code; 2. The Civil Service Law; 3. The Public Administration Salaries Law; 4. The Protection for Children and Youth Law; 5. The Free Union Law; 6. The Social Security Law; 7. The Social Development Law.<sup>159</sup>

The labor code, Decree 1441 of the National Parliament, was created to regulate the relationship between workers and patrons; it defines workers' rights and their protection mechanism, as well as the freedom for organization which includes unions.<sup>160</sup>

The Guatemalan economic and labor laws have evolved through a learning process being fed from more advanced societies; however, their application during past and present time has not yet accomplished their main objectives yet. It is known that export-oriented industries, drawback activities (*maquilas*), traditional exports and other non-traditional exports are known both for labor rights abuses, and for employing disproportionately high percentages of female workers.<sup>161</sup>

#### 3.4.2 Employment Activities

The majority of the economically active population is Indigenous and, a large part of this people is poor and rural workers, mainly in agricultural activities. This population has suffered exploitation since colonial times when they were reduced in towns by the conquerors that exploited the Indigenous labor after taking away their lands, the ones with best soils. The Indigenous population that could escape from this first despoil have to migrate to the mountains, organizing Indigenous villages and farming communal lands. In 1871 with the so called Liberal Revolution the Indigenous population suffered again despoil of their lands which were expropriated by the government to develop the coffee industry for the benefit of a very small rich class, and the Catholic Church.<sup>162</sup>

Women participation as workers is mainly in commerce, social services, agriculture, textile industry, and food industry; most women without formal education work in agriculture. In spite of the great importance of women labor, there still exists gender occupational segregation, especially

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<sup>157</sup> Ministry of Economy in: [www.mineco.gob.gt/portal.php](http://www.mineco.gob.gt/portal.php)

<sup>158</sup> Ministry of Labour in: [www.mintrabajo.gob.gt/](http://www.mintrabajo.gob.gt/)

<sup>159</sup> Ministry of Labour in: [www.mintrabajo.gob.gt/variados/compendio\\_leyes/index\\_html/document\\_view](http://www.mintrabajo.gob.gt/variados/compendio_leyes/index_html/document_view)

<sup>160</sup> Ministry of Labour in: [www.mintrabajo.gob.gt/variados/compendio\\_leyes/codigo\\_trabajo](http://www.mintrabajo.gob.gt/variados/compendio_leyes/codigo_trabajo)

<sup>161</sup> Devine Jennifer, 2005. DR-CAFTA: Protecting labour rights in Guatemala?, p.1. in: [www.cawn.org/nesletter/autumn\\_05\\_word/Devine.doc](http://www.cawn.org/nesletter/autumn_05_word/Devine.doc)

<sup>162</sup> Hernández, Rosalinda, 2005. Las Campesinas y su Derecho a la Tierra. Ediciones La Cuerda. Guatemala, ActionAid, p. 11.



underestimation of women work. Most women are employed in positions which require lower skill levels and experience, receiving in turn lower remuneration.<sup>163</sup>

Over 28% of Guatemalan children between the ages of seven and fourteen are compelled to work, an increase of over 300,000 in five years.<sup>164</sup>

Because the areas where the Mayan girls come from had been badly affected by a collapse of coffee prices worldwide, many families sent their children away to work in urban areas or on larger farms. Therefore, the increase in child worker numbers has been concentrated in urban areas, mainly in Guatemala City.

Most child workers come from rural areas dominated by the indigenous Mayan population. Girls make up almost 98% of domestic service workers in Guatemala and many starts as young as ten or twelve. Many girl workers leave domestic sector jobs to work in the *maquilas*; as stated above, where there is widespread abuse of labour and human rights.

Guatemala signed ILO Convention 138, which made fourteen the minimum working age. It also ratified ILO Convention 182, which bans the worst forms of child labour. Despite this, children in Guatemala are still forced to work in dangerous and high-risk jobs mainly on coffee plantations, in fireworks factories, and in domestic work, construction, and rubbish collection.

### 3.4.3 Women Workers in Public and Private Sector

Poverty is highly associated with the different ways that workers are linked to labor, so it is with labor conditions and social security. The poorest workers are the ones unprotected by labor laws: 82% in the case of plantation workers or rural part time workers; 68% in the case of family enterprises, and 53% in the case of the ones that work on their own. On the other hand protected workers, both in public and private sectors, the ones that have an stable job, show much less poverty level, only 30.4% of this type of workers are poor. In households with children workers poverty is much higher, extreme poverty is double than it is in households without children workers. 27.1% of the country households have at least one children worker.<sup>165</sup>

Between 1989 and 2002 incorporation of women to the productive sector has increased 143% mostly in the micro enterprise sector. In spite of just 4.5% of women work in the public sector, in the same period women incorporation to the public sector has increased 22 %.<sup>166</sup>

All public and private workers, men and women, are supposed to be covered by the Labor Code, and the other laws related to labor stated above. To implement the social security law, was created The Social Security Guatemalan Institute (whose Spanish acronym is IGSS); however just 8% of the economically active population of the country, is being covered by the social welfare system.<sup>167</sup>

In regards the application of the Labor Code, there are permanent claims of its violation and hundreds of demands, in particular from workers of agricultural plantations and from workers of the “*maquila*” industry (drawback activities). Among these workers the ones who are reported as the more affected are women.<sup>168</sup>

### 3.4.4 Support System for Women Workers

During present days, has been taking place in Guatemala the ratification of the Central American Free Trade Agreement (CAFTA) with the United States. One of the potential beneficiaries is the *maquila*

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<sup>163</sup> SEPREM, 2004. Perfil de Género de la Economía Guatemalteca, p. 25-28.

<sup>164</sup> War on Want, 2003. Informal Economy, Guatemalan Child Labourers. [www.waronwant.org/Guatemalan+Child](http://www.waronwant.org/Guatemalan+Child)

<sup>165</sup> INE-MECOV, 2002. Perfil de la Pobreza en Guatemala, Encuesta Nacional de Condiciones de Vida. Guatemala, p. 36-37.

<sup>166</sup> SEPREM, 2004. Perfil de Género de la Economía Guatemalteca, p. 103.

<sup>167</sup> Idem.

<sup>168</sup> Idem.

(drawback activities) industry, which is currently comprised of an estimated 229 factories, which employ nearly 115,000 workers, of whom some have estimated that 70-80% are women.<sup>169</sup>

“Prior to the ratification of CAFTA, one of the largest challenges to protect labor rights in Guatemala was the lack of state enforcement of constitutionally guaranteed existing labor laws. These include a minimum wage, protection against race and gender discrimination, and the right to maternity care. In the *maquila* industry, human rights abuses are rampant, and women are systemically discriminated against despite their large presence in the workforce. Yet, when cases are taken to court, the judicial system often provides impunity to violators.”<sup>170</sup>

“A US trade organization has estimated that between 50 and 70 percent of *maquila* workers are paid less than the minimum wage and, often, no option or remuneration for overtime. Other labor rights abuses include industry managers mandating that women take pregnancy tests to obtain employment, and the dismissal of workers, if they become pregnant. An investigation by the Guatemalan Ministry of Labor found that 200 of 229 *maquila* factories exhibited instances of forced overtime, abusive and unsafe working conditions, substandard wages and dirty drinking water. Additionally, the International Labor Organization (ILO) reported the frequent dismissal of labor activists by employers who ‘blacklist’ the workers to hinder future opportunities of industry employment. The conditions found in the *maquila* sector are a direct result of the lack of union bargaining power, violations of workers’ constitutional labor rights, and the legal impunity of violators.”<sup>171</sup>

“Given this dismal record, CAFTA further threatens rights with the eradication of the US General System of Preferences (GSP) program. The GSP program provided a mechanism that regional trading partners have to meet a set of internationally recognized labor standards to obtain preferential trade status. In order to have access to US markets duty free, countries had to regulate labor practices and hold violators accountable. On an annual basis, organizations, for example labor unions, could petition the United States government to review a country’s labor rights record. A country undergoing “review” is given a probation status, which could result in the suspension of duty-free treatment on one or more products, or suspend altogether the country’s free trade status. In short, governments were held accountable for the provision and protection of labor rights if they wanted duty-free access to US markets.”<sup>172</sup>

“DR-CAFTA replaces the GSP program, but provides no equivalent to the petition mechanism to enforce labor protections established by the United Nations and ILO conventions. There are neither legal channels to protect workers nor incentives to governments to enforce national and international labor law. Rather, DR-CAFTA states that member countries will merely “strive to ensure” compliance with international and national labor laws, but there are no provisions for legal resource, neither any threat of losing free trade status.”<sup>173</sup>

Lack of dynamics in the country economy and the excessive concentration of income are two main structural obstacles to be overcome in order to ensure a decent income for the entire Guatemalan population. However, these two structural obstacles are integrated to others equally important, among them: Gender relationships, ethnicity, and the rural-urban phenomenon. There are significant inequalities between men and women’s’ income, in average for the first it is 55% higher. If composition by gender is analyzed, it is found that from the 10% of the population with higher income 74% are men; on the other hand, doing the same procedure with the 10% of the population with lower income, it is found that 75% are women.<sup>174</sup>

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<sup>169</sup> Devine Jennifer, 2005. DR-CAFTA: Protecting labour rights in Guatemala?, p.1. in: [www.cawn.org/nesletter/autumn\\_05\\_word/Devine.doc](http://www.cawn.org/nesletter/autumn_05_word/Devine.doc)

<sup>170</sup> Idem, p. 1

<sup>171</sup> Idem, p. 1

<sup>172</sup> Idem, p. 2.

<sup>173</sup> Idem, p. 2.

<sup>174</sup> Slowing Karin y Arriola Gustavo, 2001. La Dimensión Económica de la Exclusión del Género a Finales del Siglo XX. PNUD, Guatemala, p. 9.

Indigenous women earn less than half of income than Indigenous men, a similar situation occurs between rural women and rural men. In the case of women of the northern region of the country income differences, are three folds higher in favor of men. One reason to explain this phenomenon is that the income level depends on several factors, like type of economic activity, educational level, control over the mean of production, and access to credit, among others. If this is true, it would be expected that once equity is reached for all these situations, income differences would disappear. However, it is not the case, women with same level of education than men and same type of economic activity still earn less income than men, including those women in top executive or managerial positions.<sup>175</sup>

### 3.4.5 Support for Micro Enterprises

Opposite to the agricultural sector in the other economical sectors women's access to credit is relatively high, in particular for micro-enterprises in which 80% of them are headed by women. It is estimated that this 80% represent 816,000 micro-enterprises.<sup>176</sup>

**Credits granted to December 2004**<sup>177</sup>

<b>Financial organizations</b>	<b>Total clients</b>	<b>% Clients</b>	<b>No. Women</b>	<b>%</b>
Private Banks	91,856	28	43,606	47.47
Federative Cooperatives	68,512	21	26,188	38.22
Non Federative Cooperatives	3,965	1.2	2,997	75.59
Federative NGO's	4,608	1.4	1,644	35.67
Non Federative NGO's	156,927	48	120,530	76.81
<b>Total</b>	<b>325,868</b>	<b>100</b>	<b>194,965</b>	<b>59.82</b>

Despite that 194,965 women have obtained credit in the last three years, this figure represents only 21% of the potential clients. Most of the granted credits have been for commerce.<sup>178</sup>

Before 1990 credit policy, both public and private, did not favor women's access to credit. Efforts made by the international cooperation, NGO's (both, national and international) and Cooperatives, as well as the Peace Agreements, have allowed a more favorable situation for women, just as it is shown in the table above. However, still most of the credit granted to women is among micro-enterprises of the informal sector, through micro-credit services.<sup>179</sup>

### 3.4.6 Informal Sector

For the Guatemalan regulation the informal sector comprises both legal and illegal economic activities; among the illegal activities the considered most important are stealing, drug traffic, contraband, prostitution, fraud, and gambling. Among the legal activities the most important are non-registered self income, and salaries from non-registered jobs related to legal goods and services.<sup>180</sup>

Historically for Guatemala the informal sector has been very important, both in social and economic terms. According to the 2004 National Survey of Jobs and Income, 75.4% of the economically active population of the country is involved in this sector. In rural areas this figure increases to 89.8, and among the Indigenous population is near 95%. Meanwhile, its contribution to the Gross National Product is 33%.<sup>181</sup>

As part of the existing division of labor, women generally take care of reproductive duties, as well domestic work as maids, meanwhile men are mostly in the productive economy; this fact is even

<sup>175</sup> Idem, p. 10-11.

<sup>176</sup> Villalobos Iris y Estrada Elizabeth, 2006. Acceso de la Mujer Emprendedora a los Servicios Financieros en Guatemala, con Énfasis en los Departamentos de Huehuetenango y Chiquimula. SEPREM, Guatemala, p.32-34.

<sup>177</sup> Idem, p. 32.

<sup>178</sup> Idem, p. 31.

<sup>179</sup> Idem, p. 23-26.

<sup>180</sup> Centro de Investigaciones Económicas Nacionales –CIEN–, 2001. Análisis de la Economía Informal en Guatemala.

<sup>181</sup> CIEN, 2005. La Informalidad: Un Sector Independiente.

greater at rural levels. Another important portion of women incorporated into the productive informal economy provide food services, mainly to industry workers, and commercialization of food supplies in communal and local markets.<sup>182</sup>

Women who work as maids are making a direct contribution to households where both parents are working, allowing women incorporation to the economy with substantial contribution to the reproduction of both, the formal and informal economy.<sup>183</sup>

Records about women's work have established that their daily average work in the productive economy is eight hours plus six hours to reproductive duties (substantially more time to work activities than men). In some rural areas, women also have to dedicate extra time to the collection of water and wood for fuel.<sup>184</sup>

In regards laws and regulations, social benefits, and social security, the informal sector of Guatemala is completely unprotected. Up to date, neither the Government in general, nor the specific Ministry have proposed and carried out important policies, to overcome this social gap.<sup>185</sup>

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<sup>182</sup> SEPREM, 2004. Perfil de Género de la Economía Guatemalteca, p. 98-99.

<sup>183</sup> Idem, p. 99.

<sup>184</sup> Idem, p. 100.

<sup>185</sup> Idem, p. 141.

### 3.5. Violence Against Women

In Guatemala, murders of women have become one of the most serious situations of violence in the last five years. The number of dead women follows a tendency to increase; in 2000 there were registered 213 cases, 531 in 2004, and 665 in 2005. The Departments with the highest rate of murderers are Guatemala and Escuintla.<sup>186</sup>

The domestic violence (VIF) continues as one of the most recurrent forms of violation of women rights in Guatemala, its sanction faces a series of obstacles of multiple natures. One of them is that it is not considered as a crime according to the Guatemalan legislation, there is also lack of reliable statistics. The only registered data is the one collected by the National Center of Documentation of The Judicial Organisms – CENADOJ-, with 6,435 denunciations during 2005.<sup>187</sup>

Sexual exploitation is one of the most alarming type of violence that face many young women in Guatemala. According to data of the Section for Sexual Abuse of the National Police, from its creation in 2004 to date, there have been rescued 633 foreign women (especially Central American) and 40 youth women.<sup>188</sup>

The Public Ministry through its Public Prosecutor Office for Woman registered from January to September 2005, 5.881 cases of other types of violence like sexual abuses, sexual harassment, physical and mental aggression, coactions, threatening and threats, rape, incest, injuries and even murder.<sup>189</sup>

It is important to point out that the official statistics just register a portion of reality since it has been demonstrated by organizations of women and international organisms that many cases are not registered, or even denounced.<sup>190</sup>

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<sup>186</sup> Informe de Seguimiento al cumplimiento por parte del Estado de Guatemala de las Recomendaciones de la Relatora Especial de las Naciones Unidas sobre la Violencia en contra de las Mujeres. Centro de Acción Legal para los Derechos Humanos – CALDH - . Guatemala, abril 2006. 68 p.

<sup>187</sup> Idem. Página 14.

<sup>188</sup> Idem.

<sup>189</sup> Idem. Página 15.

<sup>190</sup> Idem. Página 17

#### 4. Gender Relevant Projects (several hundreds of women and/or several geographical areas as a target group)

Organism	Type of project – Approach	Number / type of women's target group	Time period
Canadian International Development Agency -CIDA-	Two main components: a) Strengthening of the SEPREM <ul style="list-style-type: none"> <li>Formal training - Diploma</li> <li>Negotiation mechanisms</li> </ul> b) Empowerment Fund for Guatemalan Women – EMPODEM-: <ul style="list-style-type: none"> <li>Fighting violence against women</li> <li>Women's integration to the labor market</li> <li>Women's situation and conditions: research and documentation</li> </ul>	a) Institutional strengthening b) Women's organizations	• 2002-2007
Spanish International Cooperation Agency – AECI-	a) Rural development: Agriculture, livestock, forestry, nutrition, education, health, infrastructure. b) Decentralization: strengthening of local governments and Development Councils.	• Women's organizations • Local empowerment	Open
Japan International Cooperation Agency –JICA-	<ul style="list-style-type: none"> <li>Rural Development, Agriculture, fishery, health, education, sanitation, infrastructure, environment, natural resources</li> <li>Scholarships</li> <li>Research</li> <li>Emergencies aid</li> <li>Volunteer aid</li> <li>Public administration</li> <li>Infrastructure</li> </ul>	pendent	Open
Swedish Agency for International Development –ASDI-	Three main areas related to Women's participation and rights, Indigenous people <ul style="list-style-type: none"> <li>SEPREM' strengthening.</li> <li>Strengthening of the Women's Defense Council -DEMI -</li> <li>Incidence in Public Policy and poverty reduction.</li> </ul>	• Women • Indigenous women	• 2003-2006 • 2005-2009 • 2002.2006
Central American Bank for Economic Integration – BCIE-	<ul style="list-style-type: none"> <li>45% of the Bank projects are related to women's organizations, most projects are executed by women.</li> <li>PROMUJER: Credit for women</li> </ul>	• 10,000 organized women	Open
Banco Interamericano de Desarrollo	N/A (information has not been provided yet)	•	•
Banco Mundial	N/A (information has not been provided yet)	•	•
CARE Guatemala	<ul style="list-style-type: none"> <li>Las Verapaces – Communal banks.</li> <li>EDUBANCO – Communal banks and children education</li> </ul>	• 5,000 • 1,500	

Organism	Type of project – Approach	Number / type of women's target group	Time period
	<ul style="list-style-type: none"> <li>EDUBANCO – Communal banks and children education</li> <li>EDUCASA – National level, mother-infant health</li> </ul>	<ul style="list-style-type: none"> <li>3,150</li> <li>6,143</li> </ul>	<ul style="list-style-type: none"> <li>Until 2009</li> </ul>
The Netherlands Embassy	<ul style="list-style-type: none"> <li>Midwives in cooperation to The Population Fund UNFPA</li> <li>Reproductive health</li> </ul>	<ul style="list-style-type: none"> <li>Midwives</li> <li>Women (national)</li> </ul>	<ul style="list-style-type: none"> <li>2006</li> <li>2005 - 2009</li> </ul>
German Technical Cooperation –GTZ-	<ul style="list-style-type: none"> <li>PROMUDEC: Conflict solution. Huehuetenango, San Marcos, Alta y Baja Verapaz.</li> <li>PACE: Maternal-childish health. Alta y Baja Verapaz, Petén, Huehuetenango, San Marcos, Quetzaltenango.</li> <li>PCON: Support to the peace agreements, national level</li> <li>Support to the Indigenous Defense Council, national level</li> </ul>	<ul style="list-style-type: none"> <li>Approximately 10,000</li> </ul>	<ul style="list-style-type: none"> <li>2006-2010</li> <li>2006-2009</li> <li>2002-2010</li> <li>Open</li> </ul>
IBIS Denmark	<ul style="list-style-type: none"> <li>Strengthening of western women's movement. Quetzaltenango, Totonicapán, Sololá, San Marcos.</li> <li>Children education with cooperation with ASDECO. Guatemala, Chichicastenango, El Quiché</li> <li>Women's rights to land and political participation.</li> </ul>	<ul style="list-style-type: none"> <li>Several women's organizations</li> </ul>	<ul style="list-style-type: none"> <li>2003-2006</li> <li>Until 2008</li> <li>2003-2006</li> </ul>
Plan International	<ul style="list-style-type: none"> <li>Rural development</li> <li>Emergency aid</li> <li>Mother and rural children, wellbeing sponsoring</li> </ul>	<ul style="list-style-type: none"> <li>12,000</li> </ul>	<ul style="list-style-type: none"> <li>Open</li> </ul>
Programa de Naciones Unidas para el Desarrollo – PNUD	<ul style="list-style-type: none"> <li>Emprendedurias Femeninas Project. San Marcos y Sololá. Economic development of rural women.</li> </ul>	<ul style="list-style-type: none"> <li>120,000</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
INTERVIDA, Spain (NGO)	<ul style="list-style-type: none"> <li>Rural children wellbeing sponsoring rural children</li> </ul>	<ul style="list-style-type: none"> <li>300,000 children sponsored</li> </ul>	<ul style="list-style-type: none"> <li>Open</li> </ul>
PRODEVER	<ul style="list-style-type: none"> <li>Rural development in Alta and Baja Verapaz</li> </ul>	<ul style="list-style-type: none"> <li>48,000</li> </ul>	<ul style="list-style-type: none"> <li>2003-2010</li> </ul>
PRODESQUI	<ul style="list-style-type: none"> <li>Rural development in El Quiché</li> </ul>	<ul style="list-style-type: none"> <li>30,000</li> </ul>	<ul style="list-style-type: none"> <li>2001-2007</li> </ul>
PESA-FAO	<ul style="list-style-type: none"> <li>Food security and rural development</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
Save the Children Norway	<ul style="list-style-type: none"> <li>Education access to the Kekchí girls in cooperation to TALITA KUMI:</li> </ul>	<ul style="list-style-type: none"> <li>3000 girls</li> </ul>	<ul style="list-style-type: none"> <li>Until 2008</li> </ul>
European Union	<ul style="list-style-type: none"> <li>Gender equity project supporting SEPREM in 13 Ministries and 50 municipalities</li> <li>Women participation in the Development Councils in cooperation to COPREDEH</li> <li>Maternal-Childish mortality reduction in cooperation to MSPAS</li> </ul>	<ul style="list-style-type: none"> <li>Women in decision making positions</li> <li>Women in Development Councils</li> <li>Mothers</li> </ul>	<ul style="list-style-type: none"> <li>2004-2008</li> </ul>
USAID	<ul style="list-style-type: none"> <li>Gender policies at governmental level</li> </ul>		<ul style="list-style-type: none"> <li>Until 2009</li> </ul>

Organism	Type of project – Approach	Number / type of women's target group	Time period
	<ul style="list-style-type: none"> <li>• Women post conflict</li> <li>• Support to women organizations</li> </ul>	Pendent	
World Vision	<ul style="list-style-type: none"> <li>• Justice promotion</li> <li>• Mother and childhood health</li> <li>• Rural development</li> </ul>	• 8,000	• Open



## 5. Gender Information Sources

### 5.1. List of individuals related to WID/gender – some women specialists in gender<sup>191</sup>

Name <sup>192</sup>	Field	E-mail
Ana Leticia Aguilar Theissen	Women's movement - research	<a href="mailto:fonca@terra.com.gt">fonca@terra.com.gt</a>
Yolanda Aguilar Urizar –	Women and Politics	<a href="mailto:yoled@guate.net">yoled@guate.net</a>
Julia Mercedes Asturias – M	Women in development	<a href="mailto:amva@intelnet.net.gt">amva@intelnet.net.gt</a>
Laura Estela Cárcamo	Women in development	<a href="mailto:amva@intelnet.net.gt">amva@intelnet.net.gt</a>
Lily Caravantes	Public policies, social organization	<a href="mailto:caravanteslily@latinmail.com">caravanteslily@latinmail.com</a>
Aracely Castillo Cristales	Reproductive health, gender violence, environment	<a href="mailto:acastillo.pecon@pecon.org.gt">acastillo.pecon@pecon.org.gt</a>
Paula Irene del Cid Vargas	Women's rights, health, institutional development,	<a href="mailto:paulaire@intelnet.net.gt">paulaire@intelnet.net.gt</a>
Carla De León Alvarado	Violence, self-esteem, communication	<a href="mailto:carlayadiradeleon@yahoo.com">carlayadiradeleon@yahoo.com</a>
Consuelo Esquivel Zetina	Health and education	<a href="mailto:mujerpaz@amigo.net.gt">mujerpaz@amigo.net.gt</a>
Ligia Gonzáles	Political parties, research	
Julieta Hernández Gonzáles	Institutional strengthening, political participation, cooperation	<a href="mailto:julietah@intelnet.net.gt">julietah@intelnet.net.gt</a>
Carmen López Tellez	Human rights	<a href="mailto:carmenlc@terra.com.gt">carmenlc@terra.com.gt</a>
Hermelinda Magzul Patal	multiculturalism	<a href="mailto:kaqla@intelnet.net.gt">kaqla@intelnet.net.gt</a>
Ileana Melendreras Marroquín	Organization and development, health, planning	<a href="mailto:ileanam@itelgua.com">ileanam@itelgua.com</a>
Laura Montes	Women's rights, violence	<a href="mailto:lauraolymp@intelnet.com">lauraolymp@intelnet.com</a>
Ana Silvia Monzón	History, communication	<a href="mailto:lease@intelnet.net.gt">lease@intelnet.net.gt</a>
Hilda Morales Trujillo	Women's rights	<a href="mailto:cicam@itelgua.com">cicam@itelgua.com</a>
Delfina Mux Caná	Institutional strengthening, social organization, monitoring	<a href="mailto:seprem@guate.net.gt">seprem@guate.net.gt</a>
Vilma Ovalle	Self support, violence, development	<a href="mailto:vovalle@intelnet.net.gt">vovalle@intelnet.net.gt</a>
Patricia Pinto Quijano	Economy, women's organization, women's movements	<a href="mailto:codefem@hotmail.com">codefem@hotmail.com</a>
Alicia Rodríguez	Politics training, women's movement, research	<a href="mailto:unamg@intelnet.net.gt">unamg@intelnet.net.gt</a>
María Teresa Rodríguez	Training, social research, environment	<a href="mailto:maitero@yahoo.com">maitero@yahoo.com</a>
Blanca M. De Sánchez	Training, self-esteem, organization	<a href="mailto:seprem@guate.net.gt">seprem@guate.net.gt</a>
Mara Valdez Quiroz	Economy, entrepreneurial development, cooperatives	<a href="mailto:maravaldez10@yahoo.com">maravaldez10@yahoo.com</a>
Olga Isabel Villalta	Political organization, communication	<a href="mailto:olgavillalta@itelgua.com">olgavillalta@itelgua.com</a>
Roxana Volio Monge	Public policies, planning, evaluation, academics	<a href="mailto:rochivolio@yahoo.es">rochivolio@yahoo.es</a>
Ada Zambrano Aguirre	Planning, monitoring, institutional development, rural organization, applied research	<a href="mailto:adazam@intelnet.net.gt">adazam@intelnet.net.gt</a>

<sup>191</sup> Fondo de Desarrollo de las Naciones Unidas para la Mujer - UNIFEM. Directorio de Especialista en Género Guatemala. 2001

<sup>192</sup> It was taken as reference the UNIFEM directory, it was updated and some other specialists were added.

## 5.2 List of references related to Gender <sup>193</sup>

### 5.2.1. Non governmental organizations <sup>194</sup>

Name	Field	Cover	E-mail
Agrupación de Mujeres Guatemaltecas Ixmucané	Participation, social organization, human rights, violence	Petén: La Libertad, Dolores, Sayaxché, San Francisco Alta Verapaz: Senahú	<a href="mailto:ixmucanegua@intelnett.com">ixmucanegua@intelnett.com</a>
Alianza de Mujeres Rurales por la Vida, Tierra y la Dignidad	Access to land, participation, production, violence, women's rights	Petén, Huehuetenango, southern coast, Alta Verpaz	<a href="mailto:mtierra@intelnett.com">mtierra@intelnett.com</a>
Asociación Centro de la Mujer Belejeb Batz	Citizenship, reproductive health, micro enterprise, labor and employment	Quetzaltenango, Quiché, Escuintla, Retalhuleu, Chimaltenango	<a href="mailto:acmubb@hotmail.com">acmubb@hotmail.com</a>
Asociación Centro de Mujeres Comunicadoras Nutzij	Communication	Sololá	<a href="mailto:Nutzij2002838@hotmail.com">Nutzij2002838@hotmail.com</a>
Asociación Civil La Cuerda	Communication	Guatemala, Alta Verpaz, Quetzaltenango, San Marcos, Petén	<a href="mailto:lacuerda@intelnet.net.gt">lacuerda@intelnet.net.gt</a>
Asociación de Desarrollo Integral de la Mujer Huehueteca	Human rights, self-stem, literacy, politic incidence	31 municipios de Huehuetenango	<a href="mailto:fodemh@intelnett.com">fodemh@intelnett.com</a>
Asociación de Mujeres de Petén Ixqik	Women's participation, violence, politic incidence	12 municipalities of El Petén	<a href="mailto:ixqik@itelgua.com">ixqik@itelgua.com</a>
Asociación de Mujeres en Solidaridad	Sexual and reproductive health, labor rights, economic development	Guatemala y Escuintla	<a href="mailto:ams@terra.com.gt">ams@terra.com.gt</a>
Asociación de Mujeres Garífunas de Guatemala	Integral health, culture, communication	Izabal	<a href="mailto:ginaruga@itelgua.com">ginaruga@itelgua.com</a>
Asociación Mujer Vamos Adelante	Politic participation, violence	Quetzaltenango, Izabal, Quiché; Alta Verapaz	<a href="mailto:amva@intelnet.net.gt">amva@intelnet.net.gt</a>
Asociación Política de Mujeres Mayas	Politic education, research, communication	Guatemala	<a href="mailto:knmi@intelnett.com">knmi@intelnett.com</a>
Centro de Apoyo para las Trabajadoras de Casa Particular	Formal education, human rights, sexual and reproductive rights, legislation	San Marcos y Guatemala	<a href="mailto:centracap@intelnett.com">centracap@intelnett.com</a>
Colectivo para la Defensa de los Derechos de las Mujeres en Guatemala	Organizational strengthening, communal development, productive projects	Guatemala	<a href="mailto:codefem@guate.net">codefem@guate.net</a>
Consejo Nacional de Mujeres Cooperativistas	Micro credit, productive projects, training	Western, north, and central regions	<a href="mailto:confecoopgu@guate.net">confecoopgu@guate.net</a>
Fundación SARES	Productive projects, food security, training, social organization	Zacapa, Chiquimula, Jalapa, Jutiapa, Costa Sur	<a href="mailto:fundacionsares@intelnet.net.gt">fundacionsares@intelnet.net.gt</a>
Fundación Guatemala	Academics, research, documentation	Guatemala and Mesoamerica	<a href="mailto:fungua@quetzal.net">fungua@quetzal.net</a>
FUNDEMI – TALITA KUMI	Education, productive projects, productive technology	Alta Verapaz y Petén	<a href="mailto:fundemitk@hotmail.com">fundemitk@hotmail.com</a>

<sup>193</sup> Directorio de Organizaciones de Mujeres e Instituciones Estatales para el Avance de las Mujeres en Guatemala. Marzo, 2004.

<sup>194</sup> As the main criteria to select organization, there were considered membership, geographical cover, and importance of topics.

Name	Field	Cover	E-mail
Organización de Mujeres Mamá Maquín	Access to land, health, social organization	Petén, Ixcán, Quiché, Alta Verapaz	<a href="mailto:mmqu@intelnet.net.gt">mmqu@intelnet.net.gt</a>
Organización de Mujeres Tierra Viva	Sexual and reproductive rights, public policies	Chimaltenango, San Marcos, Chiquimula, International	<a href="mailto:tierraviva@guate.net.gt">tierraviva@guate.net.gt</a>
Sector de Mujeres de la Asamblea de la Sociedad Civil	Participation and politic incidence, peace agreements, women networks	National and international	<a href="mailto:mujerpaz@intelnet.net.gt">mujerpaz@intelnet.net.gt</a>

### 5.2.2. Governmental organisms

Name	Topics	Cover	E-mail
Comité Institucional Bilateral de Mujeres Rurales -MAGA	Training, women's rights, strengthening of capabilities	Chimaltenango, Quetzaltenango, Escuintla, Sololá, Totonicapán, Guatemala	<a href="mailto:mujmaya@intelnet.com">mujmaya@intelnet.com</a>
Coordinadora Nacional para la Prevención de la Violencia Intrafamiliar y Contra las Mujeres – CONAPREVI	Public politics, violence	Guatemala	<a href="mailto:Conaprevi23@hotmail.com">Conaprevi23@hotmail.com</a>
Defensoría de la Mujer – Procuraduría de los Derechos Humanos – PDH	Human rights monitoring, violence, participation	Guatemala	<a href="mailto:opdhg@intelnet.net.gt">opdhg@intelnet.net.gt</a>
Defensoría de la Mujer Indígena - DEMI	Indigenous rights, legal advice, violence and discrimination	Guatemala	<a href="mailto:demi@c.net.gt">demi@c.net.gt</a>
Foro Nacional de la Mujer	Peace agreements monitoring	Guatemala	<a href="mailto:forodelamujer@ifxnw.com.gt">forodelamujer@ifxnw.com.gt</a>
Oficina Nacional de la Mujer	Legal reforms, politic participation	Huehutenango, San Marcos, Quiché, Chimaltenango, Petén, Alta Verapaz	<a href="mailto:cendoconam@yahoo.com">cendoconam@yahoo.com</a>
Programa de Promoción de la Mujer Rural - SOSEP	Human development, productive projects	20 departments, besides Guatemala and Sacatepéquez	<a href="mailto:Promujer01@intelnet.net.gt">Promujer01@intelnet.net.gt</a>
Programa Universitario de Investigaciones y Estudios de Género	Institutional strengthening Teaching, research, extension	Guatemala	<a href="mailto:lease@intelnet.net.gt">lease@intelnet.net.gt</a>
Secretaría Presidencial de la Mujer - SEPREM	Coordinator and advice of public policies in favor of women	Guatemala	<a href="mailto:spmujer@intelnet.net.gt">spmujer@intelnet.net.gt</a>
Unidad de la Mujer – Fondo de Desarrollo Indígena Guatemalteco - FODIGUA	Education, productive projects, health, infrastructure	Huehuetenango, Cobán, Quetzaltenango, Chimaltenango	<a href="mailto:fodigua@hotmail.com">fodigua@hotmail.com</a>

## Annex 1

### Legal Frame of the Rights of the Guatemalan women

#### International Instruments of the human rights related with the politic rights of the women

The international instruments related to the rights of the Guatemalan women appear next, according to the date in which the United Nations adopted it, when it took effect, and the date in which the State of Guatemala ratified.

International instruments <sup>195</sup>	Adopted	Took effect	Guatemala
Convention on the political rights of the woman	20.12.52	07.07.54	31.03.53 07.10.59
International Convention on the elimination of all forms of racial discrimination	21.12.65	04.01.69	15.01.83
Convention on the elimination of all forms of discrimination against the woman	18.12.79	3.09.81	08.07.82 Decreto 49-82
Agreement 169	27.06.89	05.09.91	05.06.96
Facultative Protocol of the Convention on the elimination of all forms of discrimination against the woman	06.19.99		07.09.00

#### National Norm

Political Constitution of the Republic of Guatemala	
<b>Article 4. Freedom and Equality.</b>	In Guatemala all the human beings are free and equal in dignity and rights. The man and the woman, whatever his/her civil state is, have equal opportunities and responsibilities. No person can be put under servitude or another condition that may reduce its dignity. The human beings must keep brotherly conduct to each other.
<b>Article 66. Protection to ethnic groups.</b>	Guatemala is formed by diverse ethnic groups in which there appear the indigenous groups of Mayan ancestry. The State recognizes, respects and promotes its forms of life, customs, traditions, forms of social organization, the use of the indigenous suit in men and women, languages and dialects.

Internal legislation: penal, civil and administrative norms, destined to prevent, to sanction and to eradicate the violence against the woman <sup>196</sup>
<ul style="list-style-type: none"> <li>- Civil Code. Decree 106 (emitted in the year 1963)</li> <li>- Penal Code. Decree 17-73</li> <li>- Law to Prevent, to Sanction and to Eradicate the Intrarelative Violence. Decree 97-96</li> <li>- Law of Dignification and Integral Promotion of the Woman. Decree 7-99</li> <li>- Law of the Judicial Race. Decree 41-99</li> <li>- General Law to fight the Human Immunodeficiency Virus HIV and the Acquired Immunodeficiency Syndrome AIDS and the Promotion, Protection and Defense of the Human rights before the HIV/AIDS. Decree 27-2000</li> <li>- Law of the Social Development. Decree 42-2001</li> <li>- Law of Integral Protection of the Childhood and the Adolescence. Decree 27-2203</li> <li>- Law of National Languages. Decree 19-2003.</li> <li>- Frame Law of the Peace Agreements. Decree 52-200</li> </ul>

<sup>195</sup> Source: [www.unhchr.ch/spanish/html/menu3/b/22\\_sp.htm](http://www.unhchr.ch/spanish/html/menu3/b/22_sp.htm) - 13k -.

<sup>196</sup> Source: self construction with basis on the national identified instruments.

<b>Peace Agreements</b> <sup>197</sup>	
<b>• Commitment</b>	<b>Agreement</b>
<b>AXIS: POLITICAL AND CIVIL RIGHTS (PARTICIPATION AND ORGANIZATION)</b>	
To guarantee the right of organization of the women and its participation in equality of conditions with the man, in the levels of decision and power of the local, regional and national instances.	ASESA <sup>198</sup>
To promote the participation of the women in the governmental management, especially in the formulation, execution and governmental control of the plans and policies.	ASESA
It will be promoted particularly, the participation in the Councils of Development, like instrument of participative elaboration of the plans of development and territorial ordering.	ASESA
To fortify and to extend the participation of Farm organizations, indigenous women of the field, indigenous organizations, producers gremial cooperatives and NGO's, in the National Council of Development of Farming and Animal Husbandry (CONADEA – by its initials in Spanish), as the main mechanism of consultation, coordination and social participation in the decision making for the rural development.	ASESA
To take the corresponding measures in order to cause that the organizations of political and social character adopt specific policies to encourage and to favor the participation of the woman like part of the process of fortification of the civil power.	AFPC <sup>199</sup>
To impel campaigns of diffusion and educative programs, in the national scope, directed to aware the population on the right of the women to participate actively and decidedly in the process of fortification of the civil power, without discrimination and with total equality, as much of the women of the field like of the women of the cities.	AFPC
To determine that in all the forms of exercise of the power there will be established and guaranteed the opportunities of participation to the organized and unorganized women.	AFPC
To make an evaluation of the advances on the participation of the woman, and, with this, elaborate the plan of corresponding action.	AC <sup>200</sup>
To respect, to impel, to support and to institutionalize the organizations of the women of the field and the city.	AFPC
<b>INSTITUTIONAL MECHANISMS:</b>	
To create a Post of Defense Counsel of the Indigenous Woman, with its participation, that includes services of consultant's office and social service.	AIDPI <sup>201</sup>
To propose the call of a forum of the woman on the relative commitments to the rights and participation of the woman, shaped in the Peace accords	AC
<b>LEGISLATION, POLICIES AND PLANS:</b>	
To review the national legislation and its regulations in order to eliminate all form of discrimination against the woman in economic, social, cultural and political participation and to give effectiveness to the governmental commitments derived from the ratification of the Convention on the Elimination of All Forms de Discrimination against the Woman.	ASESA
To promote a legislation that explains the sexual harassment as a crime and considers like aggravating in the definition of the sanction of the sexual crimes, the one that has been committed against the indigenous woman.	AIDPI
The Government is committed to take under consideration the specific economic and social situation of the women in the strategies, plans and programs of development, and to form the personnel of the civil service in the analysis and the planning based on this approach.	ASESA
To make an evaluation of the advances in the participation of the woman and, on this base, to elaborate the corresponding plan of action.	AC

<sup>197</sup> Medina B. Joaquín; Rivera, J. A. 36 años de Guerra. Los acuerdos de paz. Compendio y análisis. Primera Edición. Guatemala, febrero 1997.

<sup>198</sup> Agreement on the social economical and farming situation.

<sup>199</sup> Agreement on the Fortification of the Civil Power and the function of the Army in a Democratic Society

<sup>200</sup> Chronogram Agreement for the implementation, fulfilment and verification of the Peace Agreements.

<sup>201</sup> Agreement on the Identity and Rights of the Indigenous People.

<b>Peace Agreements</b> <sup>197</sup>	
<b>• Commitment</b>	<b>Agreement</b>
<b>ECONOMIC, SOCIAL AND CULTURAL RIGHTS.</b>	
To fortify the participation of the women in the economic and social development, on equality bases	ASESA
<b>HEALTH</b>	
To foment the active participation of the municipalities, the communities and social organizations (including those of indigenous women, union, civic, humanitarian) in the planning, execution and control of the services and programs of health, through the local systems of health and the advice of urban and rural development	ASESA
<b>LAND</b>	
To fortify the capacity of the rural organizations, such as Farmers Associative Companies (ECA –by its initials in Spanish), cooperatives, farmers associations, mixed companies and selfnegotiative and familiar companies, to totally participate in the decision making on all the subjects that concern to them and to create or to reinforce the institutions of the State, specially those of the public agricultural sector, active in the rural development in order that they cause this participation, promoting in individual the total access of the women to the decision making.	ASESA
To eliminate any form of fact or legal discrimination against the woman as far as facilitating access to the land, house, and credit and to participate in the development projects.	AIDPI
The gender approach will be incorporated to the policies, programs and activities of global strategy of development.	ARPD
The government is committed to eliminate any form of legal or fact discrimination against the woman as far as facilitating the access to the land, house, credits and participating in the development projects.	ARPD

<b>National policy of Promotion and Development of the Guatemalan Women<sup>202</sup> and Plan of Fairness of Opportunities 2001-2006<sup>203</sup></b>	
<b>IX. Axis Fairness in the Social - Political Participation.</b>	<ul style="list-style-type: none"> <li>- To adopt all the necessary measures that guarantee the total participation and representation of the women in the processes of decision making and in the diverse structures of power in the national and international scopes.</li> <li>- To strengthen the participation of the women in the decision making and its representation in the directive levels.</li> <li>- To give fulfilment to the conventions, treaties, agreements and resolutions of international conferences in the matter of Universal Human rights of the women and the Plans of Action emanated of the Conventions and International Conferences and Peace Agreements in the referring thing to the development and participation of the women.</li> <li>- To develop actions that guarantee the promotion of a culture of peace and a political and social ethics, that allows the strengthening of philosophy, principles and values of the national democracy, dividing of the principle of fairness between women and men and social cultural groups.</li> </ul>

<sup>202</sup> Presidential Government Office of the Woman. 2001. Política nacional de promoción y desarrollo de las mujeres guatemaltecas y plan de equidad de oportunidades, 2001-2006. Guatemala: SEPREM, Gobierno de Guatemala.

<sup>203</sup> This policy considers an advance for the concretion of the commitments of the State in the matter of human rights of the Guatemalan women.

<b>Action Plan<sup>204</sup> for the full participation of the Guatemalan Women 2002-2012<sup>205</sup></b>	
<b>Axis 1. Political Incidence.</b>	Primary target: To affect the agendas of the governmental organisms, international cooperation, organized expressions of the civil society and political parties to incorporate the interests, demands and necessities of the Guatemalan women of the four towns so that they fortify the total exercise of the citizenship.
<b>Axis 2. Construction of the citizenship of the women</b>	Primary target: To generate processes of formation, qualification and to sensitize the Guatemalan women for the total exercise of its citizenship.
<b>Axis 3. Institutional fortification of the women organizations</b>	Primary target: To contribute to the organizational and institutional fortification to facilitate the political participation of the women; to create public opinion and to promote the creation of networks to start up the incidence strategies.

<b>Policy "Development and Fairness of Rural Youth in the Agricultural Sector of Guatemala", 2002-2006<sup>206</sup></b>	
<b>5. Political Action Lines</b>	Contribution to the fortification of the total exercise of the citizen rights of the rural young women and their equitable participation in the decision making at all level in the rural scope.
<b>7.4. Fairness of Participation.</b>	To strengthen the role of the rural young women in the enterprise management (individual, familiar or commercial) in the handling and conservation of renewable natural resources
	Support to the revision and focalization of the program of nourishing aid, to facilitate the increase and the availability of basic food in the young population, specially to the young women.

#### **Law trilogy for the Decentralization<sup>207</sup>:**

<b>General law of Decentralization (Decree Number 14-2000)</b>	
<b>Article 4. Principles.</b>	They are orientation principles of the process and the policy of decentralization of the Executive Organism the following ones: 4. The respect to the multiethnic, cultural diversified and multilingual reality of Guatemala; 9. The citizen participation.
<b>Article 5. Objectives.</b>	The decentralization of the Executive Organism will have the following objectives: 4. To facilitate the participation and the social control in the public management.
<b>Article 10. Atributions</b>	The control system responsible for the programming, direction and supervision of execution of the Decentralization of the Executive Organisms, will have the following faculties and attributions: f. To summon the enterprise sectors and representatives of the civil society to an active participation in the decentralization process.

<sup>204</sup> SEPREM/Nacional Forum of the Woman. Plan de Acción para la plena participación de las mujeres guatemaltecas 2002-2012. Guatemala: Julio 2003.

<sup>205</sup> This plan considers another important advance, which required of a series of consultations to the National Forum of the Woman and to the SEPREM, that are the two instances to which (second) the Agreement Chronogram gives the responsibility to coordinate and to elaborate and implementation of this Plan. The validation and approval of the same one were made during VII the Assembly of the FNM, in which representing women of communities "lingüísticas" and "multisectoria"l of the 8 regions of the Forum participated..

<sup>206</sup> Ministry of Cattle, Food and Agriculture. Política "Desarrollo y Equidad de la Juventud Rural en el Sector Agrícola de Guatemala", 2002-2006. S/F. Guatemala: MAGA.

<sup>207</sup> SEPREM. *Recopilación de Leyes*. Gobierno de la República de Guatemala. Guatemala 2002.

<b>Law of the Councils of Urban and Rural Development (Decree Number 11-2002)</b>	
<b>Chapter I.</b> Nature, Principles and Objectives <b>Article 2.</b>	The general principles of the System of Advice of Development are: f. The fairness of gender, understood like the non-discrimination of the woman and effective participation, as much of the man as of the woman.
<b>Chapter II.</b> Integration Functions. Article 5.	The National Council of Urban and Rural Development is integrated as the following: n. Two representatives of the organizations of women.
<b>Article 6.</b> Functions of the National Council of Urban and Rural Development.	The functions of the National Council of Urban and Rural Development are: l. To promote policies at a national level that foment the active and effective participation of the woman in the taking of decisions, as much as at national level as at a regional, departmental, municipal and communitarian level, as well as to promote the awareness of the communities with regard to the gender fairness and the identity and right of the indigenous towns.
<b>Article 7.</b> Integration of the CRDUR	The Regional Councils of Urban and Rural Development integrate themselves as following: m. Two representatives of the organizations of women who operate in the region.
<b>Article 9.</b> Integration of the CODEDE.	The Departmental Councils of Development integrate themselves as following: l. One representative of the organizations of women who operate in the department.
<b>Article 12 and Article 14.</b> Functions of COMUDES and of COCODES, respectively	d. To promote policies, programs and projects of protection and integral promotion for the childhood, the adolescence, youth and the woman.
<b>Regulation of the Law of the Councils of Urban and Rural Development</b>	
<b>Chapter IX.</b> Final and transitory dispositions. <b>Article 72.</b> Women Organizations.	For once only and for a fixed term of six months, the organizations of women who lack legal personality, will be able to name representatives in the different levels of development councils and, passed this term, if not crediting the corresponding registry in a certifying way, its participation will be considered nonvalid.

<b>Municipal Code (Decree Number 12-2002)</b>	
<b>Titlle III.</b> Government and Administration of the Municipality. <b>Chapter I.</b> Government of the Municipality. <b>Article 36.</b> Organization of Commissions .	In his first annual ordinary session, the Municipal Council will organize the commissions that consider necessary for the study and opinion of the subjects that will know throughout the year, having an obligatory character the following commissions: 9. Of the family, the woman and the childhood .
<b>Title VIII.</b> Sanctioning Regime. <b>Chapter IV.</b> Final dispositions. Article 176. Gender.	In the norms of this Code it is assumed that the concept of fairness of gender, is understood like the non-discrimination between both genders in accordance with the article 4 of the Political Constitution of the Republic of Guatemala.