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NATIONAL REPORT OF GUATEMA 2006

SITUATION OF WOMEN

An examination of the situation of Guatemalan women must consider that the country endured a war for over 30 years. Moreover, the drop in coffee prices, damage from Mitch and Stan, and droughts have heightened the socioeconomic crisis ravaging the most dispossessed segments of the population. As a result, Guatemala ranked 121st out of 177 countries in the 2004 Human Development Report. This multicultural country is home to four major population groups: Mayas, Garífunas, Xincas, and Ladinos or Mestizos. In all, 50% of the population lives in poverty and over 15% in extreme poverty, with the highest poverty rates in the most rural regions where the population is very scattered, particularly in the Departments of Alta Verapaz and Quiché.^{1/}

The Eleventh National Population Census and Sixth National Housing Census in 2002 found that 39% of the population was economically active and, of those, women accounted for only 27%. With respect to education, the national illiteracy rate is 25.19%, according to the Ministry of Education's 2005 Statistical Yearbook. While illiteracy is on the decline, there are still differences when the rate is broken down by gender (29.09% for women, compared to 20.88% for men); these inequalities are even starker when analyzed by ethnic group and geographic area.

Health data confirm that much of the population has been bypassed. The 2002 Maternal and Child Health Survey found an infant mortality rate of 38 per 1,000 live births. Respiratory and diarrhea diseases, against a backdrop of malnutrition, are the leading causes of these deaths. The 2000 Maternal Mortality Baseline reported 153 maternal deaths per 100,000 live births, largely attributable to preventable causes. The Ministry of Health's HIV/AIDS Program reports that cases of HIV/AIDS are on the rise in both sexes.

Another issue that reflects the situation of women, and ties in closely with human rights, is domestic violence and violence against women. National Civil Police reports documented 665 deaths among women in 2005, primarily in the Departments of Guatemala, Escuintla, Petén, Izabal, and San Marcos.

The gender empowerment measure, which reflects women's participation in decision-making positions, is gradually improving, however efforts must be bolstered to build it up further. According to information from the Secretariat of Social Communication of the Office of the President for this year, women are at the helm of only two of the 13 Ministries (15.38%) and six of 14 Secretariats are headed by women (42.86%). Lastly, there has been an increase in violence against women, with killings on the rise.

1. SEGEPLAN. Hacia el Cumplimiento de los Objetivos de Desarrollo del Milenio en Guatemala. II Informe de Avances [Towards Fulfillment of the Millennium Development Goals in Guatemala. Second Progress Report]. March 2006.

LEGAL, POLITICAL, AND SOCIOECONOMIC SITUATION

Democracy and the rule of law are essentially based on integral legislation that guarantees social harmony, helping to eliminate disparities stemming from factors including economic status, gender, and place of residence.

In keeping with this premise, the legal headway made in the last two years must be reviewed. Particularly worthy of mention is the permanent deletion of Article 200 of the Penal Code, through a June 2006 ruling handed down by the Constitutional Court. That article exempted perpetrators of sexual offenses from punishment if they were married to their victims. Also in 2006, Article 194 of the Penal Code regulating trafficking in women (white slavery) was amended. That amendment expanded the criminalization of human trafficking to include forced prostitution and slavery, pornography and other forms of sexual exploitation, begging, forced labor or services, servile marriage, irregular adoption, slavery or other similar practices.

In August 2005, the Framework Law for the Peace Accords was passed, which made enforcement of the Accords mandatory as part of the constitutional duty to protect the individual and the family, promote the common good, and guarantee life, liberty, justice, security, and peace. The Agreement on Socioeconomic Considerations and Agrarian Reform includes essential guidelines on women's participation in Guatemala's economic and social development.

In February 2006, the legislature promulgated an operative paragraph calling on the ministries of foreign affairs, education, and culture to develop programs to caution youth to reject manifestations of religious intolerance, incitement, harassment, or violence against an individual or the community on the basis of ethnic origin or beliefs, repression and intolerance of migrants, and other forms of discrimination and racism.

The Universal Access to Family Planning Act was also promulgated through Decree 87-2005, which guaranteed the provision of comprehensive family planning services including counseling, information, education, communication, and methods. Also noteworthy was the Food Security Act (Decree 32-2005), which laid out the guiding principles for actions executed by the various entities that promote food security.

As for political guidelines, the government has launched efforts to implement strategic territorial planning, with local stakeholders as the starting point, linking it to the system of Development Councils, to provide a tool for participatory planning. These new functions seek to strengthen the country, to achieve economic and social growth, and they stem from a core guideline on promoting actions that help improve the welfare of the population, contained in the initiative being promoted by the Executive Branch regarding the National Agreement for Implementation of Social Expenditure to Reduce Poverty. This is manifested in the establishment of roundtables for discussion and consensus-building in order to pool the efforts of the various actors in the country and the government being instituted in the areas of health and nutrition; indigenous peoples; rural development and inclusion; and transparency and social auditing. This work method is set forth in the "Vamos Guatemala" ["Let's Go Guatemala"] government program, through the strategic components "Guate Crece" [Guatemala Grows], "Guate Compite" [Guatemala Competes], "Guate Verde" [Green Guatemala], and "Guate Solidaria" [Guatemala Solidarity] to foster the country's socioeconomic development, as called for in the Peace Accords, which are the roadmap for government commitments to civil society initiatives.

These efforts notwithstanding, a considerable segment of the population still works in the informal sector—61% in urban areas and 89% in rural areas, according to the 2005 Human Development Report. For indigenous women, the breakdown is up to 85% and 93%, respectively.

FOLLOW-UP ON THE STRATEGIC PLAN OF ACTION OF THE CIM

As indicated above, the efforts made in various socioeconomic areas are diverse in nature and in each sector are helping to promote actions that improve the welfare of the majority of the population. In keeping with the Strategic Plan of Action of the CIM, gains have been made over the last two years, such as those indicated below.

WORK

The Special Unit of Labor Inspectors supervises compliance with laws in the maquila industry and receives a considerable number of complaints from male and female workers whose rights have been violated; at present, the investigation into complaints in two maquiladoras is still under way.

In 2004, the Ministry of Labor and Social Welfare created the Order of Labor Excellence to recognize outstanding women in different economic activities. Training courses on occupational health have also been held for all labor inspectors. In 2005, the first Diploma in Industrial Safety and Occupational Health was offered, backed by the Universidad de San Carlos, for representatives of different companies. Also in 2005, measures were adopted to implement the Agreement for Women and Adolescent Temporary Migrant Agricultural Workers, agreed on at the first meeting of the Mexico-Guatemala Ad Hoc Group, which seeks to guarantee dignified working conditions for groups along the border in both countries.

EDUCATION

Sustained progress has been made in this key sector over the last two years, as evidenced by the net and gross enrollment ratios for both genders at all levels of education. The dropout rate has also fallen, primarily in urban areas—the higher the grade level, the lower the dropout rate. Moreover, the Ministry of Education has given impetus to the National Education Reform Strategy, which includes quality, the teaching profession, a new management model, and infrastructure improvements. In 2004, through the “Salvemos Primer Grado” [Let’s Save First Grade] program, the failure rate fell from 32% to 28%. As a complementary activity, 2,000 mini-libraries were installed in different learning centers in 2005.

In March 2004, the National Literacy Committee and the executing agency resumed their role as the steering entities for literacy, allowing for the continuation of the Policy on Priority Service to Women, in order to help meet their needs and demands and to address the provisions of the Peace Accords.

The “Education in Population” program has been implemented since 2005, as part of the new Basic National Curriculum in the first three grades of primary school. The program for Coordination of Educators for AIDS Prevention of the General Directorate of Education Quality has provided training and distributed educational materials to teachers as well as students in middle school, in all educational sectors in 18 departments in the country. To address the

problems faced by the disabled, the Plan for Inclusive Education was drafted and is part of the commitments under the project, Education Services for Minors with Disabilities. A Teacher Orientation Manual on hearing and visual problems was also prepared, in coordination with the Committee for the Blind and Deaf of Guatemala.

At present, there are 9,487 school boards operating in urban and rural areas in all departments in the country. They promote civic participation in delivering support services to schools, allowing for decisions to be made at the local level.

Also in 2004, the Presidential Secretariat for Women, in coordination with the National Public Administration Institute, successfully incorporated the issue of gender into the content for the Social Management Diploma. The following year, ethnicity, human rights, and public policy were also included. In 2005, Municipal Training and Human Capital Formation Centers trained a total of 11,785 persons at 280 centers throughout the country, placing emphasis on observance and ownership of the rights of children and women.

HEALTH

The Roundtable on Health and Nutrition, set up in May 2006, views the reduction of maternal mortality, access to family planning, safe childbirth, monitoring of growth and development, and provision of micronutrients as its core actions. These guidelines will reorient the work done by different institutions, since many of the different health interventions mentioned above have been strengthened through improved access to services ranging from prenatal care, delivery, and care in the puerperium provided by trained community workers, to professional services by practitioners whose capacity in using protocols and standards of care has been strengthened at the national level. This has gone hand in hand with guaranteed provision of family planning services, which in 2005 covered 80% of government-owned facilities. Moreover, the HIV/AIDS program promotes epidemiological surveillance of cases at the national level, by training epidemiologists; it also provides antiretroviral treatment to 900 persons, on average, and strengthens educational efforts stressing prevention.

Integral maternal and child care centers are being established that have the capacity to address the main complications, together with community maternity homes; they are being placed in remote areas, providing coverage to a significant number of communities. To provide differentiated care to adolescents, user-friendly spaces have been opened in Zacapa, Chiquimula, Izabal, Huehuetenango, and Quiché. In addition, all social workers in the health areas have been trained in the reproductive health module; and these professionals are responsible for replicating the training to other staff that serves this group.

ELIMINATION OF VIOLENCE

This item underscores the concern of the various State and civil society institutions with coordinating efforts to fight this scourge. In 2004, dissemination began of the 2004-2014 National Plan for the Prevention and Eradication of Family Violence, as a result of the intervention of the National Coordination Unit for the Prevention of Family Violence and Violence against Women (CONAPREVI), which in the last year validated the Single Registry of Cases of Violence. CONAPREVI has been strengthened through a 700% increase in its government budget allocations; it also receives financial support from the Canadian-sponsored Fund for the Empowerment of Guatemalan Women and is pending receipt of US\$6 million from

a loan being processed by the Inter-American Development Bank to implement the Program for the Prevention of Violence.

Presidential Decree 18-2005 established the National Commission for Violence Prevention and the Integral Promotion of Social Harmony (CONAPREPI), which is responsible for coordinating interagency efforts to map out integral actions to promote peaceable coexistence.

Since 2005, the Presidential Secretariat for Women has been promoting the formation of the National Compact for the Integral Security of Women, which is a concurrence of wills to provide an immediate response to the safety and security needs of women. It coordinates strategic partnerships to fulfill the content of the National Policy for the Promotion and Development of Guatemalan Women and is a tool for coordinating national and municipal policies. It also allows for optimization of municipal resources for integral security and helps bring about municipal public policies on integral security that have interagency support and support from social organizations.

Results: Because of the problem of women's security, this issue is on the government's agenda from a human security standpoint. The Presidential Secretariat for Women is preparing a proposal containing the positions of different groups, together with several government entities. It is consulting with government institutions, indigenous organizations, older adults, youth, and organizations that work on issues related to women's security. To date, it has negotiated eight pacts in as many municipalities. These efforts take into account cultural relevance and practices under customary law, particularly those related to the issue of security and remedial measures.

In response to the problem of the killing of women, the three branches of government in Guatemala created the Commission to Specifically Address Femicide, composed of male and female delegates from the three branches of government and coordinated by the Presidential Secretariat for Women. It works in the following areas: (i) research—it is specifically responsible for a multi-phase diagnostic assessment on killings of women because of their gender. Thus far, the following results have been achieved: (a) standardization of various documents related to killings of women, prepared by civil society, women's organizations, and national and international NGOs to identify contributions and pinpoint gaps, so as to complete the State's diagnostic assessment. (b) The institutional analysis of the National Civil Police, the Judiciary, and the Attorney General's Office is under way; (c) the victim and victimizer profile is completed and is undergoing final review. (d) The process of realignment of justice system statistical data and making it consistent is beginning, so they can be forwarded to the National Statistics Institute. (ii) Training—the training plan for justice operators is being prepared. A diploma for senior justice operators on the gender approach in the case of killings of women because of their gender is being launched. (iii) Lobbying and political influence—this effort has focused on examining bills that are going to be approved by the national Congress that address the killings of women, to ensure that they include the gender perspective. (iv) Communication and dissemination. (d) The diagnostic assessment on communication has been completed, which identified the messages the public receives about killings of women and pinpointed elements to steer a specific communications campaign.

With respect to actions to help prevent the problem of violence, in 2005 the Program for the Prevention and Eradication of Domestic Violence of the Secretariat for Social Works under the Office of the First Lady bolstered legal advisory services, psychological care, education, and communication to counteract the violence. The Shelter Unit was established and has served 122 persons—84 women and 39 men; together with the Legal Unit, which has served 162 women and 24 men. Consistent with coordination of and support for civil society organizations, the

Presidential Secretariat for Women, in accordance with a legislative agreement, is signing an agreement to transfer funding from the national budget from it to the Domestic Violence Survivors' Network Foundation.

ERADICATION OF POVERTY

Poverty rates, stemming from structural conditions, are also related to limited access to given services that improve the overall welfare of the majority of the population, particularly women; those services deal in particular with health, education, employment, vulnerability to various risks, and other areas. This situation is more acute in rural and indigenous regions, with a particular impact on the most remote populations that are lacking in services. This is compounded by the impact that natural phenomena have had in the most vulnerable sectors, such as Tropical Storm Stan in 2005.

This is a central concern for the current administration, and it has therefore outlined strategies for economic and social recovery through the "*Vamos Guatemala*" [Let's Go Guatemala] program, placing emphasis on actions in 41 municipalities at high risk in terms of poverty and food security. The "*Da Crédito*" [Give Credit] program facilitates access to financial resources at interest rates below those of commercial banks. It also provides technical assistance and insurance to program beneficiaries, together with marketing support. This program directly benefits women, since it covers craftwork and small businesses, including service providers—an area in which a high percentage of women work.

These efforts to fight poverty need the involvement of the entire population. Therefore, implementation of plans and projects is essentially based on this synergy, which, on the one hand, calls for management and oversight by civil society, and on the other, a government presence, together undertaking micro lending and technical and administrative training in the various fields of the economy, community organizations, etc. According to information from the Ministry of Economic Affairs' Vice Ministry for the Development of Micro, Small, and Medium-sized Enterprises, a total of 66,766 loans were granted in 2004, 2005, and 2006, with women having higher rates of participation in micro enterprises and small businesses. The government formed the roundtable for discussion and negotiation to formulate a State policy on rural development with a gender and ethnic perspective. That policy is still being crafted, and consensus has been reached in the area of agriculture for integral territorial development.

PARTICIPATION OF WOMEN IN POWER STRUCTURES

As of 2005, the President of the Supreme Court, the Rector of a private university, and the President of the Bar Association were all women—gains signaling greater openness to women's participation in decision-making positions at the highest levels. Women representatives continue to be elected to Development Councils in all the departments in the country. Locally, in the period 2005–2006, there were 44 such women at the national level—two per department. It has been most difficult to make headway in political parties, specifically in gaining decision-making positions and electing women. As a result, in August 2005, an amendment to the Electoral and Political Party Act was proposed, which set a quota of 44% for the participation of women. It also proposed mechanisms for alternating male and female candidates and sanctions for parties that do not abide by these provisions. This proposed amendment has not yet been approved.

INSTITUTIONS RESPONSIBLE FOR THE ADVANCEMENT OF WOMEN

The State Inter-agency Coordinating Unit for the Development of Guatemalan Women was founded in 2005, composed of the National Office for Women, the Office of the Ombudsperson for Indigenous Women, The Secretariat of Social Works of the Office of the First Lady, and the Presidential Secretariat for Women. Its primary objective is to identify coordinated actions to benefit women. In 2006 a request for additional funds was approved in the State budget of inflows and outflows to make it operational.

For the first time, the National Office for Women has been earmarked a specific amount in the budget of the Ministry of Labor, however it is specifically for providing women with a home of their own.

REGIONAL COOPERATION

In 2006, the Central American Council of Female Ministers and Mechanisms for Women (COMMCA) was recognized at the highest level when it was formally incorporated into the Secretariat for Central American Economic Integration (SIECA). In 2005, the Presidential Secretariat for Women prepared the 2006-2009 Plan of Action, which includes: strengthening COMMCA as a regional mechanism for influence, dialogue with civil society, economic autonomy, integral health, and political participation.

Phase one of the regional project “Women’s Economic Agenda” was completed, successfully mapping the current institutional framework with respect to the economy, gender, and the possibility of forming partnerships and exerting influence in the new context of economic liberalization and restructuring under regional integration, together with the study on Women Entrepreneurs’ Access to Financial Services in Guatemala with Emphasis on *Chiquimula* and *Huehuetenango*.

Cooperation is beginning with the Andalusian Authority that will provide for the exchange of experiences with the Women’s Institute of Andalusia. In addition, the Regional Program for Cooperation with Central America to establish the Cooperation Project on Women’s Mechanisms, Violence, and Participation is being arranged with the Spanish Agency for International Cooperation.

MIGRATION AND WOMEN IN AREAS OF CONFLICT

The Central American Security Commission follows up on the Regional Plan to Fight Organized Crime, some of the core areas of which address illicit trafficking in migrants and human trafficking. In fulfillment of the Palermo protocol on strengthening international cooperation to prevent and fight human trafficking and protect its victims, in 2004, the National Civil Police created the Section to Fight Human Trafficking, to fight human trafficking and smuggling for the sex trade. Also in 2004, the instrument of accession to the Protocol Against the Smuggling of Migrants by Land, Sea, and Air was signed, which complements the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

In 2005, the methodology was implemented for the Strategic Impact Program, through UNICEF and USAID/Central American HIV/AIDS Prevention Project (PASCA) to support the Coordination Group; through it, problems are detected and solutions proposed on the issue of sexual exploitation. Also in that period, a database was prepared to make accurate, up-to-date information available on victims of commercial sexual exploitation who were served in programs offered by the Secretariat for Social Welfare of the Office of the President.

In March 2006, the Presidential Secretariat for Women was involved in preparing a guide with a gender and human rights approach to facilitate coordination among the Central American countries, including Panama and Belize, and Mexico and the United States and institutions involved in repatriating trafficking victims who are minors.

FUTURE ACTIONS

Evaluate and update the National Policy for the Promotion and Development of Guatemalan Women and the 2001-2006 Plan for Equal Opportunity and implement the respective Monitoring System.

Coordinate and prepare the Strategy for Addressing Femicide, and implement the National Compact for the Integral Security of Guatemalan Women.

Coordinate with different State institutions, local governments, and civil society organizations to incorporate gender equity into policies, programs, and projects.

Strengthen the regional presence of the Presidential Secretariat for Women, particularly in the Development Councils.

Complete the State rural development policy.