



# 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 education, health and employment.

Despite this situation, the economic participation of women has increased in the last decade, although mostly in sectors of low productivity, and in particular in the informal sector, with 76.1%. The areas of larger participation are trade, social services, community services, personal services, agriculture, and the manufacturing industry.

In 2003, the percentage of women over 15 years old working in the informal sector was 76% and 24% worked in the formal sector. A total of 1, 456,969 persons in this sector lived in urban areas, while 2, 185,811 lived in rural areas<sup>1</sup>.

Guatemalan women are increasingly becoming more visible in public spaces of participation, where they have incorporated their demands and needs to the local, municipal, departmental, and national development plans, through the System of Urban and Rural Development Councils. In this context, it is important to underline that the number of women's organizations legally established has increased considerably in the last three years.

With the signature of the Peace Accords in 1996, the process of democratization and citizen participation has been reinforced to build a more equitable and fair society as basis of national solidarity and unity, with a high appreciation for the potential of women and men. The Agreement of Socioeconomic Aspects and Agrarian Situation underlines that a solid and sustainable peace should be based on a socioeconomic development oriented to the achievement of common wealth, in which women reach equality, based on processes of equity and in such a way to enable them to overcome poverty, inequity and social discrimination that a great part of the Guatemalan population has had to endure.

The State has put in place a number of legislative and institutional reforms to penalize the traffic of human beings, discrimination practices based on gender and ethnic differences,

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<sup>1</sup> National Survey of Employment and Incomes, ENEI, September-November 2004

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*), and the Presidential Secretariat for Women (*SEPREM*).

The Presidential Secretariat for Women, as the highest institution in the Executive Power, in charge of advising and coordination of public policies in favor of women, participates in the General, Social and Rural Development Cabinets. This allows coordinating and lobbying the incorporation of concrete policies and actions that ministries and secretariats shall undertake in favor of the development of women. Among the most relevant results obtained through this process of coordination and intervention at the highest level, the following stand out:

- a) inclusion of women's integral security in the political agenda of the present government
- b) support to the women's institutionalization, through a 50% increase of SEPREM's budget for 2006 and a 700% increase for the National Coordinator for the Prevention of Domestic Violence and Violence against Women (*CONAPREVI*), which depends financially of SEPREM
- c) appointment of SEPREM as the institutional coordinator of the Commission for the Murders of Women
- d) development of strategic alliances with the leading bodies in charge of government's planning, statistics production, training of public officers, public finances.

SEPREM has a Consultative Board formed by representatives of Ministries, Secretariats and institutions in charge of the implementation of public policies within the Executive. This Board provides advisory and support to SEPREM in the execution of the National Policy for the Promotion and Development of Guatemalan Women and the Equal Opportunities Plan and promotes the incorporation of gender equity in policies, programs and projects of different government institutions.

With respect to the topic of violence against women, CONAPREVI is the coordinating entity and advisory institution. It is formed by representatives of the Executive and Judiciary Powers, as well as members of civil society and State control mechanisms. Since 2004, this institution has made an important effort to the dissemination of the National Plan for the Prevention of Domestic Violence and Violence against Women (*PLANOVI*) and has implemented a one-step-registration form of domestic violence for statistic purposes. PLANOVI consists of four areas:

- 1) Research, analysis and statistics
- 2) Prevention of Domestic Violence (VIF) and Violence against Women (VCM)
- 3) Integral assistance to VIF and VCM survivors
- 4) State institutional strengthening

The implementation of PLANOVI has been limited mainly due to low financial resources. However, the Program for the Prevention of Violence (GU-0163) of the Inter-American Development Bank (IDB), has established a specific VIF component mainly focused on the implementation of PLANOVI. This component will have an allocation of \$6.4 million, and CONAPREVI will be the institution responsible for the follow up of its implementation. In addition, CONAPREVI has received a donation from the Fund for the Empowerment of Guatemalan Women to initiate the implementation of PLANOVI.

Violence against women is one of the utmost concerns of the Guatemalan State and society. In view of the complexity of the problem, a Special Commission on Femicide – conformed by

representatives of the three State Powers – has been created. Its purpose is to develop a well-coordinated and well-articulated strategy and proposal of actions to address femicide. Five specific working areas have been defined: research; training; lobbying and political influence; operational decisions; communication and broadcasting.

SEPREM has defined the integral security of women as one of the institutional priorities, establishing therefore the proposal of the National Agreement for the Integral Security of Women, to accomplish within the framework of the National Policy of Promotion and Development of Guatemalan Women. This agreement is based on the establishment of commitments among government institutions, local governments and civil society organizations to respond to the vulnerabilities that women face concerning economic and judicial security; in homes and families, communities and cities; in the area of health and education; security for migrant women, prevention of traffic and commercial sexual exploitation, environmental risk management.

It is important to mention the creation in 2002 of the Council of Ministers for Women's Affairs in Central America (*COMMCA*), which is formed by the ministers in charge of women's mechanisms in the area. During the last two years, the Council grew in importance and was consolidated with the incorporation of the Social Integration Secretariat of Central America, (*SISCA*) in June 2005. Its key objective is to influence and incorporate actions in favor of women and to create spaces for negotiations in the commercial, social and political fields at the regional level.

With respect to CEDAW's recommendation to assess the impact of the different women's promotion programs and measures, SEPREM in conjunction with DEMI began late in 2005 a process to evaluate and update the National Policy for the Promotion and Development of Guatemalan Women and the Equity of Opportunities Plan 2001-2006 – which is an instrument that was established in consensus with civil society women's organizations and State institutions. This policy is the political reference that allows all the responsible institutions to promote actions that contribute to the improvement of the conditions of women in different fields (law, economics, health, education, personal security, labor, political participation).

The evaluation and updating process will be undertaken in three phases:

- 1) Design of the evaluation methodology (recently completed)
- 2) Evaluation (will begin in July, 2006), and
- 3) Updating of the policy for the period 2007-2012, taking into account the results of the evaluation and including other core topics as multi-culturalism, the indigenous women's agenda, with the decentralization processes as framework. This last phase will be carried out during the first months of year 2007.

In order of establishing a monitoring and evaluation system of the National Policy of Promotion and Development of the Guatemalan Women and of status and condition of women, a methodological Manual for the construction and implementation of gender statistics and indicators has been created, with the purpose of providing a methodology for the institutions that produce and use those statistics and with the purpose of obtaining fundamental information for those necessary gender indicators.

Concerning administrative measures to address discrimination, it is important to mention the creation in 2002 of the Presidential Commission for Discrimination and Racism. Its mandate

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 Nourishment Duties and Dissipation of Family Patrimony, are yet to be approved. Proposals for amendments to the Civil Code in connection to the regulations on equal conditions in marriage, custody, access to land, guarantees for prompt access to justice by women, and other amendment proposals regarding hereditary succession remain unapproved. There is reform proposal of Article 139 of the Labor Code, which is related to the recognition of equal conditions for men and women in agricultural labor.

There are some other initiatives oriented to the security and justice of women that are important from the gender perspective to reduce violence and are still in process for approval in Congress.

The initiative of law for the protection of housekeeping employees has been submitted to Congress and has not been approved. Recently, the Support Center for housekeeping Employees – CENTRACAP – filed an appeal of unconstitutionality with respect to the complete Articles 164 and 165 and to part of the Article 166 of the Labor Code, related to discrimination against housekeeping employees, in the context of working hours, non-working days, holidays and severance for personal services.

One of the most questioned regulations still in force is the one mentioned in Article 200 of Chapter VII of the Criminal Code, by which the author of sexual crimes is absolved if he marries the victim, when she is more than 12 years old. In November 2005, the Ombudsman's Office filed an appeal and the Constitutional Court resolved provisional suspension of the said article.

In the area of political participation of women, the Organizations that form the Civic Political Convergence and the Convergence for Women's Citizenship in consensus with the Commission for Political Equity, which is formed by women's organizations and women of political parties, filed before Congress a Proposal to amend the Elections and Political Parties Law, to raise the quotas for political positions in popular elections. This proposal has already been submitted as an initiative of law, but it has not been yet incorporated in the legislative agenda.

#### **Article 4. Special temporary measures targeted to the promotion of equality**

Among the temporary regulations that contribute to promote equality between men and women, the Temporary Special Act for Personal Documentation (Decree 9-2006) obtains relevance to ensure the full exercise of citizen rights by women affected by the armed conflict. This Act has been published earlier this month and will enter in force for the next six months. Its purpose is to facilitate the obtention of personal documentation by women and minors. This is recognized as an act of justice in search of equal opportunities in participation and development.

#### **Article 5. Elimination of sexist roles and stereotypes**

One of the greatest difficulties that the Guatemalan society continues to face is the prevalence of discrimination and exclusion against women, especially among rural, poor and indigenous women. This constitutes a considerable barrier to reach equality between men and women,

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, was approved in 2005. The penalty for those involved in these illicit acts was increased. With the approval of this article, the existing legislation is adequate to restrict and penalize the trafficking of human beings. This reform has been promoted by the Inter-Institutional Cooperation Group against Trafficking of Human Beings, which is under the coordination of the Ministry of Foreign Affairs.

The Social Welfare Secretariat coordinates the Articulating Group against the Commercial Sexual Exploitation of Boys, Girls and Youngsters through a number of actions:

- 1) training for school teachers and principals in high-risk areas, for public officials working in immigration and for judicial representatives and officials that assist children under two years old,
- 2) establishment of a cross-reference system for boys and girls, victims of trafficking of human beings, to temporarily reside in NGO shelters,
- 3) awareness campaigns for the population in general and public officers in particular on the risks of traffic of human beings
- 4) implementation of a data base to have first-hand, updated and accurate information on the victims of commercial sexual exploitation.

Both the National Civilian Police and the Public Prosecutor Office have established specialized units to combat trafficking of human beings. In this sense, efforts have been undertaken to rescue minors from sexual exploitation with commercial purposes in bars, brothels and other establishments.

## **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 methods<sup>2</sup>. 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 epidemiologists. Up to October 2005, 895 persons had received assistance and antiretroviral treatment. Furthermore, awareness and preventive actions have increased.

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<sup>2</sup> National Survey of Mother-Child Health –ENSMI- 2002.

#### **Article 14. Elimination of discrimination against rural women**

Women in rural areas usually have limited access to productive means and basic services. To respond to the problems they face, rural women have developed a basic agenda based in the areas of land, employment and training. They request specific programs that include flexible loans, marketing, technical assistance and diversification of products.

The State recognizes the right of women to own property, to be co-owners, and in the case of organizations, if the woman is the head of the household, access to property. The Policy for Gender Equity of the Land's Fund was developed in 2004. This policy has made it easier for women in rural areas to have access to land. In the last two years, the percentage of women "head of households" who have been awarded loans for the purchase of land, through the Program of Access to Land reached 11% of the total number of beneficiaries granted with land; that is, 327 women.

After the signature of the Peace Accords, the returnees participated in groups called "de-rooted populations", which included both internally displaced populations and de-mobilized citizens. A total of 61 groups, which represent 27% of the total of de-rooted populations, have received loans. In the case of the de-mobilized citizens, there are 261 beneficiary families, 54 of which are headed by women (21%); in the case of the internally displaced populations, 3994 families have been benefited, 416 of which (10%) had a woman as the head of the family. In addition to the loans for land purchase, they received resources to start productive projects. However, in some cases these resources have not been sufficient. Women's access to land by inheritance is limited. In average only 4% of the land to be given as inheritance is inherited by women.

As women continue to demand access to resources to support their economic activities, the Government has defined strategies to facilitate their access to the country's loans system. Some examples include the programs of DACREDITO and FONAGRO of the Ministry of Agriculture and the Program for Micro, Small and Medium Enterprises (MIPYME). Over Q153, 864, 060.00 (\$20,245,271) have been allocated through the National Program for the period 2004 and 2005. Of the total loans granted, 55 % have been given to women. Loans are accompanied by specific training on their proper use and strategies to promote the growth of their enterprises. During 2005, a total of 8,289 persons received training: 58 % women and 42% men.

One of the situations that have limited rural women in their full exercise of their citizen rights is the lack of personal identification documents, as this lack limits their opportunities of personal fulfillment and their access to resources. NGOs and women's organizations have made efforts to provide women with the necessary documentation. The Presidential Secretariat for Women, in coordination with civil society organizations and central government institutions, as well as local governments, has facilitated the process to provide women with personal documentation, in particular after Tropical Storm Stan.

The Program "Fighting against Exclusions" under implementation since 2005, has as main purpose to contribute to the social, economic and political inclusion of rural, poor and specifically indigenous women. For that reason, it develops actions to strengthen government institutions, the Congress of the Republic and the civil society organizations for the implementation and follow-up of the National Policy for Promotion and Development of

Guatemalan Women; and for improving the organizational and methodological capacities of rural and indigenous women, hence reducing discrimination.

### **Part III**

#### **Article 16. Equality in marriage and family relations**

During 2003 and 2004, SEPREM developed a study to harmonize the existing ten national laws with international agreements subscribed to. A proposal of amendment to the Civil Code and the Family Courts Laws was developed, to regulate equality in marriage, child custody, access to land, as well as guarantees for prompt access of women to justice and others regarding inheritances. The amendment proposals were sent to Congress in 2002, but were not taken into account in the legislative agenda. A follow-up was made in 2004 to try to incorporate them into the agenda; however, as a result of changes in Congress, these proposals are currently filed.

At present, there is the 3367 law initiative, which intends to create a specific law for the integral protection of marriage and family, to protect its members in equal conditions. The initiative was discussed in first reading; however, it does not contemplate anything with respect to contracting marriage and the age to do so. Since this initiative does not include all the aspects of the initial proposal, SEPREM presented them again to the Legislative Power.

#### **Dissemination and Information about the Convention and the ways to use the Optional Protocol after its Ratification**

Within the framework of the Full Participation of Women Plan, the Presidential Secretariat for Women, SEPREM, and the National Women's Forum edited a video about the Convention and the Optional Protocol. Copies were given to representatives coming from the 22 departments of the country and the 7 regional representatives of the Presidential Secretariat for Women. These entities have disseminated the videos by means of workshops for women at the departmental level and with some local authorities. In addition, the dissemination of the Optional Protocol of CEDAW was carried out by a number of women's organization, which has used it as a legal and political framework for their activities, while disseminating its contents in the different workshops they carry out at the central level and in the different departments.

The Presidential Secretariat for Women published the recommendations of the CEDAW Committee to the country's Fifth Report on the Application of the Convention, disseminating its contents within the office, the regional offices and women's organizations.

The Judiciary Power has developed information materials with topics related to the Convention, such as pamphlets with information on domestic violence and violence against women, child abuse, incest, parents, family, children of broken homes, divorce, infidelity, responsible parenthood, crises in spousal relations. Also, posters have been developed with information on domestic violence and violence against women, child abuse and incest. This body has also been giving courses on women's rights, which include the contents of the Convention and the use of the Protocol.

The curriculum of the school of Legal Studies of the Judiciary Power, through the program “Human Rights and Gender” includes CEDAW among the topics given. In 2006 a training program on the rights of women was developed at a national level; judges from the criminal branch, Public Prosecutors Office, National Civilian Police investigators, Criminal Public Defenders participated in this program. It has a duration of two years and includes all the topics addressed in the Convention.

The Presidential Human Rights Commission (COPREDEH) has edited several books that relate to women’s rights, information and education videos on the subject, as well as workshops and conferences. These materials have been shown and/or distributed at private and public institutions.

### **Main Challenges**

The country identifies the following challenges for the fulfillment of commitments established in the Convention:

1. To increase the necessary efforts to reach a full harmonization of the National legislation according to the international norms. In this sense, it is mandatory to review and to prioritize initiatives of law submitted to Congress to be included in the legislative agenda. Specially those initiatives related to the elimination of Article 200 of the Criminal Code, the crime definition of sexual harassment at workplace, the Protection Law for Household Workers and the legal definition of femicide crime.
2. To strengthen national efforts to address the problem of human beings trafficking, especially girls, youngsters and women, by means of strengthening the institutions that have as mandate to focus on the problem since its registration and protection, and to launch broadcasting campaigns to sensitize officials and the civil society.
3. To continue the development processes for strengthening and expanding the political and civil participation of women at the local, department and regional level by means of the political and legal actions that promote the organization and political intervention processes.
4. To focus on and strengthen the institutional efforts of the State with the purpose of contributing to the reduction of maternal mortality and with the purpose of improving the health, education and poverty indicators particularly in women, girls and youngsters and in the population in general.
5. Strengthen the national efforts to advance in establishing a monitoring and evaluation system for measuring quantitative and qualitative advances with respect to the achievement of commitments of CEDAW, Cairo, Belem do Pará and other international and national women’s human rights.
6. To develop a full and permanent communication strategy of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and for its Optional Protocol at the institutional level, highlighting their own responsibilities according to its mandate and at a civil society level, using the different official languages of the country.
7. To carry out the evaluation and up-dating of the National Policy for Promotion and Development of Guatemalan Women as a participative process with the institutions responsible of its implementation and the civil society women’s organizations with relevant participation of rural and indigenous women and women of all sectors.

New York, May 18, 2006