
ALTERNATIVE REPORT

**On the observance by the State of Guatemala of the compromises of
the Convention on the Elimination of All Forms of Discrimination against Women,
CEDAW**



**CLADEM
GUATEMALA**

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- + Centro Para Acción Legal en Derechos
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Shadow Report to the CEDAW Committee

Chapter 1

General context and observance of the treaties on human rights.

On December 18th 1979 the General Assembly of the United Nations approved the Convention on the Elimination on All Forms of Discrimination against Women (CEDAW) in its resolution 34/180. It came into force in 1981. On October 1999, after almost twenty years, 165 states had ratified it or had given support to it. However, there are still many compromises to accomplish. Due to this reason, CLADEM—Guatemala presents this alternative report that points out the pending issues.

The State of Guatemala ratified the CEDAW with no restrictions, what was well received by the members of the Commission. Despite the will showed to apply it, there are still many obstacles. The main obstacle is the cultural imagery of women's inferiority and subordination. This problem has been repeatedly mentioned in the recommendations. However, there is no perception of any changes in the educational policies, nor in the media so as to generate a cultural revolution.

Peace Agreements set the foundations for a new social treaty in Guatemala. They generated expectations among the organized groups of the society and different spheres of the civil society. They allowed women to be able to act as subjects able to participate in processes, basic rights as land property as well as political subjects.

However, almost twelve years after the signature, there are many aspects in which there have been no advances, due to multiple reasons linked to political priorities of Governments that have been responsible for developing these agreements.

Regarding the International Covenant on Civil and Political Rights (March 23rd 1976), when taking a look at the Guatemalan reality, we can assure that several articles from the Covenant are still being violated.

Article 2 Women's right to non-discrimination.

Article 3 Equality for women and men in the exercise of their rights.

Article 6 Women's right to life, as it will be mentioned later when considering the situation of women's murders in Guatemala.

Article 7 Women's right to dignity. Women's murders constitute acts of degradation of female bodies in which torture is a constant.

Article 8 Women's right to a decent treatment.

Article 9 Right to personal safety and liberty for women.

These are the articles in which women's rights are still being violated.

The International Covenant on Economic, Social and Cultural Rights open to signature, ratification and adhesion on December 16th 1966 came into force on January 3rd 1976. The Guatemalan State infringes all the articles that deal with the situation and position of women, but with more emphasis on the following: Article 3 (women's right to equality) article 6 (women's right to freely chosen or accepted work) article 11 (women's right to an adequate standard of living) article 12 (women's right to mental and physical health). Article 13 (education). Article 15 (culture).

Something similar happens regarding the **Convention on Rights of the Child**, adopted by the General Assembly of the United Nations on November 20th 1989 and that came into force on September 2nd 1990. In our country, children's work and child abuse are still two problems with serious consequences.

The general context of violence, lack of access to basic health and education services as it has been shown by the National Report on Human Development, does not match with the reality described along 205 pages technically well done by the State of Guatemala.

Even though there are advances in legislative aspects, these have not been a free concession of the State, but the answer to the struggle of organized women working as a pressure group, and the lobby promoted by women's organizations in the Congress of the Republic.

In this alternative report presented by CLADEM Guatemala along with other organizations.

After reading, debating and analyzing the 205 pages from the VII Report presented by the State of Guatemala, regarding the advances of the CEDAW, we came to the conclusion that there are five relevant topics linked to the full defense of women's rights, in which instead of perceiving advances we face a backward movement.

These are the main issues in which CLADEM – Guatemala, consulting with the women's organizations mentioned and other feminists, does not agree with what was presented in the VII Report by the State of Guatemala.

The *first* one is the increase in the violence against women, the *second* one is the lack of opportunities of a decent job, what leads to migrations, without any protection for the people displaced in search for better horizons, with emphasis in women's situation, what leads to, as a *third* part, the consequence of human trafficking and forced prostitution. In *fourth* place, the continuous discrimination in the spaces of political participation. Finally, *fifth*, the problems in the access to health services. Guatemala presents high rates of maternal mortality. It is not possible that in the XXI century women die due to the consequences of childbirth.

This report has been prepared in the context of a real crisis in the institutionalization of the Guatemalan State, the Index of Institutional Quality (IIQ) prepared by the International Policy Network¹, is an indicator that covers issues such as Rule of Law, accountability, corruption perception, freedom of the press, business context, global competitiveness and economic indexes.

Last year, Guatemala fell down 22 positions in the Index of Institutional Quality (2008) in the international scene. It also showed a descent in the context of the American continent, where it is in the 30th position (out of 36).²

¹ This year it was conducted by Martín Krause, director of the Centro de Investigaciones de Instituciones y Mercados de Argentina.

² The country loses 22 points in institutionalization, in Siglo XXI, Thursday May 29th 2008, by Juan Manuel Castillo, p. 13.

Also, the National Report on Human Development, recently presented (Tuesday, November 11th 2008) shows a serious economic situation.

Guatemala continues in the last position in Latin America in the Index of Human Development. According to the UNDP report³, it is in the position 119, at the top of all the Spanish-speaking countries in the continent. Only Haiti is below, in the position 146.

The conformation of homes, according to the Survey of Homes 2006, there are more non-indigenous nuclear homes (60%) than the indigenous ones. 3.3 % of these homes have a woman in charge, especially those that are not indigenous. Big biparental homes are 19% of the total, and the 58% are non-indigenous homes. There are more monoparental homes, with women in charge, than men alone. And in the ones in which women are in charge, the higher proportion are women with children. There are 117,258 unipersonal homes. Out of them are 5.3%.: 3% are men and 2.3% are women that live alone. 27% are unipersonal indigenous homes, where as in the non-indigenous ones, there are more men living alone.

In Women's Health, it is considered that in 2005, 121 mothers died every 100,000 successful births, due to hemorrhages, infections, hypertension caused by the pregnancy and abortion complications, problems that affect indigenous women the most, with a rate of 211/100,000 successful births, due to precarious living conditions and childbirth attention by non-qualified agents.

In Education, according to Conalfa, the illiteracy rate for women of fifteen and more years in 2004 was of 30.54% and of 29.09% in 2005. The difference between men and women was of almost 9 points of percentage in 2004, 21.6% for men and 30.5% for women.

Violence against women, according to Ensmi, 22.7% of teenage women and 18.3% of men in the survey said their father beat her mother. 11.3% of women between 15 - 19 years declared they had been beaten or mistreated, as well as 13.8% of women of 19 years or more. 2.1% of teenagers and 3.1% of young people suffered sexual abuse before they were 12.

In the **Socioeconomic context**, the number of women working outside their homes is rising, but still persist social relations that are the result of the sexual division of labor. According to the last National Work and Income Survey, from 2004, 76.1% of women of 10 or more years are in the informal labor sector, and 23.9 % are in the formal one. Women are in low-income jobs and do not have social benefits. They work in: Commerce 32.5, industry 23.3, personal and community services 22.1, and agriculture 18.4.

Political participation. Women have had the right to vote and be elected for 42 years. In 1956 a woman was elected for the Congress for the first time. In 1986 five women became members of the Congress, one of them was indigenous. In 1991, a woman became the president of the Congress, and in 2003 a woman participated as a candidate to the presidency of the Republic.

³ UNDP, Report on Human Development 2007-2008. "La lucha contra el cambio climático".

In a publication by Siglo XXI (10-11-07) it is shown that in last elections 2,809,121 women could exercise their right to vote and 3,762 the right to be elected. Men that had the right to be elected: 29,821. In 2003, 42.85% of voters were women and 57.15% were men. Out of 23,705 candidacies, only 2,254 were for women, being elected only 14 women out of 158 seats, and only 8 were in charge of the 331 city halls in the country.

In this legislative body 19 women have a seat, out of 158; in 2003, there were only 14, out of 158, and only 7 became majors. In 2003, 8 women were in charge of a city hall. Currently, in the Executive Body, a woman is one of the ministers and seven secretaries out of 13 are lead by women. Out of 2,622 candidates for city halls, 74 were women; and out of a total of 331 city halls, only 9 were elected; out of 26,236 candidates to the City Council, 2,324 were women and 175 of them were elected.

Despite the work of the organizations that promote women's participation, the Peace Agreements and the rise in schooling, the obstacles remain: Social system where women must still be in charge for the housework – Lack of credibility in and between political parties – Lack of resources, and more difficulties to gain them – Fear of being victims of violence.

The **Index of Development Regarding Gender (IDRG)⁴**, formed by the same elements than the Human Development Index (HDI)⁵, but sensitive to inequalities between men and women in the access to a long life, education and income, is closer to its maximum value (1.0), if they are more advanced in the population in these areas and, besides, if there is more equity between men and women in the access to them. The IDRG in Guatemala in the last decade went from 0.502 to 0.609, in part as a result of the rise in the HDI. There are slight changes in the other components of the human development, according to the graphic II.4. The comparison is made with data regarding men, which is shown as a horizontal line with the number 100. The life expectancy is and has always been higher in women than in men, what is relevant in the index, in all the rest of the indicators, especially in income, women are in disadvantage, with a slight reduction in the gap.

In the case of GDP per capita, the increase has been slow, despite the rise in women's participation in the labor force from 25 to 36% in the '90s. It is partially a result of the rise in the (non-agrarian) income disparity between men and women, which increased from 1.7 to 2.4.

Besides, in the *Latinobarometer Report⁶*, this is based on studies made on 18 countries from the region, in which more than 20,000 people took part in the survey, measured the perception towards the crisis. Guatemala, Costa Rica, Peru and the Dominican

⁴ 2002. Desarrollo, Humano, Mujeres y Salud, PNUD

⁵ Human Development Index, simple measure of three dimensions of the concept of human development: experiment a long and healthy life, have education to develop abilities and have incomes to get an adequate standard of living, combines information about life expectancy, literacy/school registration and GDP per capita.

⁶ Latinobarometer is a private international non-profit organization that makes this annual study, which has been delivered simultaneously in Santiago de Chile and San José, Costa Rica. The polls were made between September 1st and October 11th 2008. These numbers could not measure all the impact of the international financial crisis, which became dramatic after the bankrupt of the American investment bank Lehmann Brothers on September 15th 2008, pointed out Daniel Zovatto, member of the International Advisory Council of Latinobarometer, in the presentation of the study in Costa Rica.

Republic are the Latin American countries with more pessimism about the economic future.⁷

Chapter II.

Observance of the CEDAW

In this context of low credibility in the State institutions⁸, of pessimism in population, with a world financial crisis, women's situation has had few substantial advances, as it will be analyzed as follows considering the five outstanding topics for this alternative report.

The methodology involved the revision of previous reports, the VII Report presented by the Government, the recommendations made by the Guatemalan State. There was a query with some women's organizations, and a workshop to validate the first draft with experts to get their analysis. And a second Workshops with women from different organizations from the civil society from different areas of the country. In the presentation, the numbers of different articles of the CEDAW is follows, but also attending the seriousness of the topics.

First.

Articles 1, 2, 3 4.1 and 5

Increase in violence against women

Even though the Congress of the Republic approved on April 9th 2008 the Act against Women's Murders and Other Forms of Violence Against Women (Legislative Decree 22-2008) that penalizes women's murders with penalties from 25 to 50 years, crimes have not decreased.

Guatemala is in the third position in murders against women, and only 2% of those crimes are solved, what means there is an impunity of 98%, points out Carlos Castresana, chief of the International Commission against Impunity in Guatemala (ICAIG), in his dissertation presented in the Latin American meeting "No to Women's Murder" (No al Femicidio) (Guatemala: May 24th 2008).

Statistics registered by ICAIG regarding crimes against women perpetrated in the last four years are the following:

- **Registered cases:** 1840
- **Victims:** 1985
- **Accusations:** 93
- **Judgment:** 47
- **Sentences:** 43
- **Absolutions:** 13

⁷ Prensa Libre, Guatemala. Saturday, November 15th, 2008, p.30

⁸ The study Latinobarometer puts Guatemala in the second position in the perception of corruption (76.2) only preceded by Honduras (80.6). Alejandro Urizar, coordinator of the Program of Transparency and Anti-Corruption of Citizen Action, declared "We must not forget that it is based on perceptions, the document studies the public opinion" (...) anyway if we get such a bad qualification it is alarming". Siglo XXI, Tuesday November 18th 2008. P. 8 (M. Unda D. Huitz)

- 80% of crimes involve fire guns.
- Mexico and El Salvador share the first and second position in women's murders in Latin America, followed by Guatemala.

Castresana points out that in Guatemala there has been an increase in crimes, since in 2003 they were 416; in 2004, 497. And in the last three years an average of 600.⁹

Ana María de Klein, a member of Madres Angustiadas, an organization that was born precisely due to the increase in violence in our country, says that "everything starts with a poor and low professional investigation that matches the actions of judges, prosecutors and police officers."¹⁰

Besides, the American-Guatemalan Chamber of Commerce (AmCham) also showed its concern for the increase in the cases of kidnapping and violence. According to statistics from the Public Ministry, there had been 97 denounces for kidnapping. Three of these crimes were especially well known since even though the families paid the ransom, they were killed after being tortured and raped.

In a Seminar promoted by IEPADES¹¹ (Institute for the Teaching of Sustainable Development), conducted by Carmen Rosa Escribano De León, she pointed out that the Civil National Police needs to be strengthened and that it was necessary to guarantee security for the citizens.

According to data compiled by the Guatemalan Group of Women (GGW) from official sources such as the Civil National Police, the Public Ministry, the Judiciary and the Attorney's Office on Human Rights, from 2000 to August 2008, 3,914 violent deaths of women were registered in the national level.¹²

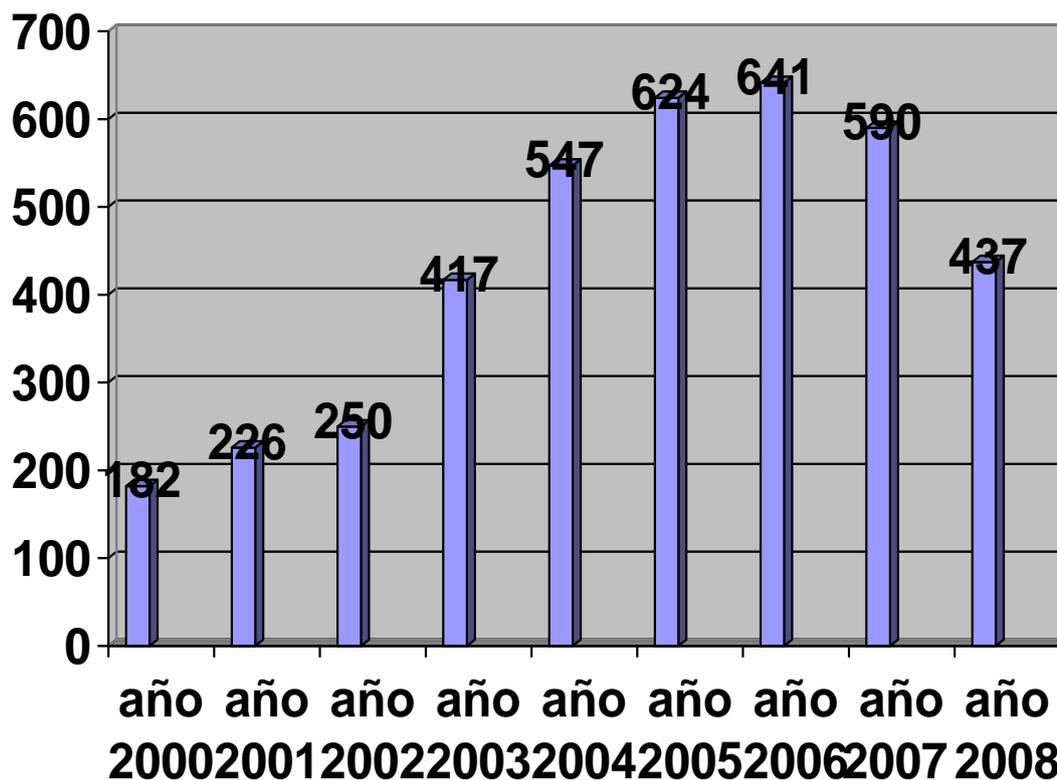
Violent Deaths of Women in Guatemala

⁹ The General Assembly of the United Nations (UN) supported the work of the ICCIG in Guatemala, in the document ratified by 55 countries of America and Europe. Ban Kim-moon, Secretary General affirmed: "With the establishment of the ICCIG we participate in the innovative attempt to dismantle delinquent groups whose actions threatened to weaken the achievements in the peace process that had been so hard to get." Prensa Libre, Guatemala. Saturday, November 15th, 10, p.10

¹⁰ Statements to Prensa Libre Guatemala, Friday May 23rd 2008.

¹¹ Reform of the Security Sector and Gender, October 30th 2008. With the participation of Ivette Castañeda, from Security and Defense Network in Latin America (RESDAL).

¹² Press Conference in the context of the campaign "16 days of activism against violence against women". Wednesday November 19th 2008.



Source: Guatemalan Group of Women (GGW) with data provided by the Civil National Police, the Judiciary and the Public Ministry. Monitoring of media and interviews with the families of the victims.

November 18th 2008

Besides, violence against women is not denounced due to fear. A study on the perception women have of violence, recently presented¹³, reveals that more than 90% of Guatemalan women knows violence exists, 54% has seen some case and 88% believe that there are no denounces because of fear. This clearly helps impunity.

In the declaration about women's murders, approved in the fourth meeting of the Committee of Experts (CEVI) in the monitoring mechanism of the Convention Belem Do Pará, there was a group of recommendations to the State parties; from with it seems important to point out in this report:

- 1) That the attenuating cause "violent emotion" shall not be used to diminish the responsibility of actors in the woman's murder.¹⁴

And people responsible for the police, judicial and forensic processes shall be penalized when they are negligent. It is also recommended that the media shall not make a sensationalistic use of information since it does not contribute to build new collective

¹³ Incidencia Democrática, Federation of Radio Schools and CS Sondea, Guatemala, presented the conclusions of the study on public opinion and delivered it through a CD on Tuesday October 21st 2008.

¹⁴ CONAPREVI National Co-ordination for the Prevention of Intra-familial Violence and against Women, Monitoring mechanism of the implementation of the Inter-American Convention to Prevent, Penalize and Eradicate Violence against Women, Convention Belem Do Pará, Guatemala, November 2008.

imaginaries. They shall not disseminate morbid details, sexist stereotypes or aggressive to women. Media should have a role to play in ethic and civil education, promoting gender equity and contributing to the eradication of violence against women."¹⁵

By February 2009 it is expected that the International Commission against Impunity in Guatemala will present a group of legislative reforms. One of the medium-term proposals is the creation of a new Criminal Code that meets the evolution of criminality in the country.¹⁶

Recommendations:

- The Guatemalan State should meet its compromise and guarantee the security and life of all citizens.
- The Judiciary must be strengthened. Judiciary officers should be trained taking into consideration a gender approach, for the treatment, investigation and registration of cases of women's murders and violence against women.
- Civil National Police must be strengthened so that it can play its role and guarantee the security of citizens, especially women.
- These institutions shall be provided with enough human and material resources and an adequate budget to fulfill their objectives.
- Police and Judiciary officers that are negligent must be penalized.
- Victims of violence must not be stigmatized.
- The National Security System must be implemented.

Second

Article 7 Participation of women in public and political life

The State parties will take all the appropriate measures to eliminate discrimination against women in public and political life in the country and, in particular, will guarantee in equal conditions as men the right to:

- a) Vote in all the elections and public *referendums* and be eligible for all the organisms whose members are subject to public elections.
- b) Participate in the planning of governmental policies and in the execution of them, and access to public positions and exercise all the public functions in all the governmental levels.
- c) Participate in non-governmental organizations and associations that deal with the public and political life of the country.

Even though it is true that there has been an increase in women's participation in the public life, and we find more women in political action, it is still a low proportion in contrast to men.

As far as political and citizen participation concerns, the National Union of Guatemalan Women¹⁷ launched in 2003 the campaign More women in Public Positions, to motivate

¹⁵ Idem, page VII

¹⁶ See Siglo XXI P. 2. Wednesday December 10th 2008.

¹⁷ It is the oldest women's organization in Guatemala, founded in 1980, when Silvia Gálvez was kidnapped. The organization went to the exile, when the Peace Agreements were signed, its directors came back to Guatemala and rebuilt their organization. Luz Méndez, one of the directors, was the only woman representing the National Revolutionary Union of Guatemala (URNG) taking part in the signature of the Peace Agreements.

them to assume public roles, and break the traditional dichotomy of public / private in which women appear confined at home.

At the juncture of the electoral process of 2007 the campaign was launched again, which coincided with the one promoted by the United Nations System entitled **More women, the better politic**. Starting from the fact that in order to have true democracy women must be involved as we represent the 51% of the population.¹⁸

The challenge was that there were more women in elected office in the elections of 2007: “More women voting, more women candidates and more women in politics actions”

In recognition of UNAMG’s work, the Guatemalan National Revolutionary Union (URNG), which since 1997 is being transformed into a politic legal force to influence the country’s politic through elections, proposed the organization a number of applications: Walda Barrios, for the candidacy for vice president of the country, Valenzuela Ada for mayor of Villa Nueva, a town adjacent to the capital city with high density of population and one of the highest rates of femicide, in addition to other applications in the municipal payroll.¹⁹

Before accepting the challenge of nominations, in UNAMG was discussed that voter participation in Guatemala takes place in the framework of "democratic systems in which there are many limitations that remain to be overcome and that, in general, are still reproducing in a more subtle mode, ways of exclusion that are being expressed in limitations on the participation, representation and politic competition under fair conditions.²⁰

Women’s participation presented a qualitative difference, with the nomination of an indigenous woman as a candidate for the presidency and a feminist as vice president, as well as the presence of the criticism to the patriarchal system into government’s plans.

As part of the Campaign *I decide. More women in Public Positions*, carried out by the UNAMG in coordination with the Graduate Institute of Women of the University of San Carlos (public), made an analysis of government programs from six parties participating in the electoral contest, and found that:

"Even if the six programs of government analyzed refer to the issue of women, it is important to identify the perspective from which they are being handled. Only two government programs address the issue in a more integrated and cross way: parties URNG-Maíz and Congregation for Guatemala (Encuentro por Guatemala). Both parties agree to take as regards its ideological principles the Peace Agreements, which sets specific commitments on behalf of women.

It is important to emphasize that these are the only parties from a spectrum of over a dozen political expressions, which in the current process, appointed three women to the highest nominations of popular election.

¹⁸ Total population = 11,237,196; women = 5,740,357 (51%); men = 5,496,839 (49%); 2002 Census.

¹⁹ Norma Herrera in Villa Nueva y Jeannette Asencio in Mixco.

²⁰ Ricardo Saenz de Tejada “Revolutionaries in times of Peace”. (2007:161)

- Rigoberta Menchú, a maya kiché woman, Nobel Peace Prize, a candidate for the presidency by Congregation for Guatemala.
- Walda Barrios-Klee, feminist, activist of the women's movement in Guatemala, a member of UNAMG, academic and researcher of social sciences. Candidate as Vice-President for URNG-Maíz
- Nineth Montenegro, an historic activist of human rights, a member of the Committee of Women and Children in Congress who sought for the re-election as MP for the National List for Congregation for Guatemala.”

From this analysis, it appears that the democratic and left expressions are the ones with greater progress on the issue of participation and inclusion of women, there it reads: "Proposals with lower content towards women and the institutionalization of gender in the state are coming from the right-wing parties who are leading the polls, from a traditional speech towards women and / or placed on the vulnerability.”

The approaches from the center ideology, specially from the National Unity of Hope (UNE), winner of the elections, even when it's been defined as a social democrat party, has a traditional speech towards women and their proposal towards institutionalization is focus on the creation of a Family's Ministry.

Some strategic items for the progress of women such as: the Politics of Promotion and Development of Guatemalan Women is only been mentioned and calculates the support for its implementation, and strengthening in the Government Program of URNG-Maíz. The triple discrimination against indigenous women²¹ is not addressed in an integrated way, even though the strengthening of the Office of Indigenous Women and accessibility to land it's been mention, for URNG-Maíz and Congregation for Guatemala.

Only three parties (UNE, Congregation for Guatemala and URNG-Maíz) have structure, body or secretariat of women. From 1653 deputations nominations in 14 parties, only 398 (24%) were women.

In between the conservatives and limited visions, it was a progress that in the electoral process the issue of patriarchal oppression and claims of women was situated. The election results show some progress, for example in terms of women's deputations, but our representation in the Mayoralty and in the Executive Division declined. The results for indigenous women are significantly low.

For comparative purposes, let's see results of the elections in 2003 and 2007²²

Public position	Total	Men		Women	
		2003	2007	2003	2007
Deputations of the Republic Congress	158	144 (91%)	139 (88%) ()	14 (9%) ()	19 (12%) ()
Ministries, Executive Division	13	11 (87%)	12 (92%)	2 (13%)	1 (8%)

²¹ Gender, ethnic and class discrimination: for being women, indigenous and poor.

²² Data from Summary Report of Mirador Electoral. Guatemala, 2007.

))	
Municipal Mayoralty	331	321 (97%)	322 (98%)	9 (3%)
))	8 (2%)

Public position	Mestizo Women		Indigenous Women	
	2003	2007	2003	2007
Deputations of the Republic Congress	13 (8.22%)	15 (9.5%)	1 (0.63%)	4 (2.5%)
Ministries, Executive Division	2 (13%)	1 (8%)	0 (0%)	0 (0%)
Municipal Mayoralty	8 (2.4%)	8 (2%)	1 (0.4%)	0 (0%)

SOURCE: SELF RESEARCH

Mirtala Gongora, a judge of the Supreme Electoral Tribunal, supports nine reforms to the Electoral Law and Political Parties proposed by Civic Women's Political Convergence and the Civic Women Convergence, the main contribution is the end of inequality, discrimination and gender exclusion.²³

Those reforms are being developed in the following topics: citizen's rights and duties, use of local languages, decentralization of public funds received by the executive committees of political parties; obliged to do within the structure of the entire match, a secretariat for the political promotion of Female sector, incorporating variables in the information that is handled in the Register of Citizens, and ensure parity and alternation of gender and ethnicity in the nomination and registration of candidates.

This involves the amendment of article 3, which framed the rights and duties as citizens, to include the principle of alternation, so that elected officials can not be candidates for more than two consecutive terms, but could be eligible for the same charge after a period without occupying it.

Another reform would be dealing with political organizations, regulated in Article 21, for the decentralization of funds received by the executive committees, and 212, for the nomination and registration of candidates, which would introduce a percentage of female participation.

Participation in local spaces

With the Peace Agreements was organized the National Women's Forum (Foro Nacional de la Mujer), as an area representative for dialogue between state and civil society, to promote women development and social participation. The Forum constitution was an extraordinary experience and unprecedented in terms of the participation of diversity of women who live in Guatemala, especially since ethnicity, as in this multi-ethnic country we live in four villages, three of whom are indigenous and are composed of 23 indigenous groups. Thus, Maya, Mestizo, Garifunas and Xinkas women have worked in the different local, departmental, regional instances of the

²³ Interview with Prensa Libre, September 14th, 2008.

national Women's Forum, with many proposals to carry out the contents of the Peace Agreements throughout Guatemala, particularly the commitments to gender equity.

Different women's organizations have sought to encourage women's participation in the Development Councils, as a space to articulate the participation of citizens with the budget preparation process with a gender perspective. To achieve this, a policy trained has been given, the local organizational processes have been boosted and they have tried to articulate local demands with national ones.

However, these efforts are conducted from civil society, without the state's inputs or its support on these initiatives in any way, to the point that within the institutionalism of Peace, the Women's Sector has been considered discriminated, in budget and other support.

THE CHALLENGE OF INEQUALITY

Guatemala remains one of the most unequal countries in the world. The study made in 2007 by the World Economic Forum shows that Guatemala is in the post 106 of 128 countries evaluated and in the last one of Latin America, as far as inequalities between women and men are concerned.²⁴

The report by the 2007 Global Gender Gap are based on a method that includes the economic, legal and social aspects of gender inequality in each country, taking into account four critical areas in which it manifests itself inequity between women and men.

These are:

- Participation and economic opportunities: wages, levels of participation, access to skilled jobs.
- Academic Achievements: access to basic and higher education.
- Political power: a level of representation in decision-making structures
- Health and Survival: correlation between life expectancy and gender.²⁵

In these four areas the Women's Movement in Guatemala must continue with their protests, because they are expressing in an objective way, the gender inequality.

We can not settle for saying that in our country is obvious the gender discrimination, should we push administrative measures aimed to equity.

As part of the claims to establish economic justice is the demand for a public budget sensitive to gender, where it can be visualize the public spending intended to strengthen women's rights (spending labeled) and the so-called gender mainstreaming .

To achieve this goal campaigns of incidence have been launched and promoted training in public budget with rural and urban women.

²⁴ These thoughts were discussed in the Situation Analysis submitted by the Board of Directors of the UNAMG on Tuesday, January 22, 2008.

²⁵ In Guatemala people die of presentable diseases, pneumonia is the first cause of death (78 per 100 thousand inhabitants), followed by homicides and injuries (56 homicides per 100 thousand inhabitants), gastrointestinal diseases (29 deaths per 100 thousand inhabitants), the fourth are the prenatal conditions (30 deaths per 100 thousand inhabitants).

In societies where power had been exercised by men, women have been confined to the domestic sphere. The academic Argentinean feminists, Maria del Carmen Feijoo and Elizabeth Jelin, have called this social phenomenon the domesticity of women. This implies that men belong to the public world and become economic providers; with the logic that whoever controls the resources has the power. In this context the public sphere has meant the area of power, and economic rights of women have been limited.

There are several determinants of fiscal policy in Guatemala, the complaints about the low level of tax collection and low investment in social spending. These facts are not recent, but a manifestation of a structure that excludes, patriarchal and ethnocentric of the Guatemalan State, which has remained this way throughout time.

With the signing of the Peace Agreements, they wanted to reverse that inertia by fostering a fiscal pact, but little progress was made due to large economic interests at stake. The tax inequity is reflected in the fact that 73% of tax revenues come from indirect taxes and of these, 72% is VAT.²⁶

A number of constraints on fiscal policy in Guatemala are been combined: the weight of a paralyzed social structure, driven by a conservative and backward political class, which is expressed in institutional processes that produce deterioration, instead of working towards the achievement of an economic social development.

Proof of this is the debate that takes place at the adoption of the 2009 budget and the tax reform, in a climate of great social confrontation.

For the development of strategies designed to increase or change the public expenditure should be taken into account that in addition to the low level of collection, about three-quarters of the budget were previously compromised by constitutional mandate, and commitments made by the State for the payment of debt's service and payments for personal services. We call this, committed budget (Barrios-Klee & Romero, 2003:60)

From the same VII State Report (paragraph 317) derives the conclusion of the low participation of women in public office.

Recommendations:

- Require the participation shares, to help establish gender democracy.
- Make the reforms recommended by women's organizations to the Political Parties Law: make mandatory on all parties a Women's Secretariat, the alternation in the nominations, so that there always be eligible women in positions, attention in the local languages.
- Promote the budging of women so that they can participate actively in politics and exercise their citizenship in an appropriate manner.

<p>Third Article 6: Prostitution and Trafficking</p>
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²⁶ Collection data in 2007, Superintendent of Tax Administration (SAT). www.sat.gob.gt

It doesn't currently exist in the region statistics on trafficking in persons, girls and boys in Latin America and the Caribbean, largely due to lack of an unified definition of the problem, as well as the absence of indicators and records, the lack of resources for tracking cases, the prosecution of crimes and presentation of those to justice. Additionally, the difficulty in identifying victims of traffic complicates, even more, the quantification of the victims (IHRLI 2002, Alliance House 2003: 2). However, rigorous investigation researches as the sources named aware us of the magnitude of this crime and displayed in detail its phenomenology.

While most of the traffic in the region occurs for the purposes of commercial sexual exploitation, there are no aggregate statistics available to quantify the phenomenon.

The deception, international adoptions and illegal documents facilitate trafficking of girls and boys in Latin America and the Caribbean. Trafficking for purposes of sexual exploitation requires the collaboration of many people:

- **brothels and other organizations require specific types of girls and children for purposes of prostitution;**
- **corrupt officials falsified documents to guarantee girls and boys identifications that show their majority of age;**
- **Corrupt lawyers produce permits to leave the country;**
- **Officials of migration facilitate the passage of victims across borders;**
- **In other cases, the falsification of documents is overlooked and the children are transferred across borders without the knowledge of authorities.**

Many unscrupulous individuals are involved to success in this business, including commercial drivers, immigration officials, and the police, owners of bars and brothels and houses of detention.

In 2002, more than 2000 Central American boys and girls were found in brothels in Guatemala (IOM; 2006:14)

Trafficking is a serious violation of human rights, in addition to the violence and physical abuse that involves psychological damage in people.

The problem has arisen as a regional one and Guatemala is the transit country "almost forced".

Regard to this very serious problem, the Guatemalan State in its VII recognize in paragraphs 303, 304 and 305 that measures to suppress and punish in an appropriate manner, as well as allocate the necessary budget to integrate sustainable actions to prevent the continuation of this "business", are still pending.

As a Women's movement, we are concerned about this situation which is linked to the increase in violence towards women.



(Alliance House 2003: 9)

Women's Trafficking for sex trade from Jamaica and mainly for Europe and the United States of America is sufficiently documented. ECPAT also indicated that recently sex workers have started to travel to Cuba.

One feature, in which the studies that we have cited match, is that traffic moves from poor regions or countries regions to most prosperous countries. The excellent report of the International Human Rights Law Institute (2002: 47) explains that in terms of network traffic, the Central American region can be divided along a north-south axis, with Nicaragua serving as a point of origin to traffic flows in both directions. An experience of traffic starting in Nicaragua could move through Honduras, possibly El Salvador, and end in Guatemala, Belize or southern Mexico. Following this path, women, girls and boys are recruited in Honduras for establishments in El Salvador, Guatemala and Belize. El Salvador is an origin country for Guatemala, Mexico and Belize, Guatemala is an origin country for southern Mexico and Belize.

Of the cases and the testimonies collected, traffic from Nicaragua to the north for Mexico uses primarily the land routes. The push northward is facilitated by agreements on free movement (CA-4) between Nicaragua, Honduras, El Salvador and Guatemala and the relatively weak monitoring in the borders. With economic development and perception of job opportunities that increase in each country to the north of Nicaragua, traffickers who recruit may easily make credible job offers.

Links have established between human traffickers and those engaged in drug trafficking, a problem which is being developed in a parallel power that challenges the States.

Recommendations:

- Provide immediate assistance and protection to victims (women, girls and boys)
- Establish coordination between the different institutions involved in the state, civil society and the Office of Human Rights.
- Conduct outreach and awareness campaigns about the serious human rights violation and crime that creates human trafficking.

Fourth

Article 11 Women's rights to an adequate job.

Guatemala's population shows high levels of emigration, the United States of America have become the preferred place to migrate in search of job opportunities due to the limited capacity of the state to create and offer employment to its inhabitants.

In a poll conducted by Latin Vox and Free Media, which was made between April 15 and May 15 2008 (Prensalibre.com), 200 migrants answered it and 21% of them acknowledge that they have migrated because there weren't job opportunities in Guatemala, and that their life conditions have improved. However, 70% wants to return.

But the situation of hunger and poverty, which is a major cause of migration, remains. 51% of the Guatemalan population, which amounts to six million people, has difficult access to healthy food.²⁷

Extreme poverty and unemployment, lack of opportunities has unleashed changes in migration patterns producing an increasing feminization of migration. This happens in totally irregular processes and with high risk. On November 26, 2007, was distributed the World Bank report about the feminization of migration processes

The World Bank report finds that the costs of irregular migration to the United States are higher for women than for men, because they are more vulnerable to abuse when they travel. Most of the migrants suffered sexual abuse, are harassed and forced into prostitution. Another cost is lived in the home countries where it is usually thought that they have left their families.

The incorporation of migrant women in the labor market often reflects the continuing inequalities based on gender, because they are employed in jobs that are traditionally considered "female" ones.

Informal and domestic work of underage girls has increased, according to the survey conducted by the Center of Studies for the Support of Local Development (CEADEL – Centro de Estudios de Apoyo para el Desarrollo Local). Most of the girls come from remote indigenous communities to urban areas; making the wages they are earning a pittance.

²⁷ Source: Food and Agriculture Organization of the United Nations.

The study *The invisible Travelers, migrant women in Central America and southern Mexico*, prepared by sociologist Ana Silvia Monzon, demonstrates this feminization of migration.

According to the researcher more than 397 thousand Guatemalans have left the country and contribute to the family and national economy by sending remittances. The profiles of women who decide to leave their communities are girls or young women who come from poor homes in the provinces, indigenous, with little education or illiterate.

On the other hand, Ubaldo Villatoro of the National Bureau for Migration in Guatemala (MENAMIG) believes that the economic crisis that is affecting the country compels women to migrate, despite the risks and possibilities of their falling into human traffickers networks.²⁸

The National Report about Human Development presented on November 11 2008, by the United Nations Program for Development (UNDP), said that Guatemala would need 27 years to double the GDP, poverty and unequal access to opportunities and economic benefits.

The document also states that there are social levels who work more, among them the indigenous people and women, which rose 25 percent in 1989 to 42 percent in 2006, and its earnings have not increased.

In analyzing the incomes of the population between 15 and 24 years old it's being reveals that the average income in 2006 was Q1 thousand 469.44 (U.S.\$ 192.08), less than the rural minimum wage for that year (Q1 thousand 587.40). (INHH, 2008).²⁹

Economic growth means that a person, family or country, have in this period (year) an income higher than they had last year. Labor markets are the hinge between economic growth and an eventual reduction of poverty. In the current crisis where projections³⁰ indicate that there will be a global unemployment, we can't see a better future for women.

All this explains the causes of two problems that we are pointing out, international migration is becoming a personal or family economic strategy to put themselves out of poverty. The other one is child labor.

Distribution of boys and girls according to age group and gender
Year 2006

Age Group	boys	girls	total
5 to 9 years old	53,274	21,004	74,278
10 to 14 years old	309,313	144,412	453,725

²⁸ Prensa Libre, Guatemala. Saturday, November 15th, 2008, p.2

²⁹ (The exchange rate is 1 dollar = 7.65 Quetzals).

³⁰ According to the ILO there will be an increase in the loss of jobs in most countries, the number of unemployed would increase from 190 million in 2007 to 210 million in 2009. El Periódico, Tuesday, Oct. 21, 2008. L. Alvarez / V. Gudiel

15 to 17 years old	294,466	143,892	438,358
Total	657,053	309,308	966,361

Source: Directorate of Labor Statistics, Ministry of Labor, Guatemala, 2006.

Distribution of boys and girls according to regional group and gender
Year 2006

Region	boys	girls	Total
Metropolitan	55,057	42,282	97,339
North	63,286	23,399	86,685
Northeast	51,411	19,049	70,460
Southeastern	59,870	18,978	78,848
Central	53,051	20,097	73,148
Southwest	200,929	119,579	320,508
Northwest	141,179	49,896	191,075
Petén	32,270	16,028	48,298
Total	657,053	309,308	966,361

Source: Directorate of Labor Statistics, Ministry of Labor, Guatemala, 2006.

The working child population is high and increases in regions with predominantly indigenous population (southwest and northwest), where it is traditional to join agricultural work, especially the hint of coffee. Obviously, it has not been able to eradicate child labor, item to which the VII Report devoted only 4 paragraphs (400 to 404)

The INDH (2008) stressed the importance of the informal economy and remittances in the containment of extreme poverty, as well as a large percentage of the employed population is provided by the agricultural sector and the services sector is the more representative of the Gross domestic product (GDP). In all sectors, most employees have a less salary than the basic vital basket (CBV – Canasta Básica Vital) and in agriculture is where most people will accrue for less than minimum wage. The report notes that despite the healthy macro economy, development stagnates.

On the other hand, despite the companies violate the rights of women; the majority considers a chance to work. According to information from the Human Rights Procurator (PDH) so far this year twenty plants have closed. In one of these 30 infants and 15 pregnant women received no benefits.³¹

Recommendations:

- Find more employment opportunities and development for the population in particular, with emphasis on the situation of rural women.
- Develop mechanisms to increase women's ability to influence the distribution of spending on their homes in their communities of origin;
- Organize opportunities for temporary migration.
- The labor justice is an imperative, should be expedited.
- To fulfill the requirement for equal jobs, equal pay.
- It is necessary to reform the Labor Code in relation to allow the employment of children under 14 years and regulate domestic work.

³¹ Prensa Libre, Tuesday, Nov. 14, 2008, p. 14, Claudia Acuna.

- It violates human rights, as part of labor rights, to continue asking the pregnancy test to contract, mostly in the international companies (textile industry).

Fifth

Article 12:

Women's right to health

According to data from the Medical Women Association (AGMM) only one out of ten indigenous women of reproductive age has made the Pap test, which allows the detection of cervix cancer, a disease that has a large impact in Guatemala. The rate of coverage of reproductive health of women is too low and therefore Rossana Cifuentes of AGMM points the need to promote a national plan to allow early detection of cancer of the cervix.³²

According Rossana Cifuentes, women in rural areas are hardest hit in the limited access to the test, according to data from the Survey of Living Conditions 2006, only 16.5 percent of indigenous women have practiced the pap. Cancer of the cervix is the one with highest incidence in the country, according to data from the Institute of Cancer, approximately two thousand 500 new cases of the disease are detected every year.

In terms of maternal death, Chimaltenango a town that was beaten by the repression during the "dirty war", has now one of the highest rates of maternal mortality, according to statements by Vice Minister of Health, there is a rate of 130 maternal deaths per 100 thousand births, which is considerable when compared with the national rate of 153 deaths per 100 thousand.

The departments with largest indigenous population coincide with the highest maternal death. In Alta Verapaz, Huehuetenango, Solola and Totonicapán is registered the highest figures of death from childbirth and these are between 76 and 100 percent of indigenous people. If the national figure of maternal mortality is 153 per 100 thousand live births, in those areas reaches 200 or sometimes more.

Medical Women's Association asked the Executive Branch to declare the maternal mortality in the country a national emergency situation.³³

Alma Odette Chacon leader of the Women Association Living Earth which has specialized in defending sexual and reproductive rights, has also said that the biggest deficits in sexual and reproductive health of Guatemalan women is maternal mortality, two women die every day from causes that are preventable. Another subject that is urgent is to implement the Law on Family Planning.

The Guatemalan women's reproductive age is considered between 10 and 54 years, while the Pan-American Health Organization reports 15 to 45 years. According to Alma Odette Chacon so far this year, in public centers, they have attended five pregnancies in

³² Statements to Prensa Libre, Tuesday, Feb. 26, 2008.

³³ Communication published in Prensa Libre on Thursday, May 29, 2008, on the occasion of World Day in Favor of Women's Health.

girls of 5 years and one of them died for that cause. While in Guatemala there is a Strategic Plan to Reduce Maternal Mortality, the figures DO NOT decrease.³⁴

The Health Network for Latin American and Caribbean Women demands the inclusion of a gender perspective in the Millennium Development Goals, adopted by the United Nations eight years ago, while defending the progress that women have achieved in recent years.

The State Report of the World Population, presented by the Fund of the United Nations Population (UNFPA) in the framework of the International Day of Tolerance (November 16), registers Guatemala as the country with the lowest indicators of the Central American region.

Guatemala has less life expectancy at birth; has an average life of 66 years (Costa Rica reaches 81 years); increased resistance to the use of birth control pills (only 43% of the population uses it), ranks third of those affected by the Human Immunodeficiency Virus (AIDS).³⁵

Both lawmakers and experts in the field agree in comment that the problem lies in the lack of prevention policies, which involves investment, as well as reproductive health education. And from the same tables and maps of VII is concluded that maternal death, although it has declined in some departments in other remains, for example in Petén. (Paragraph 435, figure 4).

The *Convergence Report: culture, gender and human rights*, submitted by the United Nations Population Fund (UNFPA) revealed that in formulating public policies that promote the fulfillment of human rights States should start by understanding the practices and beliefs of communities.

For example, to understand among other situations, the power relationship between men and women and their effect on health and reproductive rights.

“The strongly rooted cultural beliefs argue the inequality between men and women (...). The culture affects not only social relations, but also issues relating to development, such as inequality between men and women, maternal health, fertility, aging and poverty.”³⁶

This motivates the fact that, especially in rural areas, men are opposed to reproductive health measures, which seriously affects the health of women.

Against this background various women's organizations and singles women, have raised the following minimum requirements in relation to the overall health:

- Recognition of women's contributions to family health and the importance of their work for the welfare of all members of the family

³⁴ Alma Odette Chacon told La Cuerda. (p.4), Guatemala, May 2008, no. 111.

³⁵ Siglo XXI, Friday, Nov. 14, 2008. p.8

³⁶ Prensa Libre, Guatemala. Thursday, Nov. 13, 2008, p. 10

- Promote to the maximum extent possible the health, welfare and potential of all children, adolescents and young people, improving access and quality of health services provided by the State.
- In Guatemala, 53% of the population is in a reproductive age, so we demand to recognize and promote the right to be informed on the functioning of their reproductive system, of herself and the couple and the methods of how to prevent diseases and complications during their sexual and reproductive lives, methods of child survival and family planning.
- Right to receive adequate health care to allow a safely pregnancy and childbirth and provide couples the best chance of having healthy children.
- The right to have sexual health, which objective is the development of life and personal relations.
- Recognition of sexual and reproductive rights of women.

The Research Center for Sexual and Reproductive Health, consultant of the World Health Organization (WHO) estimated that in Guatemala there are 65 thousand abortions a year.³⁷ After evaluating the program for Post-abortion Care of the Ministry of Health, which takes 10 years of implementation, the study found that 98% of the abortions care is being provided in urban areas, and only 2% goes to rural areas.

The need for the decriminalization of abortion remains a public health issue.

Recommendations:

- Consider the global vision of women's health that is wider than the so-called maternal and child health, associated with women as breeders.
- Increase the number of health centers in rural areas and services in the local languages.
- Decriminalize abortion as it is one of the causes of prenatal death.
- Make programs that adequately care in HIV / AIDS, focusing in the feminization of the problem.
- Work on the Law of universal access to sexual and reproductive education.

Walda Barrios-Klee (systematization)
National Union of Guatemalan Women

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