

Republic of Guatemala
Report on the Application of the Convention on the
Elimination of All Forms of Discrimination against Women
(CEDAW)

Introduction

Guatemala is a country full of social contrasts and cultural, ethnic, and linguistic diversity, with a population that in 2002 surpassed the 11.2 million inhabitants. It is a multi-cultural and pluri-lingual nation formed by four peoples: Mayans, Ladinos or Mestizos, Garifunas, and Xinkas. Forty-one per cent of this population is indigenous, while 59% is ladino or mestizo. 53.9 per cent of the population lives in rural areas, while 46.1% live in urban areas. 51.1 per cent is composed by women and more than half of the population is under 18 years old.

The 2005 National Human Development Report shows significant advances in the last decade; however, poverty remains female, rural and indigenous. This is a result of economic, political, social, and cultural inequities that have resulted in the exclusion of several sectors of the population, such as women, who have limited access to development opportunities such as

domestic violence, and to strengthen the decentralization process, education reform and reproductive health programs. Efforts have been made to reduce these inequities and poverty and achieve a larger economic growth, in order to strengthen the peace process, democracy and human development with ethnic and gender equity, as a means to achieve equality.

On this occasion, the State of Guatemala presents to the Honorable Committee for the Elimination of Discrimination against Women the report on the progress made in the application of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) during the period 2002-2003. Additionally, the report includes relevant actions undertaken by the State of Guatemala to date.

Part I

Article 1. Applicability of the definition of discrimination as expressed in the Convention

The State of Guatemala recognizes the equality of all human beings, in particular between men and women, through Article 4 of the Constitution of the Republic, which reads "...Men and women, no matter their civil status, have equal opportunities and responsibilities. No one could be submitted to slavery or any other condition that diminishes his or her dignity..." Even though this principle of equality is a constitutional right, it has not been fully adopted by all State institutions and the Guatemalan society in general.

It is understood that to attain equality, it is mandatory to correct the existent inequities. This implies the introduction of measures that will allow the reduction of the gap between men and women in the different areas of social, economic, political and cultural life. Equity implies the elimination of injustice and is considered as a means to achieve equality.

Article 2. Administrative and legislative measures of protection against discrimination

Based on the Committee's recommendation to establish a greater coordination among the current woman's mechanisms, the Women's State Platform was enthusiastically established as the institution at the highest level. The platform is composed by representatives of the executive, legislative and judiciary power and its mandate is to guide, coordinate, lead and supervise the application of the women's policy. Because of the autonomy of State powers, as prescribed by the Constitution of the Republic it is necessary to have the corresponding legal framework for this mechanism to be effective. In addition, the women's movement must continue the pending discussion related to the autonomy and sectoral leadership of the women's institutionality. To this date, consensus has not been reached and discussions are ongoing; this has limited the implementation of the herein above mentioned mechanism.

However, aware of the need to coordinate efforts and avoid dispersion of actions among different women's mechanisms established by the Executive Power, the Presidential Secretariat for Women, *SEPREM*, has promoted the creation of the Development of Guatemalan Women Inter-Institutional Coordination. The main purpose of this entity is to identify synergies, common areas of work and projects to develop a coordinated and well articulated agenda in favor of the development of Guatemalan women, taking into consideration the specific mandates of each institution. This Coordination Entity is formed by the Indigenous Women's Defense Unit (DEMI), the National Women's Forum, the National

Office for Women's Affairs (*ONAM*), the First Lady's Social Affairs Secretariat (*SOSEP*),

representatives of the three State Powers – has been created. Its purpose is to

is to provide advisory to State institutions regarding the combat against discrimination and racism against indigenous populations; to establish and monitor public policies that guarantee non-discrimination; to promote awareness campaigns against discrimination.

Article 3. Measures to guarantee the rights and freedoms under equal conditions

Legal proposals, that contribute to eliminate discrimination against women, have been presented by different institutions with the possibility of presenting law initiatives and reforms. It is important to underline that the level of determination and capacity shown by women's organizations to pressure has been instrumental in the introduction of changes and amendments to the legislation.

During this time, a number of significant laws have been approved, which will contribute to the advancement of girls and women, as it is the case of the 2002 reform to the Criminal Code, in particular the definition of the offence of discrimination (Decree 57-2002), which comprises discrimination for gender, race, ethnic descent and socio-economic status. The Law for the Promotion of Education against Discrimination for Gender and Ethnic Descent (Decree 81-2002) was also approved.

The approval of the General Decentralization Law (Decree 14-2002), its regulations and the reforms to the Urban and Rural Development Councils Law (Decree 11-2002), which incorporates gender equity as a general principle, are also significant pieces of legislation. These laws have been of great importance to promote the democratization process and women's participation, specifically the participation of representatives of civil society women's organizations in the decision-making process at a national, regional, departmental and local level.

With respect to children, the Law for the Integral Protection of Children and Youth (Decree 27-2003) was issued in 2003. This law includes the right to equality and to have protection against illegal traffic, misappropriation, kidnapping, sale or sexual exploitation of boys, girls and youth. In 2005, Article 194 of the Criminal Code (Decree 14-2005), which corresponds to the crime of trafficking, especially of girls, boys and women, was amended to whoever under any circumstance promotes, favors, facilitates, financially supports or cooperates in the illegal transportation of individuals will be penalized with confinement. The National System of Food and Nutritional Security Law (Decree 32-2005) was also approved.

During the same year, the Peace Accords Framework Law (Decree 52-2005) was approved. This law establishes the norms and procedures that govern and regulate the implementation of said accords, directly favoring women. The National Registry of Persons Law (Decree 90-2005) was also approved. This law consolidates the creation of a one-step record of persons and the unique personal identification document.

With respect to reproductive health, the Law for Universal Access to Family Planning Services and their Integration to the Reproductive Health Program (Decree 87-2005) was approved. Its purpose is to ensure access to Family Planning Programs, including information, counseling, sexual and reproductive health education and access to family planning methods.

In spite of the many initiatives submitted regarding the penalization of sexual harassment and molesting, the definitions of the crimes of domestic Violence, Rape, Sexual Exploitation,

Trafficking and Sexual Tourism, Illegal Adoptions, Neglect of

among indigenous and non-indigenous. The process must be focused on children and youngsters, without excluding ethnic groups.

In 2004, the Consultative Commission for the Educational Reform's Sub-Commission on Gender spearheaded a revision and analysis of elementary school textbooks to identify existing sexist and ethnic stereotypes. The corresponding observations and recommendations have been submitted to the Ministry of Education for their implementation.

During 2005, the Presidential Commission on Discrimination and Racism, CODISRA, developed a sensitization campaign against discrimination for gender and race reasons and on rights of the indigenous populations, through posters, education materials and mass media. In particular, they launched a radio campaign to fight against discrimination for gender reasons, through 240 community radios in 19 departments of the country.

The Government of Guatemala is currently developing a campaign for the promotion of the Social Development Law, in particular with respect to health and family planning programs. The campaign encourages couples to take informed decisions on time between births and number of pregnancies, as well as the use of contraceptives to reduce mother-child mortality.

Article 6. Elimination of all forms of trafficking of women and the exploitation by prostitution

Amendment to Article 194 of the Criminal Code, concerning trafficking of human beings, w

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Part II

Article 7. Access to political and public participation

The decentralization process has been a determinant factor in the creation of spaces for the political participation of women, by means of the System of Rural and Urban Development Councils, which constitutes one of the best scenarios to encourage an active participation for women. This structure allows women to exercise their leadership in a gradually increasing manner, gaining spaces for intervention in the highest decision-making institutions to make their reality and needs known.

In the last years, there has been an increase in the number of women's organizations legally constituted in the different departments of the country. This proves their organization capacities to strengthening participation in decision-making institutions.

The 2003 popular elections process registered the highest number of women participation in a suffrage. Women's votes reached 42.85% compared to 57.15% of men's votes. With respect to participation of women in the present legislation, there are 14 congresswomen, equivalent to 9% of the total congress members, compared to 7% in 1999. Only one of those members is indigenous.

At the municipal level, women's participation has increased comparatively from 1% in 1999 to 2.7% in 2003, even though it is limited to only 9 municipal mayors, including one indigenous woman, from a total of 331 municipal mayors. With respect to participation in public positions, 15% of the ministries and 35% of the funds and secretariats are under the leadership of women. For the first time in the country's history, the presidency of the Supreme Court of Justice and Judiciary Branch is occupied by women.

Part II

Article 10. Equality in Education

The efforts of the Ministry of Education (MINEDUC) are oriented to favor an innovative high-quality education with cultural relevance. In this sense, the Education Reform encouraged by MINEDUC has as main objective the transformation of the current education system into a system that responds to the socio-economic and cultural needs.

The programs developed by MINEDUC have generated positive changes in main education indicators, especially those linked to school coverage and improving quality. In general, during the last years the gap between girls and boys has been reduced, even though in some areas it is still notorious, particularly in those areas where the majority of the population is indigenous. It is important to note that during 2004 the higher the school grade, the lower the dropout rate among girls. This trend is different from the one in urban areas, where girls' dropout percentages are higher compared to those of boys.

MINEDUC has incorporated in its curriculum a specific area about "Gender, ethnic and social equity" that includes components of equity and equality, gender and self-esteem, ethnic group's equity, social equity, gender and social class. Additionally, with respect to teachers' training, MINEDUC has initiated a revision process in the primary school of the training

curriculum according to the Education Reform. In a second phase, MINEDUC will complete a revision of the high school curriculum and the corresponding teachers' training program.

As part of the positive measures in favor of girls, boys and women, the MINEDUC has officially established in 2003 an agreement to respect the usage of traditional indigenous customs in public schools.

Article 11. Employment Equality

In response to accusations from women workers of the textile draw-back industry (maquila), in particular in the textiles and garments sector, with respect to violations to their labor rights, the central government agreed in 2003 to the creation, establishment and functioning of a Multi-Institutional Work Commission for Labor Relations in Guatemala. This Commission is formed by government institutions and civil society and its main purpose is to propose and implement actions to ascertain that owners of textile draw-back companies fulfill their obligations as employers.

A Special Unit of Work Inspectors was created to provide support to the Commission, and to enforce and supervise the fulfillment of the labor laws and the social security norms. In 2004, 2035 accusations were received from female employees and 962 from male employees. In 2005, the numbers were significantly lower than the previous year: 1250 and 462 respectively. The Commission investigated the companies where more accusations were reported. Hence it was possible to identify companies with recurrent violations. The Ministry of Economy authorized the organization of unions within these enterprises. Two textile draw-back companies are presently undergoing an investigation, as established by law.

Furthermore, the "Promotion and Defense of Labor Rights of Working Youth and Women Project" was implemented from 2001-2006, with the support of UNICEF. Between 2003-2005 the project developed training activities on gender equity and labor rights. In total, 240 inspectors, 1739 workers, and 428 employers have received special training.

In this context, a National Network of Defenders was created with the purpose of creating a network with those who have already received training and developing proposals that respond directly to the specific needs of certain regions and organized groups. Furthermore, a Letter of Understanding was signed with the Support Center for Housekeeping Workers – CENTRACAP - to train and inform them on their rights.

With the support of the Human Rights Legal Action Center –CALDH– and the Unit for the Resolution of Conflicts in the Textile Draw-back Industry, the Commission is promoting the ratification of International Labor Organization –ILO- Agreement 155 on Occupational Health and Security and Environment in the Workplace.

With respect to the topic of gender and economics, the Group "Initiative for the Economic Agenda of Women" has been created in 2003. This group is integrated by government institutions, academy and civil society women organizations, interested in contributing and developing solutions for achieving women's economic equality. The above-mentioned group is coordinated by SEPREM and its main purpose consists in completing studies that provide reliable quantitative and qualitative data about women's incorporation in the market, which support their economic policy proposals searching for equity in the labor market. Those

studies are the Profile of Gender in the Guatemalan Economy and the case studies of women's participation conditions in the productive chains of textile agro-industry, textile manufacturing and tourism.

Article 12. Health Equality

The Reproductive Health Program of the Ministry of Health, in compliance with the Social Development Law, has expanded its coverage and training activities in rural and urban areas, to provide attention and/or reference in the case of obstetrical emergencies, counseling, family planning services, exams for the prevention of cervix cancer and ITS/HIV/AIDS prevention services, in particular for teenagers and youngsters. Furthermore, the Ministry of Health has strengthened its logistics system with respect to the supply and distribution of contraceptives, based on a projection of the existing demand. The Ministry of Health monitors the plan for the reduction of maternal mortality in alliance with NGOs, Development Councils and municipalities.

With respect to pre-natal care, the National Survey of Mother-Child Health reports that in 2002, 84.3% of pregnant women went to at least one medical appointment, while 15.7% never did. In the rural area, only 18.5% of the women never received pre-natal care, compared to 81.5% who did. With respect to childbirth, up to February 2006, the Ministry of Health reports that 69.8% of rural women and 80.45% of indigenous women were assisted during childbirth by a midwife, in their own homes.

In view of this situation, the Strategy for the Reduction of Mother-Child Mortality includes training for midwives, in recognition of the traditions and cultural patterns of rural and indigenous women.

The Family Planning Program has shown an increase in the number of its users. Consequently, 129,290 new users were registered in 2004, and 317,060 were registered in 2005. The prevalence in the use of contraceptive methods by women varies depending on their area of residence. There are differences between indigenous and non-indigenous women; not even 50% of the latter use contraceptive methods². Despite certain variations, the most widely used method is injections.

Up to September 2005, the supply of contraceptive methods occupied 88% of the services rendered. The Ministry of Health has purchased contraceptives with the support of the UN Population Fund, as described in the corresponding agreement with Canada, paying for 45% of the investment from its own resources. The total purchase of these contraceptives will be covered with revenues collected from the tax on alcoholic beverages.

In the National Program for the Prevention of HIV/AIDS, a monitoring plan was included in the context of the 2004-2007 Strategic Plan, providing special training to 70% of the

