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# USAID/GUATEMALA GENDER ANALYSIS FINAL REPORT SEPTEMBER 2018

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# USAID/GUATEMALA GENDER ANALYSIS 2018

## FINAL REPORT

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# ACRONYMS

ACOFOP	Asociación de Comunidades Forestales de Petén
ADS	Automated Directives System
AECID	Agencia Española de Cooperación Internacional para el Desarrollo/ Spanish Agency for International Development Cooperation
AG	Acuerdo Gubernativo/ Governing Agreement
AGAIL	Guatemalan Association of Mayors and Indigenous Authorities
AGEXPORT	Asociación Guatemalteca de Exportadores/ Guatemalan Association of Exporters
ALA	Asociación La Alianza/ Alliance Association
ALIANMISAR	Alianza Nacional de Organizaciones de Mujeres Indígenas por la Salud Reproductiva
ANAM	Asociación Nacional de Municipalidades/National Association of Municipalities
AMUTED	Asociación Mujer Tejedora Del Desarrollo/ Women's Weavers Association of Development
AOR	Agreement Officer Representative
ASMUGOM	Asociación de Mujeres en Gobiernos Municipales/Association of Women in Municipal Government
ASIES	Association for Research and Social Studies
ATRAHDOM	Asociación de Trabajadoras del Hogar, a Domicilio y de Maquila/Association of Domestic, Domicile and Factory Workers
BANGUAT	Bank of Guatemala
CAIMUS	Centers for Comprehensive Care of Violence Against Women
CARSI	Central America Regional Security Initiative
CDCS	Country Development Cooperation Strategy
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Creating Economic Opportunities Project
CEPAL	Comisión Económica para América Latina y el Caribe/United Nations Economic Commission for Latin American and the Caribbean
CICAM	Centro de Investigación Capacitación y Apoyo a la Mujer
CIDH	Comisión Interamericana de los Derechos Humanos/Interamerican Commission on Human Rights
CIEN	Centro de Investigaciones Económicas Nacionales/Center of National Economic Investigations
CLD	Communities Leading Development Project
CONAMIGUA	Consejo Nacional de Atención al Migrante de Guatemala/ National Council of Attention to Migrants from Guatemalan
CNCG	Climate, Nature and Communities in Guatemala
COCIGER	Convergencia Ciudadana para la Gestión del Riesgo
COCODES	Consejos Comunitarios de Desarrollo/Community Development Councils
COCOSAN	Comisiones Comunitarias de Seguridad Alimentaria y Nutricional/Community Commissions on Food and Nutrition Security
CODEDE	Consejos Departamentales de Desarrollo/Departmental Development Councils
CODISRA	National Commission Against Discrimination and Racism National Council for the Care of Persons with Disabilities
COMUDES	Consejos Municipales de Desarrollo/Municipal Development Councils
COMUPRES	Comisiones Municipales para la Prevención de la Violencia

CONADI	National Council for Care for People with Disabilities
CONALFA	Comité Nacional de Alfabetización/National Literacy Committee
CONAPREVI	Comisión Nacional de Prevención de la Violencia contra las Mujeres/National
CONGCOOP	Commission for the Prevention of Violence against Women
	Federación de Cooperativos Agrícolas de Guatemala/Federation of Guatemala
CONJUVE	Agriculture Cooperatives
	Consejo Nacional de la Juventud/National Council on Youth
CRI	Climate Risk Index
CSE	Comprehensive sexual education
CSO	Civil Society Organization
DEMI	Defensoría de la Mujer Indígena/Women's Indigenous Ombudsperson
DIGEDUCA	Dirección General de Evaluación e Investigación Educativa/General Directorate of
	Educational Research and Evaluation
DMM	Dirección Municipal de la Mujer/Women's Municipal Directorate
EBI	Educación Bilingüe Intercultural/Bilingual and Intercultural Education
ENCOVI	Encuesta Nacional de Condiciones de Vida/National Survey on Life Conditions
ENEI	Encuesta Nacional de Empleo e Ingresos
ENSMI	Demographic and Health Survey (Spanish acronym)
FAO	Food and Agriculture Organization
FENOCOAC	Federación Nacional de Cooperativas de Ahorro y Crédito/National Federation of
	Saving and Credit Cooperatives
FLACSO	Facultad Latino Americana de Ciencias Sociales/Faculty of Latin American Social
	Sciences
FONTIERRAS	Fondo de Tierras/Land Fund
FP	Family Planning
FPRP	Fiscal and Procurement Reform Project
FTF	Feed the Future
GBV	Gender-Based Violence
GEM	Global Entrepreneurship Monitor
GEWE	Gender Equality and Women's Empowerment
GFP	Gender Focal Point
GFSS	Global Food Security Strategy
GGA	Gender Gap Analysis
GGM	Grupo Guatemalteco de Mujeres/Group of Guatemalan Women
GHG	Greenhouse Gas
GIP	Gender Integration Plan
GoG	Government of Guatemala
GRB	Gender-Responsive Budgeting
GSI	Gender and Social Inclusion
HDI	Human Development Index
HEP+	Health and Education Policy Plus
IARNA	Instituto de Agricultura, Recursos Naturales y Ambiente/Institute of Agriculture,
	Natural Resources and Environment
IDWG	Inclusive Development Working Group
IEPADES	Instituto de Enseñanza Para el Desarrollo Sostenible
IGSS	Instituto Guatemalteco de Seguridad Social
INACIF	National Institute of Forensic Sciences
INCAP	Institute of Nutrition of Central America and Panama



INE	Instituto Nacional de Estadística Guatemala/National Institute of Statistics
INSTRAW	United Nations Institute for the Advancement of Women
INTECAP	Instituto Técnico de Capacitación y Productividad/Technical Institute of Training and Productivity
IOM	International Organization for Migration
IP	Implementing Partner
IPV	Intimate Partner Violence
IR	Intermediate Result
ISSAT	International Security Sector Advisory Team
LEDS	Low Emission Development Strategy
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LLP	Lifelong Learning Project
LPFM	Leadership in Public Financial Management
MAGA	Ministerio de Agricultura, Ganadería y Alimentación
MAI	Modelo de Atención Integral/Integral Attention Model
MARN	Ministerio de Ambiente y Recursos Naturales/Ministry of Environment and National Resources
MCH	Maternal and Child Health
MESECVI	Mecanismo de Seguimiento de la Convención de Belém do Pará/Follow up Mechanism of the Belem do Para Convention
M&E	Monitoring and Evaluation
MELS	Monitoring, Evaluation and Learning Support
MIDES	Ministerio de Desarrollo Social/Ministry of Social Development
MINECO	Ministerio de Economía/Ministry of Economy
MINTRAB	Ministerio de Trabajo y Previsión Social/ Ministry of Labor and Social Security
MO	Mission Order
MoE/MINEDUC	Ministry of Education/Ministerio de Educación
MoF/MIFIN	Ministry of Finance/Ministerio de Finanzas
MoH/MSPAS	Ministry of Public Health and Social Assistance Ministry/Ministerio de Salud Pública y Asistencia Social
MoW/OMM	Municipal Office for Women/Oficina Municipal de la Mujer
MP	Ministerio Público/Public Ministry
MSCEVIC	Secretariat of Social Welfare of the Presidency
MSCP	Maternal and Child Survival Program
MSME	Micro, Small and Medium-Sized Enterprises
MSPAS	Ministry of Public Health and Social Assistance
NGO	Non-governmental Organization
NRM	Natural Resource Management
OEA	Organización de los Estados Americanos/Organization of American States
OECD/DAC	Development Cooperation Directorate of the Organization for Economic Co-operation and Development
OFDA	Office of Foreign Disaster Assistance
OJ	Judicial Authority/Organismo Judicial
OM	Opportunities for My Community Project
OOP	Out-of-Pocket
OOSY	Out-of-school youth
OSAR	Observatorio de Salud Sexual y Reproductiva/Observatory on Sexual and Reproductive Health
PAD	Project Appraisal Document

PADF	Pan-American Development Foundation
PAFFEC	Program on Family Farming and Strengthening of Farm Economy
PAISANO	Programa de Acciones Integradas de Seguridad Alimentaria y Nutricional del Occidente/Program of Integrated Food and Nutrition Security Actions of the Western
PDH	Procuraduría de los Derechos Humanos/Human Rights Ombudsman Office
PEO	Plan for Equity of Opportunities
PEPFAR	United States President's Emergency Plan for AIDS Relief
PGN	Procuraduría General de la Niñez/Attorney General for Children
PLANОВI	Prevention and Eradication of Domestic Violence Against Women
PNC	Policía Nacional Civil/National Civil Police
PNPDIM	National Policy for Promotion and Integral Development of Women
POA	Plan Operativo Anual/Annual Operative Plan
PPDIM	Policy for the Promotion and Integral Development of Women
REDD+	Reducing emissions from deforestation and forest degradation
REDHOSEN	Men's Network for Health, Education and Nutrition
RENAP	Registro Nacional de Personas/National Register for Persons
RENAS	Registro Nacional de Agresores Sexuales/National Register for Sexual Aggressors
SAN	Seguridad Alimentaria y Nutricional/Nutrition and Food Security
SBC	Social Behavior Change
SEGEPLAN	Secretaria de la Planificación y la Programación de la Presidencia/Secretary of the Presidency on Planning and Programming
SEPREM	Secretaría Presidencial de la Mujer/Women's Secretary of the Presidency
SJP	Security and Justice Sector Reform Project
SOW	Scope of Work
SRGBV	School-Related Gender-Based Violence
SRH	Sexual and Reproductive Health
SVET	Secretaría Contra la Violencia Sexual, Explotación Y Trata de Personas/Secretariat of Prevention against Trafficking and Sexual
SWOT	Strengths, Weaknesses, Opportunities, and Threats
TEA	Early-stage entrepreneurial activity
TIP	Trafficking in Persons
TO	Task Order
TVET	Technical and Vocational Education and Training
UDEFEQUA	Unidad de Protección de Defensoras y Defensores de Derechos Humanos en Guatemala/Unit for the Protection of Human Rights Defenders in Guatemala
UMG	Urban Municipal Governance Project
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGEI	United Nations Girls' Education Initiative
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
VAW	Violence Against Women
WASH	Water, Sanitation and Hygiene
WEAI	Women's Empowerment in Agriculture Index
WE3	Women's Economic Empowerment and Equality
WH	Western Highlands
WHO	World Health Organization

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# EXECUTIVE SUMMARY

Banyan Global conducted a gender analysis and assessment for USAID/Guatemala from May to September 2018. The analysis and assessment will inform the forthcoming 2019-2024 USAID/Guatemala Country Development Cooperation Strategy. Data collection for the analysis and assessment comprised an extensive literature review of secondary data as well as five weeks of primary data collection in Guatemala, including Guatemala City and Mixco, Chiquimula (Esquipulas), Petén (Flores City), and four departments in the Western Highlands Region: Quiché (Santa Cruz, Nebaj, Sacapulas), Huehuetenango (Huehuetenango), Quetzaltenango (Quetzaltenango), San Marcos, and Totonicapán (Momostenango). The research team consulted more than three hundred USAID/Guatemala staff and partners, young and adult women and men participating in USAID/Guatemala projects, and external stakeholders from the Government of Guatemala and civil society organizations. Data collection also included a survey of USAID/Guatemala and partner staff on gender integration knowledge, attitudes, and practices.

## KEY FINDINGS

To date, Guatemala has developed an extensive normative and policy framework on gender equality and women's rights. In general, however, there is a lack of effective mechanisms to implement them. One exception is the framework to combat gender-based violence. In particular, the 2008 Law on Femicide has had a large impact on the institutionalization of gender-based violence (GBV) prevention and response (especially with respect to access to justice). Ultraconservative political movements in Guatemala are making efforts to weaken these advances, focusing on the application of the Law Against Femicide.<sup>1</sup> There is also a notable absence of normative and policy frameworks to support LGBTI rights.

Guatemala is a patriarchal and male-dominated society, characterized by the historical exclusion of indigenous populations in general and women in particular. Gender inequality gaps are present in all sectors and domains, with broad impacts on decision-making at the household and community level, political and social participation and leadership, access to assets and resources, and the distribution of domestic and reproductive work and time use. Traditional gender roles prevail throughout the country; women are primarily responsible for domestic work and care activities, and men for generating income and managing household resources. This gendered division of labor is particularly notable among rural indigenous women.<sup>2</sup> Greater opportunities for women's autonomy exist among younger generations and female heads of single-headed households.

## Security and Justice

*Prevalence and Incidence of Gender-Based Violence.* GBV in Guatemala is widespread and far-reaching. Even though the available prevalence data significantly underestimate the actual prevalence of GBV, the data are nonetheless still concerning: 19.2 percent of women aged 15-49 years old report ever having experienced physical violence in their lives; 8.4 percent of women aged 15-49 years old report ever having experienced sexual violence in their lives.<sup>3</sup> Early marriage is still a significant problem: 7 percent of women were married at the age of 15, and 30 percent at the age of 18. These percentages are slightly lower than for other LAC countries. The highest rates are in Brazil, Honduras or Nicaragua.<sup>4</sup> The rate of

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<sup>1</sup> CEDAW Committee. Final Observations from Combined 7<sup>th</sup> and 9<sup>th</sup> Periodic Reports from Guatemala, 2017.

<sup>2</sup> INE. Censo de Población y Vivienda, 2015.

<sup>3</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015, 2015.

<sup>4</sup> UNICEF. The State of the World's Children, 2017.

femicide stands at 2.5 per 100,000 women, ranking third after El Salvador and Honduras, among 22 LAC countries plus Spain.<sup>5</sup>

*Attention to GBV survivors and criminal prosecution.* The more recent availability of one-stop GBV response services, such as in the Comprehensive Attention Model on Violence Against Women (Modelo de Atención Integral, MAI) and the National Registry of Sexual Aggressors (RENAS), has improved response services for GBV survivors as well as enhanced criminal prosecution of GBV. One of the main limitations of the MAI is that it is located only in Guatemala City, though plans are in place to expand it. The government-funded Centers for the Integral Support of GBV Survivors (CAIMUS) provide immediate and temporary shelter as well as legal and psychological support to GBV survivors. Their capacity, however, is very limited, since most of them are under resourced.<sup>6</sup> National-level GBV coordination is also limited, as the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) was arbitrarily suspended in 2012 and then reinstated by the government in 2016. The four-year hiatus weakened CONAPREVI's momentum.

*Access to justice.* Following the enactment of the Femicide Law, the Guatemalan Judicial System has put in place specialized Femicide Tribunals and courts throughout the country that have facilitated GBV survivors' access to justice. The geographic coverage of the tribunals and courts is still, however, far from ideal.<sup>7</sup> Recent criminal sentences (such as Sepur Zarco in 2016 and Molina Theissen in 2017) have also demonstrated clear advances in access to justice for survivors of sexual violence in the internal armed conflict in Guatemala.<sup>8</sup> Through the provision of systematic and continuous training on GBV, specialized judicial bodies have increased their capacity to address cases of GBV. However, limited capacity to provide comprehensive survivor-centered services still affects the institutions and offices not specializing on GBV, such as the police.<sup>9</sup>

Access to justice for women — especially for poor, rural and indigenous, LGBTI and disabled women — remains very limited. Key barriers include: women's limited knowledge about their rights and where to go for assistance; fear of re-victimization and social stigma; language barriers; lack of financial resources; overconcentration of services in the capital; procedural delays; the distance and cost entailed in accessing service providers and prosecutor's offices and courts; and the scarcity of support mechanisms for women with dependents.<sup>10</sup> In addition, the judiciary and police continue to rely on social beliefs and attitudes regarding women's inferiority as justification of GBV.

*Trafficking in persons (TIP).* Though incidence data is quite limited, all evidence points to high levels of trafficking in persons in Guatemala.<sup>11</sup> This is despite the existence of a law on trafficking (the *Law Against Sexual Violence, Exploitation and Trafficking in Persons*, D. 9-2009). The application of the law is limited, and there are few mechanisms to identify and provide services to victims.<sup>12</sup> Judicial bodies issued only 13 sentences from 2013 to 2016, and only 35 in 2017.<sup>13</sup> Corruption of public officials involved in trafficking networks is a major problem, including in state-run institutions such as child protection institutions and

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<sup>5</sup> CEPAL. Femicidio. 2016.

<sup>6</sup> Interview with Giovana Lemus of GGM, June 6 2018.

<sup>7</sup> Organismo Judicial de Guatemala. Segundo Informe de Juzgados y Tribunales Penales de Delitos de Femicidio y Otras Formas de Violencia contra la Mujer, November 2013.

<sup>8</sup> Human Rights Watch. Guatemala Events of 2016, 2016.

<sup>9</sup> ISSAT. Guatemala SSR Background Note, January 26, 2018.

<sup>10</sup> Interview with Patricia Castro, Litigant Lawyer, May 20, 2018.

<sup>11</sup> Interview. Asociación La Alianza, Guatemala City, June 7, 2018.

<sup>12</sup> MESECVI. Inter-American Commission of Women. Third Hemispheric Report on the Implementation of the Belem do Para Convention: Prevention of violence against women in the Americas: Paths to follow. Resolution N° 516, 2017.

<sup>13</sup> Ibid.

hospitals. The lack of capacity of the judiciary to adequately address TIP cases using a survivor-centered approach also poses a challenge. In general, attention and services for GBV survivors and trafficked persons among returned migrants is practically nonexistent.

*Gender-based violence against LGBTI.* In Guatemala, there is no specific legislative framework to address discrimination or violence on the grounds of sexual orientation or gender identity. Similarly, there are no official prevalence or incidence data on GBV against LGBTI, and no public or private institutions that register specific hate crimes or violence against LGBTI. Discrimination as well as a lack of awareness among public officials limit LGBTI access to justice.<sup>14</sup>

## Health

*Sexual and reproductive health (SRH).* Some relevant advances in SRH include the increased use of family planning, particularly in rural areas; the increased number of women giving birth in health centers (and the reduction in maternal mortality); and moderate increases in median age at first birth.<sup>15</sup> Still, SRH health indicators are poor, and there is weak communication between men and women about health issues. This relegates decision-making about health to women, and limits men from participating more fully in this process.

*Cultural sensitivity in health services.* Though supportive laws and financing schemes are in place for accessing health services, accountability mechanisms for adherence to such laws and schemes are lacking and necessary. Indigenous women's access to health services is hampered by a lack of cultural sensitivity and by a resistance to working effectively with indigenous communities generally. This is seen in discrimination and poor treatment of indigenous women, failure to address language barriers, and the view that Western medicine as the only treatment option. Existing gaps in health services (e.g., stockouts of essential commodities, absence of youth-friendly services) are exacerbated by cultural insensitivity in service provision. Advances have been made to enhance the inclusion of *comadronas* (traditional birth attendants) in the provision of SRH services. Though there are reports of ethnic discrimination in public health centers, 60 percent of women in the Western Highlands still prefer to use them.<sup>16</sup> Some of the challenges affecting women's access to health services (SRH and maternal child health) include the distance to health services/cost of travel, inconsistent availability of family planning methods, and a lack of rural health workers.

## Education

*Gender integration in education policies.* The existing legal framework and policies on education in Guatemala consider the inclusion of girls and women, but they stop short of operationalizing programs or providing sufficient funding to support boys and girls to stay in school and to complete primary, secondary, and tertiary levels of education. The Ministry of Education (MINEDUC) has developed policies and protocols on gender equality in education, but they are generally not operationalized.<sup>17</sup>

*Gender parity vs. gendered expectations.* Gender parity mostly exists for enrollment at the primary, secondary, and tertiary school levels, with women surpassing men in tertiary education. Though female students between 15 and 24 years of age are more likely to be out-of-school than their male counterparts,<sup>18</sup> boys in general have higher repetition and drop-out rates than girls. Despite this near

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<sup>14</sup> Ministerio Público. Política Criminal Democrática del Estado de Guatemala, May 26, 2018.

<sup>15</sup> Ibid.

<sup>16</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015, 2015.

<sup>17</sup> Juárez & Associates, Interview, June 8, 2018.

<sup>18</sup> World Economic Forum. The Global Gender Gap Report, Country Report: Guatemala, 2017.

parity for most education indicators, women and girls trail men and boys in education *completion* at all levels. Several factors that impact school dropout and non-attendance are directly related to gender, while others reflect a combination of variables, including gender as well as income level, ethnicity, and living in rural areas.<sup>19</sup>

Guatemala's education system has a history of gender and ethnic bias among teachers, with both male and female teachers favoring boys.<sup>20</sup> Indigenous girls and women lag behind other groups (non-indigenous girls/women and men/boys, as well as indigenous boys) in all available education indicators. Little to no information is available on the intersection of sex and disability.<sup>21</sup>

*Education infrastructure.* Water, sanitation and hygiene facilities are in poor condition in most rural schools, impacting girls disproportionately. According to UNICEF, sanitation facilities for girls were only available in 48 percent of schools, while for boys the coverage was 52 percent.<sup>22</sup>

*Technical and vocational training (TVET).* While data are lacking regarding sex-segregation of TVET, several interviews indicate that women are over-represented in traditional trades such as beauty services, sewing, and baking, whereas men are mostly concentrated in the technical areas (e.g., plumbing, electricity, mechanics) that have greater access to markets and are better remunerated.<sup>23 24</sup>

*Gender-based violence at schools.* With USAID support, the MINEDUC has created tools to address school-related GBV. However, very little data exist on GBV and how it impacts access to education for girls.

## **Economic Growth: Agriculture**

*Rural women and agriculture.* Rural women play a fundamental, but mostly invisible, role in the agricultural economy in Guatemala. Women not only carry out reproductive and domestic work but also contribute as non-paid workers on family farms and often develop their own productive activities (farming vegetables, raising poultry, or creating handicrafts). Increasingly, they are also becoming salaried agricultural workers, generally in export-oriented commodities (flowers, bananas, etc.). In Mayan communities, they also play a substantial role in the conservation of genetic resources such as corn. Despite this, they are generally viewed as secondary agricultural workers, and they face many obstacles to improving their participation and decision-making over assets and income.

*Persistent gender inequalities.* In Guatemala, women do not rank highly on the domains of the USAID Women's Economic Empowerment Framework (i.e., access, agency, leadership, enabling environment, and risk mitigation). There are extreme social and inequalities regarding land ownership: 78 percent of the cultivable land is distributed to 1.7 percent of the farms; and women make up only 7.8 percent of the landowners.<sup>25</sup> Inheritance rights are still limited to men in many rural areas. In addition, married women are disqualified from accessing legal property through government programs of the Land Fund (FONTIERRAS), perpetuating land ownership gaps among men and women. Moreover, even though most women work on their family plots, they often do not receive payment or recognition for their work.<sup>26</sup> Among women employed as agricultural workers, more than half do not directly earn a salary but are

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<sup>19</sup> Defensoría de la Mujer Indígena (DEMI) y UNFPA. Perfiles de Mujeres Mayas Garífunas y Xinkas en Guatemala, 2018.

<sup>20</sup> Juárez & Associates, Interview, June 8, 2016.

<sup>21</sup> Grech, Shaun. Discapacidad y Pobreza en la Guatemala Rural: Intersecciones Conceptuales, Culturales y Sociales, CbM, 2016.

<sup>22</sup> UNICEF. Advancing Wash in Schools Monitoring, 2015.

<sup>23</sup> World Vision/Guatemala, Interview, June 27, 2018.

<sup>24</sup> Mercy Corps/Guatemala, Interview, June 19, 2018.

<sup>25</sup> FAO. Guatemala: Voz a la Mujeres sobre Seguridad Alimentaria y Nutrición, 2016.

<sup>26</sup> Ibid.

considered “helpers” for their male relatives. Where they are primary workers, especially single mothers and widows, 97 percent earn below the minimum wage; 73 percent earn approximately *half* of the minimum wage. In addition, domestic and care work present a challenge for women pursuing a greater role in farming activities. Limited changes have been noted in men’s participation in domestic and care work.

*Women’s participation in agriculture organizations.* Women’s participation remains very low in agricultural associations and cooperatives. Cultural perceptions, gender stereotypes, and discrimination, paired with gender barriers to land tenure, also discourage women’s participation.

## **Economic Growth: Non-Agriculture**

Guatemala has ratified most of the relevant international normative instruments that promote women’s labor rights, non-discrimination, and gender equality in employment and occupation. Nevertheless, it still ranks lower than some neighboring countries (Nicaragua, El Salvador and Honduras) in the World Bank’s *Women, Business and the Law* ranking.<sup>27</sup> The chief legal obstacles relate to women’s land tenure include the absence of legal provisions to (1) mandate equal remuneration for work of equal value, (2) prohibit discrimination on the basis of gender or marital status, and (3) prevent and respond to sexual harassment in the workplace.

The Guatemalan labor market is characterized by informality, a lack of social security benefits, low mobility, and low wages — aspects that mainly affect women, indigenous populations, and youth. Labor inspection capacity at the Ministry of Labor and Social Security is also very limited.<sup>28</sup> There is a current retrogressive trend on labor rights, particularly with regard to paying minimum wage, which is a Constitutional right.<sup>29</sup> There are also significant gender gaps in terms of labor market participation, entrepreneurship, and access to income. These gaps increase for rural women, who are mostly indigenous, reflecting significant constraints to access and agency. There are no specific provisions in Guatemala’s current economic policy frameworks to address these gaps.

Guatemalan women have the lowest rates of labor market participation in Latin America and the Caribbean (only 37.4 percent in 2017).<sup>30</sup> The biggest gap is at the rural level, where only 28.1 percent of women are employed, compared with 89.1 percent of men.<sup>31</sup> The period 2002–2017 saw a sustained and significant narrowing of the gender salary gap, going from 61 percent of men’s income in 2002<sup>32</sup> to 81 percent in 2017.<sup>33</sup> The gap is substantially greater in the informal sector, where women’s wages were only 70 percent of men’s earnings in 2015. Indigenous women have the lowest average income, compared to both non-indigenous women and men.<sup>34</sup> Approximately one in ten women active in the labor market is a domestic worker, generally subject to very poor working conditions. Though the Labor Code does regulate working conditions for domestic workers, those protections fall under a statute that provides fewer labor rights than in other productive sectors. According to the Association for Research and Social

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<sup>27</sup> World Bank. *Women, Business and the Law*, 2018.

<sup>28</sup> USAID Guatemala. *Diagnóstico de la Política Fiscal y Género en Guatemala*. Proyecto de Reforma Fiscal y de Compras (FPRP), March 2018.

<sup>29</sup> *Ibid* and European Union. *Perfil de Género de Guatemala*, 2017.

<sup>30</sup> International Labour Organization. *Panorama Laboral*, 2017.

<sup>31</sup> INE Encuesta Nacional de Empleo e Ingresos, 2017.

<sup>32</sup> INE. *Cuarto Foro Global de Estadísticas de Género*, 2014.

<sup>33</sup> INE. *Encuesta Nacional de Empleo e Ingresos ENEI-3*, 2017

<sup>34</sup> *Ibid*.



Studies (ASIES), only one out of hundred domestic workers had a salary equal to or higher than the general minimum wage.<sup>35</sup>

In 2016, the share of women among Guatemalan business owners (with employees) was approximately 27 percent.<sup>36</sup> Recent studies identified five chief constraints for women's entrepreneurship: a lack of accessible information; legal discrimination; the lack of visibility of growth-oriented women entrepreneurs (as models); limited access to networks; and cultural and family dynamics.<sup>37</sup>

Reproductive work in Guatemala is still primarily the responsibility of women, which significantly limits their access to employment or income-generating activities. Women dedicate 23.2 hours per week more than men to performing domestic and care work; taking into consideration all activities, women work 14.7 hours per week more than men.<sup>38</sup>

## Climate Change and Natural Resources Management

Guatemala is experiencing a severe environmental crisis that manifests in multiple ways: forest fires; high rates of deforestation; rivers and lakes with alarming levels of pollution; shortage of water; and mudslides and floods caused by excessive rainfall.<sup>39</sup> The Global Climate Risk Index (CRI) of "Germanwatch" indicates that, worldwide, Guatemala continues to be one of the most affected and most vulnerable countries facing climate risks, ranking ninth at the global level.<sup>40 41</sup>

Women and men play important though different roles in the management and conservation of natural resources and environment degradation. Nevertheless, gender equality does not receive much attention in the majority of Guatemala's 18 laws and related policies on natural resources management (NRM) and climate change. In 2017, the Environment and Natural Resources Ministry's Gender and Youth Unit facilitated the development of the Gender Pathway (*Ruta de Género*) as a plan to incorporate gender considerations in the National Strategy for Reducing Emissions from Deforestation and Forest Degradation (REDD+).<sup>42</sup> It carried out this effort with the Ministry of Agriculture and the National Council for Protected Areas.

Though there is very little sex-disaggregated data available on climate change and natural resources management, some differential patterns can be provisionally identified. At the national level, 69.8 percent of households depend on firewood as their main energy source.<sup>43</sup> Thirty percent of respiratory-related diseases are caused by breathing smoke and wood soot from burning wood inside the home; the people most affected are presumably women and girls, as traditionally in charge of cooking. At present, three million people in the country have no access to adequate water systems, and 6 million do not have

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<sup>35</sup> Asociación de Trabajadoras del Hogar, a Domicilio y de Maquila (ATRAHDOM), citing ASIES: Trabajo Doméstico en Guatemala, Año 29, N°3, 2014.

<sup>36</sup> USAID/Guatemala. Draft Guatemala Women's Entrepreneurship Diagnostic Leadership in Public Financial Management II (LPFM II), 2018.

<sup>37</sup> Ibid.

<sup>38</sup> INE. Compendio Estadístico de Género, 2015.

<sup>39</sup> Fundación Libertad y Desarrollo. Deterioro del Medio Ambiente en Guatemala. Accessed on July 20, 2018.

<sup>40</sup> The Climate Risk Index indicates a level of exposure and vulnerability to extreme events, which countries should understand as warnings in order to be prepared for more frequent and/or more severe events in the future. Not being mentioned in the CRI does not mean there are no impacts.

<sup>41</sup> COCIGER. Guatemala Continúa entre Los 10 países con Mayor Riesgo Climático a Nivel Mundial. 2016.

<sup>42</sup> Interview with Gender Unit at Ministry of Environment and Natural Resources (MARN), Angelica Gomez, 13 June 2018.

<sup>43</sup> INE. Compendio Estadístico Ambiental 2015, 2015.

adequate sanitation;<sup>44</sup> this too affects women and girls disproportionately, because they are largely responsible for domestic work.

In terms of response to disasters, the recent eruption of Fire Volcano (Volcán de Fuego) in June 2018 clearly revealed the absence of government systems to assess the differential needs and risks of women and men in disaster response. In the immediate aftermath of the eruption, there were few government systems in place to identify whether the basic needs of women, men, girls and boys were met, to ensure women's participation in the organization of shelters, and to put in place measures of protection to prevent GBV. According to the United Nations Population Fund (UNFPA), in the first weeks after the eruption, the shelters reported several cases of violence against women.<sup>45</sup>

## **Governance**

Guatemala has a strong network of women's organizations operating in both indigenous and non-indigenous contexts. The women's and feminist movement has participated intensely in the formulation and approval of specific gender-sensitive laws and public policies, as well as in monitoring their implementation and budgeting. At the national level, several networks of indigenous women focus on promoting leadership, healing from violence, political participation, sexual and reproductive rights, and GBV prevention and response. Many of these organizations and networks are severely underfunded; because they are perceived as being too activist.

Guatemala is one of just two countries in Latin America that lacks laws and regulations guaranteeing minimum quotas for women's political participation, and women represent only 15 percent of parliamentarians. Along with Brazil, Guatemala is one of the two countries in the region with the lowest representation of women at all levels of government.

The 2012-2015 government and the ensuing political crisis weakened Guatemala's gender-related institutional framework. The legal framework of the Presidential Secretariat for Women (SEPREM, enacted in G.A 20-2000) was modified: the secretary of SEPREM would be selected by the President and not by women's organizations, as was established in the original decree. This generated a substantial gap between SEPREM and the women's movement, and only in the last year has SEPREM begun to recapture its original mandate, through the approval of its 2018–2022 strategic institutional plan. Moreover, the current government has eliminated the Women's Specific Cabinet (G.A 264-2012) as of July 25, 2018, an institutional framework that had served as a high-level coordination platform to promote gender integration in public policy. This decision effectively excludes SEPREM and other secretariats from high-level decision-making on gender equality within the government of Guatemala.

More positively, the 2016 reforms to the Municipal Code made the Municipal Women's Secretariat (DMM) compulsory (D.39-2016) and stipulated that the Municipal Government must allocate sufficient human and financial resources to carry out these functions (at least 0.5 percent of the municipal budget). Most DMMs, however, do not participate in municipal decision-making bodies such as the Municipal Development Councils (COMUDE) or take part in developing the Annual Operative Plan (POA) and municipal budgeting. The main challenges in this regard are institutional discrimination, a lack of capacity of the DMMs to engage in municipal processes, and limited financial resources. No recent evaluations of the DMMs exist. At the community level, the challenges for the DMMs are even greater. The USAID Communities Leading Development Project (CLD) 2017 Community Survey carried out in the Western Highlands found that “even [though] there are some Community Development Councils (COCODES)

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<sup>44</sup> Ministry of Health and Sanitation. *Política Nacional del Sector de Agua Potable y Saneamiento*, 2013.

<sup>45</sup> UNFPA. *Tras Erupción del Volcán de Fuego, Aumentan los Riesgos para Mujeres y Niñas*, July 5, 2018.

with women present, their roles tend to be secondary. The surveys noted that women present in COCODES rarely spoke.”

Guatemala has an indigenous customary legal system. Some Mayan communities have begun to elect their own indigenous mayors and authorities, whose main role has been to resolve conflicts in the communities. The participation of women as mayors or indigenous authorities remains limited, much as in the formal system.<sup>46</sup>

The actual participation of women and the specific barriers they face vary according to the community, generally depending on socioeconomic conditions and ethnicity (with relevant differences among “pueblos”), the presence of development projects, and the influence of migration. Greater opportunities are seen for young unmarried women with higher levels of education, as well as in communities with women’s groups or organizations.

## **Migration**

The Guatemala Migration Code establishes certain migrant rights that are particularly relevant to gender equality: non-discrimination based on gender, ethnicity, and other conditions; access to sexual and reproductive health services, especially for women and girls; special protections for migrant victims of GBV; and the rights of migrant persons victims of human trafficking — particularly relevant to women and girls, as the primary victims both in Guatemala and in migratory transit.<sup>47</sup> In contrast, the United States Strategy for Engagement in Central America does not address gender equality within its focus on addressing illegal immigration and illicit trafficking to the United States.

The main drivers of Guatemalan migration are the lack of economic and educational opportunities and the need to improve family or personal economic well-being. One in 10 Guatemalans, including one in four Guatemalan women, live outside the country. An estimated 6 in 10 migrant girls and women experience sexual violence in transit through Mexico, whether at the hands of gangs and other criminal groups, smugglers and traffickers, police and migration officials, or other migrants. Girls traveling alone and LGBTI are especially at risk of human trafficking and sexual exploitation.<sup>48</sup>

Globally, migration sometimes changes family and community dynamics by creating opportunities that increase women’s autonomy, including decision-making on expenditures. Despite some signs of change in gender norms and practices in Guatemala, however, the research shows a great deal of continuity in women’s and men’s gender practices and power dynamics, which are reinforced both by transnational processes and local conditions.<sup>49</sup>

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<sup>46</sup> USAID/Guatemala. FY 17 Q2 Quarterly Report: Annex II. Community Survey Findings. Communities Leading Development, 2017.

<sup>47</sup> Organización de Estados Americanos/Comité Internacional de Derechos Humanos. Situación de los Derechos Humanos en Guatemala, 2017.

<sup>48</sup> KIND. Sexual and Gender-Based Violence (SGBV) & Migration Fact Sheet, January 2017.

<sup>49</sup> Hughes, Christine. At Home and Across Borders: Gender in Guatemalan Households and Labour Migration to Canada, 2014.

# I. INTRODUCTION

The United States Agency for International Development (USAID)/Guatemala is preparing a 2019–2024 Country Development Cooperation Strategy (CDCS). This CDCS will align with U.S. foreign policy and development objectives in Guatemala and Central America, including those specified in the U.S. Strategy for Central America. In line with the requirements in USAID Automated Directives System (ADS) 201.3.2.9 and ADS 205, USAID/Guatemala hired Banyan Global to undertake a country-wide gender analysis and a gender assessment to inform USAID/Guatemala’s 2019–2024 CDCS; see Annex A for the scope of work (SOW). The research team gathered data for the gender analysis and assessment at the same time, though the analysis of the data is presented as two separate reports.

This gender analysis report includes: a summary of methodology and limitations; an overview of the Guatemalan context regarding gender equality and women’s empowerment (defined by the five gender-equality domains indicated in the ADS205); gender-analysis findings at the sector level; and concluding observations. Annex A provides information on the scope of work; Annex B presents the deliverables table; Annex C provides the data collection tools; Annex D includes a bibliography of sources consulted; Annex E summarizes the stakeholders consulted and the consultation activities performed; and Annex F presents a sector-level analysis of relevant Guatemalan legal and policy instruments.

## I.1 GENDER-ANALYSIS BACKGROUND AND PURPOSE

The USAID/Guatemala Gender Analysis and Gender Assessment Reports support USAID/Guatemala to better identify advances and gaps in gender equality, nationwide and at the sub-regional level, and within specific sectors where the mission is likely to concentrate its resources. These reports also provide recommendations on how USAID/Guatemala can promote enhanced gender equality and women’s and girls’ empowerment in its CDCS, programs, and projects.

The gender analysis focused on answering the following six questions:

1. What gender gaps exist within the target groups, particularly relating to the key sectors of USAID’s intervention<sup>50</sup> and the five specified domains of gender analysis specified in the ADS 205?
2. What are the key issues and constraints affecting equitable political and socioeconomic participation and access to economic, political, and social opportunities, in the sectors and regions where USAID/Guatemala programs operate?
3. What opportunities exist for USAID activities within priority sectors to help Guatemala overcome those constraints?
4. What are the effects of gender-based violence (GBV), on each group and within each USAID/Guatemala priority sector?
5. How does migration differently affect men, women, and LGBTI? How do gender relationships, stereotypes, and roles shape the causes and consequences of migration for women and men?
6. What legal and policy frameworks support gender mainstreaming, including gender-sensitive policies at the central and local levels in municipalities where USAID works?

In particular, and as specified in ADS 205, this gender analysis provides an overview of gender equality along five key domains: laws, policies, regulations, and institutional practices; cultural norms and beliefs;

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<sup>50</sup> Security and justice, economic growth and social development, environment and climate change, governance, migration, gender-based violence, and youth.

gender roles, responsibilities, and time use; access to and control over assets and resources; and patterns of power and decision-making. It also identifies the prevailing gender advances, gaps, and opportunities in the country, focusing on USAID/Guatemala's three priority sectors (as identified in the 2017 U.S. Strategy for Engagement in Central America):

- **The security sector** includes an analysis of general citizen security, including GBV prevalence and incidence, and GBV survivors' access to justice and security services.
- **The prosperity sector** analyzes health, education, and economic growth, including both agricultural and non-agricultural subsectors, and natural-resources management and climate change.
- **The governance sector** analyzes women's and men's political, social, and community participation in governance mechanisms.

This report also analyzes crosscutting themes such as GBV, youth, and irregular migration to the United States. It considers, as much as possible, variables such as ethnicity, age, and rural or urban residence.

**Table 1. Key Variables in the Gender Analysis and Assessment**

Elements	Description
<b>Actors</b>	<ul style="list-style-type: none"> <li>• <u>Primary</u>: Ethnicity (indigenous and non-indigenous), youth, and urban/rural</li> <li>• <u>Secondary</u>: People with disabilities, LGBTI, women from marginalized ethnic groups, women with disabilities, and single-headed women households. (Data will be disaggregated by age as much as possible: children, youth (10–29), and adults.)<sup>51</sup></li> </ul>
<b>Sectors</b>	<ul style="list-style-type: none"> <li>• <u>Security and justice</u>: Justice, political participation, community participation, civil-society strengthening, mitigation, violence prevention</li> <li>• <u>Prosperity</u>: Economic status (income, employment, entrepreneurship, access to assets, informal economy, and time use); social development (education and health); and climate change and natural-resources management (including biodiversity)</li> <li>• <u>Governance</u>: Municipal strengthening, national institutions building, conflict resolution, emerging political leaders, elections</li> </ul>
<b>ADS 205 domains</b>	<ul style="list-style-type: none"> <li>• Laws, policies, regulations, and institutional practices</li> <li>• Cultural norms and beliefs</li> <li>• Gender roles, responsibilities, and time use</li> <li>• Access to and control over assets and resources</li> <li>• Patterns of power and decision-making</li> </ul>

<sup>51</sup> USAID's Youth in Development Policy defines the youth cohort as 10–29 years of age. The United Nations, for statistical consistency across regions, defines youth as persons between 15 and 24 years, without prejudice to other definitions by member states.

## 1.2 THE GUATEMALAN CONTEXT

Guatemala has one of the highest levels of poverty and economic inequality in Latin America, as has been measured and described in various ways. In 2017, according to the United Nations Development Programme (UNDP), 67 percent of the Guatemalan population were living in multidimensional poverty. The World Bank categorizes Guatemala as a middle-low income country, with a national average per capita income of \$3,239 and a Gini coefficient of 0.58. According to the 2016 Human Development Index, Guatemala ranks 125th out of 188 countries, indicating mid-level human development.<sup>52</sup> According to the latest data, 59.3 percent of the population lives in poverty and 23.4 percent in extreme poverty. The National Survey on Life Conditions (ENCOVI 2014) reports an increase in poverty, from 53.7 percent in 2011 to 59.3 percent in 2014.



According to 2014 data, 35.3 percent of the extremely poor were living in rural areas, and 39.8 percent of this population was indigenous. The departments with the highest prevalence of poverty are the (predominantly rural) departments where the majority of the Mayan population reside (Alta Verapaz,

Quiché, Huehuetenango, Totonicapán, and Sololá). Indeed, the map of indigenous populations of Guatemala aligns with maps of poverty, illiteracy, infant and maternal mortality, child malnutrition, and stunting, demonstrating “how historic and systematic exclusion has led to poor development outcomes and indicators in geographic areas where indigenous people live.”<sup>53</sup>

The government of Guatemala recognizes poverty reduction as one of the country’s major challenges. Prior to 2011, poverty rates showed some decline, but since then the trend has been an increase. A recent government report critically notes that “poverty in Guatemala has been marked by limited mobility because most Guatemalans born in a poor home are destined to remain there. The problem is of great proportions and remains unresolved; its manifestations include hunger, malnutrition, limited access to education and other basic services, discrimination, social exclusion and lack of participation in decision-making.”<sup>54</sup>

UNDP indicates that Guatemala’s current development model has not promoted the well-being of the majority of the population. Even though the economy has grown moderately but steadily, poverty has increased.<sup>55</sup> In particular, women and girls who are indigenous experience poverty, discrimination, and exclusion in all forms and at higher rates than those who are not indigenous. The Gender Inequality Index positioned Guatemala at 113 of 159 countries in 2015, ranking lower than neighboring Nicaragua (at 103) or Honduras (at 101) (UNDP 2016).<sup>56</sup>

The Guatemalan National Statistics Institute estimated that in 2014, 15.9 million people lived in the country, with women constituting slightly more than half of the population (51.22 percent). According to

<sup>52</sup> UNDP. Informe de Desarrollo Humano 2016, 2016.

<sup>53</sup> USAID/Guatemala. Indigenous People’s Engagement Plan for 2018-2020, 2018.

<sup>54</sup> Gobierno de Guatemala. Examen Nacional Voluntario, 2017.

<sup>55</sup> Informe Nacional de Desarrollo Humano. Guatemala: 3 Millones de Personas Viven en Pobreza Extrema.

<sup>56</sup> UNDP. Human Development Report 2016: Briefing Note for Countries on the 2016 Human Development Report – Guatemala, 2016.

the 2002 census (the next census will be conducted in the second half of 2018), 39.3 percent of respondents consider themselves part of one of the 21 Mayan groups included in the questionnaire, 0.14 percent identified as Xinka, 0.04 percent as Garifuna, 60.1 percent as Ladino, and 0.5 percent as belonging to another group.<sup>57</sup> Minority groups, as defined by language, ethnicity, sexual orientation, and gender identity, also experience persistent discrimination and have less access to the economic resources that would allow them to scale up socioeconomically.

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<sup>57</sup> UNFPA-DEMI. Perfiles de las Mujeres Mayas, Garífunas y Xinkas, 2016.

## 2. METHODOLOGY

### 2.1 OVERVIEW

Though the gender analysis and assessments are presented in two separate reports, the primary and secondary data collection for these reports took place at the same time. For that reason, this section presents the methodology for both reports.

#### 2.1.1 Literature Review

The research team conducted an extensive desk review of the secondary data sources specified in Annex D. It included all relevant documents that USAID/Guatemala provided, as well as others that the research team identified. These sources included reports on international human rights and gender equality; Guatemalan legal frameworks, policies, strategies, and action plans on gender equality; literature on social, political, and economic inclusion and gender equality in Guatemala; USAID policies and provisions on gender equality and women's and girls' empowerment, LGBTI, persons with disabilities, and social inclusion; and USAID/Guatemala strategy, project, activity, and research documents.

#### 2.1.2 Design of the Methodology

Using the key research questions in the Scope of Work (Annex A) as a departure point, the research team produced a matrix that connected the research questions to potential sources of information (both primary/stakeholders and secondary/documents) and the instruments to be used for collecting it. The methodology included qualitative and quantitative instruments, such as online surveys, individual and group interviews, focus groups, and workshops.

Key stakeholders were identified with USAID/Guatemala's support, via a literature review, and based on the research team's expertise and knowledge. The stakeholders included: USAID staff; USAID/Guatemala partners' staff (both central and at project sites); gender equality and women's empowerment (GEWE) civil society organizations (CSOs) at the national and local levels; national and local government and senior judiciary officials connected to USAID/Guatemala programming; international donors; and USAID/Guatemala project participants (Annex E). USAID/Guatemala prioritized 28 out of 74 projects (38 percent) for review, considering geographic and ethnic diversity and sectoral representation.

#### 2.1.3 Primary Data Collection—Fieldwork

Four consultants (two international and two national) conducted primary data collection in Guatemala over five weeks from June 4 – July 5, 2018. The collection began with an in-briefing with USAID/Guatemala mission staff upon arrival in Guatemala, to present the objectives and review expectations regarding the scope of the process, the consultations, and the methodology and data-collection instruments.

Consultation activities occurred in seven departments. In addition to Guatemala (Guatemala City and Mixco), Chiquimula (Esquipulas), and Petén (Flores City), the research team visited four departments in the Western Highlands (WH) region: Quiché (Santa Cruz, Nebaj, Sacapulas), Huehuetenango (Huehuetenango), Quetzaltenango (Quetzaltenango), and Totonicapán (Momostenango). The research team consulted 423 persons through direct, in-person activities. Seventy-two percent of stakeholders were women and 28 percent were men. In addition, 107 USAID staff and partners responded to online surveys (including 30 USAID staff and 77 partner staff). Table 2 summarizes the fieldwork activities.



**Table 2. Primary Information–Gathering Tools and Stakeholders Consulted**

Technique	Stakeholders	Number of activities	Number of persons consulted
Semi-structured interviews (individual and group)	USAID mission: 10 group and individual	10	35
	USAID partner chief of party and gender focal points	28	39
	USAID partner’s technical team	27	85
	Government of Guatemala	9	14
	Local government	4	7
	Civil society organizations (CSOs) representatives	12	23
Focus/discussion groups	Women and girls only	7	42
	Men and boys only	1	6
	Both sexes	5	35
Individual online survey	USAID staff	NA	30
	USAID partner managers	NA	77
Discussion workshops	Social inclusion group	1	14
	Indigenous youth advisor committee	1	8
	G13 Donors Coordination Group on Gender	1	8
	<b>Total</b>	<b>106</b>	<b>423</b>

#### 2.1.4 Presentation of Preliminary Findings to USAID

The research team held a brainstorming session on preliminary results and recommendations with USAID/Guatemala’s Inclusive Development Working Group and Indigenous Peoples Youth Working Group. The research team then presented the preliminary findings and recommendations on July 5, 2018 at a joint meeting of the mission’s senior management team, social-inclusion advisors, and representatives from each USAID technical team.

#### 2.1.5 Interpretation of Gender Analysis, Assessment Data Analysis, and Report Preparation

The research team delivered the draft gender analysis report on July 31, 2018, based on a preliminary analysis and interpretation of the primary and secondary data. The Banyan Global team received comments on the draft report that helped shape the final gender analysis report, submitted on September 14, 2018.

### 2.2 LIMITATIONS OF THE ANALYSIS

The research team carried out the gender analysis and the gender assessment from May to September 2018, including five weeks of primary data collection in Guatemala. The team dedicated the remainder of

its time to desk work: performing a literature review, developing and implementing the USAID staff and partner gender-integration survey, and preparing reports and intermediate deliverables.

One of the limitations of the gender analysis was the exclusive focus on USAID's priority geographic zones, where Mayan and ladino populations constitute the majority. Also, the consideration of the Xinka population is very limited to the eastern side of the country where only USAID security activities are implemented.

A second limitation reflects the breadth and depth of USAID/Guatemala's portfolio and the number of projects prioritized for the gender analysis (approximately 15 out of the total of 74). USAID's selection of projects (and their type and location) guided the consultation processes, which were informed also by key stakeholders (government officials, male and female project participants, and relevant CSOs). For each of the prioritized projects, the research team aimed to analyze the entire chain of activities and participants — from project design to implementation — by analyzing the opinions of participants (individuals, institutions, and CSOs). Because of the large number of projects and their extensive scope, however, it was not always possible in all cases to perform this type of analysis.

The intensive analysis of these study sample projects allowed less time to focus primary data collection on USAID's internal capacities, mechanisms, and procedures for gender integration in strategic planning and project development, implementation, and monitoring. To address this limitation, the team completed an extensive review of available documents and also carried out specific data collection efforts in this area.

## **2.3 GENERAL OVERVIEW OF GUATEMALAN LAW, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES**

### **2.3.1 National-Level Legal Framework on Gender Equality and Women's Rights**

Guatemala has an extensive normative and policy framework for advancing women's rights and gender equality, particularly regarding violence against women.<sup>58</sup> (Annex F provides further details of relevant legal and policy provisions at the sector level.)

For example, Guatemala was one of the first Central American countries to pass legislation to prevent femicide and to prohibit all forms of violence against women. From 1982 to 2015, the Guatemalan Congress approved 22 legislative instruments that specifically addressed these crimes.

Other relevant provisions include: the Constitution of Guatemala (effective 1986), establishing freedom and equality as basic principles; the Social Development Law (D. 42-2001) guaranteeing the equal rights of men and women, either in marriage or de facto unions, as well as of single mothers and fathers; and the Civil Code (reformed in 2016 to forbid marriage under 18 years of age), establishing the same rights for both spouses within marriage.

Specific laws that address gender equality include: the Law for the Dignification and Comprehensive Advancement of Women (D.7-99); the Law for Preventing, Sanctioning, and Eradicating Domestic Violence (D. 97-96); the Law against Femicide and Other Forms of Violence Against Women (D. 22-2008); the Law Against Sexual Violence, Exploitation, and Trafficking in Persons (D. 9-2009); the Law on the Immediate Search for Missing Women (D. 9-2016); and the Gender Budgeting Classifier Decree Law (D.19-2010). The law on femicide in particular has had the largest impact on institutionalizing GBV prevention and women's access to justice. Nevertheless, evidence shows a large gap between declaration and

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<sup>58</sup>Gobierno de Guatemala. Examen Nacional Voluntario. Guatemala. Agenda 2030 para el Desarrollo Sostenible, 2017.

implementation, as discussed in greater detail below and in this report's security and governance sections.<sup>59</sup>

### **2.3.2 National-Level Policy and Strategic Frameworks**

Guatemala's main national policies, such as the National Development Policy (K'atun: Our Guatemala 2032) and the General Government Policy 2016–2020, do not integrate gender equality in a comprehensive manner. They do, however, include specific mention of women's status, with a focus on increasing women's participation in the labor market.

In 2008, Guatemala approved the National Policy for Promotion and Integral Development of Women (PNPDIM) and the 2008-2023 Plan for Equity of Opportunities (PEO) that covers all areas of government. The PNPDIM was produced through a participatory process coordinated by the Secretary of the Presidency on Planning and Programming (SEPREM) along with the Ombudsperson for Indigenous Women (DEMI) and the National Women's Forum. Supported by international donors, it integrated the priorities of the Articulated Agenda of Mayan, Garifuna, and Xinka Women. Its general objective is "to promote the comprehensive development of Mayan, Garifuna, Xinka, and Ladino women in all spheres of economic, social, political, and cultural life." The PEO has 12 policy focus areas (listed here), each with programs, subprograms, projects, and activities for each public institution to implement.

1. Economic and productive development with equity
2. Natural resources, land, and housing
3. Educational equity with cultural relevance
4. Equity in the development of culturally appropriate and integral health services
5. Eradication of violence against women
6. Legal equity
7. Racism and discrimination against women
8. Equity and identity in cultural development
9. Labor equity
10. Institutional mechanisms
11. Sociopolitical participation
12. Cultural identity of Mayan, Garifuna, and Xinka women

Each focus area includes indicators and goals to monitor its implementation. The policy, however, suffers from under-implementation and a lack of effective monitoring.

### **2.3.3 Guatemala and the UN's 2030 Agenda**

Guatemala has also made specific commitments with respect to the United Nations 2030 Agenda for Sustainable Development and Sustainable Development Goals (SDG). The country has aligned the 2030 Agenda with the pre-existing 2017-2032 National Development Policy and the 2016-2020 General Government Policy.<sup>60</sup> The government has also prioritized objectives, goals, and indicators from the 2030 Agenda, which the National Urban and Rural Council (CONADUR), the national-level institution responsible for coordinating this strategic alignment process, has approved. The 2017 Guatemala National Voluntary Report on the 2030 Agenda, which is a voluntary report, provides data on SDG 5 on gender equality. The 2016-2020 General Government Policy only prioritizes one of the fourteen SDG 5 indicators, which highlights that the policy is not in alignment with this SDG.

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<sup>59</sup> Unión Europea. Perfil de Género de Guatemala, 2017.

<sup>60</sup> Gobierno de Guatemala. Agenda 2030 para el Desarrollo Sostenible. Examen Nacional Voluntario, 2017.

### 2.3.4 Current Challenges on Law, Policies, Regulations, and Institutional Practices

Though the right to equality is enshrined in Article 4 of the Guatemalan Constitution and in the broad legal framework cited above, there are still gaps in safeguarding women's rights as well as GBV prevention and response. (1) No specific laws address gender equality and non-discrimination for women. (2) Legislation on GBV does not explicitly address sexual harassment. (3) Sexual harassment in the workplace is not considered a crime. (4) LGBTI have no specific recognized rights, and they cannot marry or adopt children. The NGO Otrans Reinas del la Noche has introduced a draft bill, the Gender Identity Act, recognizing the right to gender identity and allowing transgender people to amend their birth certificates to reflect their self-identification.

The Committee on the Elimination of Discrimination against Women (CEDAW), in its 2017 report to the Government of Guatemala, expressed concerns that the Penal Code provisions relating to the age of sexual consent do not ensure protection for girls between the ages of 14 and 18 years.<sup>61</sup> On the labor-market side, legal provisions do not clearly prohibit asking women for a pregnancy test before being hired, creating a risk of gender discrimination. Finally, domestic workers, the majority of whom are women, are not adequately covered by the law.

Opposition to gender equality has succeeded in challenging or even rolling back some of the legislative gains. In June 2018, the Constitutional Court declared unconstitutional an article of the femicide law that established minimum sentences for crimes of femicide. This step backwards, according to the United Nations United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN), “puts at risk the life and dignity of surviving women and their right to effective and full justice.” Other examples are Legislative Initiative 1585 that proposes to *reduce* the penalties in cases of sexual abuse, and Legislative Initiative 5272 that aims to *increase* the penalties from three to 10 years in prison for women who terminate their pregnancy. In addition, proposed modifications to the National Reconciliation Law (D. 145-96) seek to provide amnesty to members of the army and ex-insurgents who participated in the internal armed conflict in Guatemala — a move which, according to UN WOMEN, may imply a setback for transitional justice for survivors of GBV during the conflict.

Finally, most of the laws promoting women's rights do not include action plans or management instruments to implement them. Inefficient public management, the high turnover of personnel (due to the lack of a civil service law), and inadequate intra- and inter-institutional coordination also limit effective implementation.

## 2.4 CULTURAL NORMS AND BELIEFS

Guatemala is a patriarchal and male-dominated society, characterized by the strong historical exclusion of indigenous populations in general and of women in particular. Gender inequality gaps are present in all sectors and domains, particularly in decision-making regarding the family and community, political and social participation, access to assets and resources, and unequal distribution of domestic and reproductive work and time use. These gaps are intensified for rural indigenous and poor urban non-indigenous groups.<sup>62</sup>

Sexist norms are prevalent in both indigenous and non-indigenous communities, as expressed in men's control over women's autonomy. In official surveys, 81.6 percent of men indicated that women were required to ask permission to leave the home, 58.9 percent required permission to use contraceptive methods, 67 percent to manage household income, and 77.8 percent to carry out other activities.

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<sup>61</sup> CEDAW Committee. Final Observations from Combined 7<sup>th</sup> and 9<sup>th</sup> Periodic Reports from Guatemala, 2017.

<sup>62</sup> INE. Censo de Población y Vivienda, 2015.

Additionally, 82.7 percent of surveyed men responded that family problems must be dealt with in the home, and 49.2 percent expressed the opinion that the man has to show that he is the head of the household. Women's dependence on men often results in low self-esteem, a lack of understanding of their rights and resources, and a reluctance or inability to act independently. In the same study, only 26 percent of women reported having influence over decisions pertaining to the use of income, compared to 90 percent of men.<sup>63</sup> Primary data collection reveals greater opportunities for women's autonomy among younger generations, in Mayan and Ladino communities, for female heads of single-headed households in Mayan rural communities (whether or not derived from migration), and for women working outside the household in Ladino areas. For married women in rural areas, however, and particularly in Mayan communities, levels of autonomy are restricted.

These cultural norms also generate diverse forms of violence and structural discrimination, expressed in policy and practice, which are more severe for indigenous women, particularly in rural areas. Violence against women and girls has been a socially accepted phenomenon throughout Guatemala's history and is currently the most reported crime; it serves as a means of subordination and as way of controlling women's and girls' lives and bodies. The high incidence of femicide, sexual violence, early pregnancy, and child marriage (though legally abolished since 2016) are manifestations of GBV. There is limited redress for victims of GBV in Guatemala's traditional society and fragile institutional protection system.

Early marriage is still a concern. Even though the law prohibits marriage before the age of 18, the practice of early marriage persists by means of prenuptial agreements or simply via informal unions. The Observatory for Reproductive Health (OSAR) reported that the National Register for Persons (RENAP) in Huehuetenango reported 90 such marriages in the four months from January to April 2018.<sup>64</sup>

Mayan women have the responsibility for keeping their culture and traditions alive. For all Mayan groups, women are responsible for continuing the use of traditional languages and they continue to wear traditional dress on a daily basis. Speaking the traditional language, however, can have a negative impact if it is the only language a woman speaks. A Vital Voices/Agexport study reports that monolingualism mainly affects women. And even among indigenous women who speak Spanish, cultural norms may prevent them from using that language with an outsider until they get to know that person better. This restriction likely limits women's access to public services in many sectors.<sup>65</sup>

## **2.5 GENDER ROLES, RESPONSIBILITIES, AND TIME USE**

Adherence to traditional gender roles are prevalent throughout the country. Women primarily are responsible for reproductive activities (including domestic work and family care), and giving birth is a strong social obligation; men are responsible for generating income and managing household resources. Accordingly, the predominant activity for women in any stage of life is domestic work, whereas for men it is productive work. This gendered division of labor is intensified in rural/Mayan contexts and among youth. For example, half of young women dedicate their time mostly to domestic work (49 percent), while young men focus mostly on work outside of the home (63 percent).<sup>66</sup>

According to National Institute of Statistics (INE 2015), women dedicate 23.2 hours each week more than men to domestic and care work (up to a total of 32.7 hours per week), whereas men dedicate eight hours per week more than women to remunerated work (up to 46.8 hours per week).<sup>67</sup> Overall, women work

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<sup>63</sup> INE. Encuesta Nacional de Salud Materno Infantil 2008–2009, 2009.

<sup>64</sup> Interview with OSAR, M. Montenegro, OSAR, June 15, 2018.

<sup>65</sup> USAID/Guatemala. Gender Gap Analysis Agriculture. 2013.

<sup>66</sup> INE. Compendio Estadístico de Género, 2015.

<sup>67</sup> INE. Encuesta Nacional de Empleo e Ingresos ENEI I–2015, 2015.

14.7 hours more per week than men. The gaps are greater for dependent care, food preparation, and cleaning, while they decrease for maintenance and the production of goods for the home. Indigenous women dedicate the most time to unpaid activities (34.5 hours per week), followed by non-indigenous women (31.8 hours per week). There are no significant differences observed between indigenous and non-indigenous men (nine hours per week for both groups) in this domain.

A 2013 USAID Gender Analysis baseline study<sup>68</sup> indicates that in 80 percent of homes, girls help their mothers with household chores; the same survey also indicates that men do not allow boys to carry out domestic chores, as a persisting cultural norm. The same study reports that in the agriculture sector, women's participation either in USAID project activities or in civic affairs reduces their availability for household chores and farm labor. This ultimately results in "the burden shifting to their daughters, who are then pulled out of school."

Research conducted by the INE together with the Bank of Guatemala (BANGUAT) and SEPREM, with technical support from the Economic Commission on Latin America, examined the 12 activities related to domestic and reproductive work included in the time-use module of National Survey on Life Conditions (ENCOVI) and the National Survey on Employment and Income (ENEI). The study found that women's domestic and reproductive work represents fully 18 percent of Guatemalan gross domestic product (GDP)—much higher than for the agricultural sector (13 percent), manufacturing (17.5 percent), or commerce (11.6 percent). This finding demonstrates the real value and social and economic importance of unpaid (and generally invisible and undervalued) domestic and reproductive work, work that is fundamental for society and that is largely carried out by Guatemalan women.<sup>69</sup>

## 2.6 ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES

Clear gender gaps are also evident regarding access to, control over, and use of resources and assets. Guatemalan women have one of the lowest rates of labor-market participation in Central America. Only four in 10 working-age women are employed (37.4 percent), compared to more than 8 in 10 working-age men (85.1 percent). This gap has widened by 10 percent since 2004.<sup>70</sup> It is even more significant among rural populations, where 90.1 percent of men but only 28.2 percent of women are employed. Women's employment also entails disadvantages: lack of social and labor protection; precarious jobs in agriculture, the *maquiladora* industry,<sup>71</sup> and local food production; and segregation into the lowest-paid occupations (in particular, domestic labor).

In Guatemala, the concentration of land is highly unequal. 45.2 percent of all farms are less than one manzana (1.72 hectares), which accounts for 3.2 percent of the arable land. Meanwhile, an astounding 78 percent of arable land is distributed among just 1.7 percent of the farms. This concentration is much more unequal for women, who constitute only 7.8 percent of landowners.<sup>72</sup> Land ownership remains concentrated in the hands of men, which limits women's livelihood opportunities and personal autonomy.

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<sup>68</sup> AGEXPORT/VVG. Estudio línea base: Promoción de la Equidad de Género y Liderazgo Empresarial de la Mujer Rural en 45 Encadenamientos Empresariales de los Departamentos de Alta Verapaz, Chiquimula, Chimaltenango, Guatemala, Huehuetenango, Petén, Quetzaltenango, Quiché, Sacatepéquez, Sololá, San Marcos y Totonicapán: USAID, AGEXPORT, DANIDA y Voces Vitales. Programa de Acceso a Mercados Dinámicos para PYMES Rurales Convenio de Cooperación 520-A-00-05-00009-00, 2016.

<sup>69</sup> European Union. Perfil de Género, 2017.

<sup>70</sup> INE. Encuesta Nacional de Empleo e Ingresos ENEI, 2017.

<sup>71</sup> A *maquila* is a foreign-owned (often American) factory.

<sup>72</sup> FAO. Guatemala: Voz a la Mujeres sobre Seguridad Alimentaria y Nutrición, 2016.

Also, in rural areas women have less education and few opportunities for formal employment. Even though most women work on their own farms, they do not receive payment or recognition for this work.<sup>73</sup> When women have the opportunity to manage a family plot, they are usually a single-woman head of household — whose husbands or partners have either abandoned them or migrated to the United States. In this scenario, women usually struggle to obtain credit and other resources, such as training.

Average monthly income in Guatemala increased consistently from 2002 to 2015. Despite this, women's overall income in 2015 was only 81 percent of men's income GTQ 1,819/\$243 for women and GTQ 2,253 /\$301 for men). The wage gap is greater in the informal sector, where women earn only 70 percent of men's wages as compared to 95 percent in the formal sector. The largest wage gaps affect women who are employers, self-employed workers, and workers in private homes. The gap is greatest for women of specific ethnic groups: indigenous women's wages amount only to 54 percent of nonindigenous women's wages.<sup>74</sup>

Women also struggle to access financial services, because they have to meet the same collateral requirements as men (provide proof of steady income or employment or of property ownership) despite the fact that they have much lower access to these forms of collateral.

In Guatemala, as in many other countries, fewer women entrepreneurs are employers as compared to male entrepreneurs. In 2016, Guatemalan women business owners with employees represented approximately 27 percent of the country's total business owners.<sup>75</sup> Recent USAID/Guatemala research identified five constraints for women's entrepreneurship: lack of accessible information (such as finance and business skills); legal discrimination against women (regarding access to finance and labor); lack of visibility of growth-oriented women entrepreneurs; limited access to networks; and cultural and family norms and practices (affecting women's autonomy and access to collateral).<sup>76</sup> Discrimination in education, violence against women, and childcare responsibilities are also limiting factors. According to the research, these constraints can be intensified by both indigenous status and age.

Access to and control over assets and resources is affected by discrimination. Discrimination on the basis of sex, gender identity, or ethnic group is rarely reported. The National Commission against Discrimination and Racism (CODISRA)<sup>77</sup> reported having received just 12 reports nationwide alleging discrimination on any grounds from January to August 2016, and only one complaint was for discrimination in the workplace.

Lack of economic and education opportunities and the need to improve family or personal economic well-being are the main reasons Guatemalan citizens migrate. According to the Migrant Commission, 97.4 percent of Guatemalan migrants go to the United States. It is estimated that one in 10 Guatemalans live outside the country, compared to the global average of migrants by nation at around 3 percent.<sup>78</sup> An estimated 5 percent of migrants were women in 2009, increasing substantially in recent years to 25 percent in 2017. Migration generates diverse family and community dynamics. It can create opportunities for women's increased autonomy, both in expenditures (remittances or self-generated) and personal autonomy; in other cases, however, the control previously exercised by the husband/couple is maintained and exerted by the husband's family or the neighbors.

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<sup>73</sup> Ibid.

<sup>74</sup> INE. *Compendio Estadístico De Género*, 2005.

<sup>75</sup> USAID/Guatemala. *Draft Guatemala Women's Entrepreneurship Diagnostic Leadership in Public Financial Management II (LPFM II)*, 2018.

<sup>76</sup> Ibid.

<sup>77</sup> Interview with CODISRA representatives, July 2016.

<sup>78</sup> FLACSO. *Antecedentes: el Caso de las Migraciones en Guatemala, Causas y Cifras*, 2015.



## 2.7 PATTERNS OF POWER AND DECISION-MAKING

Gender-unequal social norms apply to patterns of power and decision-making at all levels. Within nuclear or extended households, women normally are entitled to make only minor family or household decisions, whereas men are responsible for decisions regarding household resource management and community participation.

Guatemala has one of the lowest rates of women's political participation in Latin America. Several factors contribute to this situation: a lack of regulations to ensure equal representation of men and women in internal decision-making mechanisms and in the electoral lists of political parties; limited efforts to promote and recognize women's political leadership and to address the constraints that they face; and limited time due to family responsibilities, which impedes women's participation completely or limits the time that they are able to dedicate to their political careers. Informal obstacles to women's political and social participation include: a culture of female silence ("dirty rags are washed at home"); the social cost of participation (accusations and defamation against women); the androcentric culture (everything revolves around the male leader); and racism ("indigenous women are only good for house chores"). The women's movement has proposed mechanisms for gender equality, including parity and alternating the nomination of men and women as candidates within political parties. However, these proposals were not included in recent amendments to the Elections and Political Parties Act (notwithstanding two favorable decisions by the Constitutional Court).<sup>79</sup>

Even though women's political participation has been increasing since 2007, with women accounting for 54 percent of registered voters in 2015, this has not translated into women's election to leadership positions. In the 2015 election, women accounted for only 26 percent of candidates for the national parliament and 6 percent of candidates for positions in local government. The success rate of women's candidacy was 7 percent, compared to 15 percent for men.<sup>80</sup> Currently, women represent only 15 percent of parliamentarians (23 of 158 seats), and only two of those women are indigenous. At the local level, the gap widens; in 2015, only 11 out of 338 municipalities elected women as mayors (3.2 percent). According to UNDP, Guatemala is one of two Latin America and Caribbean countries with the lowest levels of female political participation.

At the executive level, women are again under-represented. They account for only 12.5 percent of ministers and 17 percent of vice ministers. On a positive note, for the first time in Guatemalan history, a woman — an indigenous person — was elected vice president in 2015.

Guatemala also has a system of customary indigenous law, backed by the International Labor Organization Convention 169 and the Peace Agreement N°5 (1995), which established that this customary legal framework "would be integrated by means of legal reforms in the development of the Guatemalan state."<sup>81</sup> There have been no major changes in the implementation of this agreement since its creation, and since 2000 onwards, some Mayan communities have started to organize themselves and elect their own indigenous mayors and authorities in community assemblies. The main role of these mayors and authorities thus far has been to resolve conflicts. The participation of women, as mayors or indigenous authorities, as in the formal system, is limited. For example, in Santa Cruz Quiché, only three of the 10 elected indigenous authorities are women;<sup>82</sup> in Totonicapán, the indigenous authorities are 100 percent male.<sup>83</sup>

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<sup>79</sup> CEDAW Committee. Final Observations from Combined 7<sup>th</sup> and 9<sup>th</sup> Periodic Reports from Guatemala, 2017.

<sup>80</sup> Government of Guatemala. Examen Nacional Voluntario 2017. Agenda 2030 para el Desarrollo Sostenible, 2017.

<sup>81</sup> Sieder, Rachel. *Derecho Consuetudinario y Transición Democrática en Guatemala*. Publicado en Cuaderno de Debate, FLACSO-Guatemala, 1996.

<sup>82</sup> Interview with J. Z., Alcalde Indígena de Santa Cruz Quiché, July 27, 2018.

<sup>83</sup> Interview with Technical Staff Project of Communities Leading Development Santa Cruz Quiché, July 22, 2018.



Women's participation is also low in farmers associations and agricultural cooperatives. Cultural perceptions, gender stereotypes, and discrimination, together with limited access to land tenure, also discourage women's participation. Some advances in women's participation in agricultural organizations, however, have recently taken place: when a household has no male offspring, the daughters may be allowed to participate.

# 3. SECURITY AND JUSTICE FINDINGS

## 3.1 OVERVIEW

### 3.1.1 Key Statistics

The post-conflict period in Guatemala continues to be marked by high levels of criminal violence and insecurity. The country now has one of the highest levels of violence in Latin American and the Caribbean, symptomatic of the low levels of effectiveness of public institutions, including the justice sector.<sup>84</sup> Violence is a part of everyday culture, as is physical abuse, which is widely considered an appropriate way for men to discipline their wives and for parents to discipline their children.<sup>85</sup>

**Table 3. Key Statistics and Gender Gaps**

- Violent deaths (2016):
  - 4,520 victims of homicide (88.5 percent male and 13.5 percent female).
  - Sex-disaggregated homicide prevalence—men, 50.6 per 100,000; women, 8.4 per 100,000
  - Male prevalence has decreased since 2010 (from 77.1 to 50.6), while female prevalence remains nearly constant (from 8.75 to 8.41).<sup>86</sup>
- Physical-violence prevalence rates (2015): 19.2 percent of women aged 15–49 years old report ever having experienced violence in their lives; 6.9 percent in the previous 12 months before the survey.<sup>87</sup>
- Sexual-violence prevalence rate (2016): 8.4 percent of women aged 15–49 years old report ever having ever experienced sexual violence in their lives; 2 percent in the previous 12 months before the survey.<sup>88</sup>
- Guatemala ranks third out of 15 countries in Latin American and the Caribbean in femicide prevalence: 2.68 per 100,000 women, after Honduras (11 per 100,000 women) and El Salvador (10.5 per 100,000).<sup>89</sup>
- Child- and early-marriage rates (at age 15 or younger):<sup>90</sup>
  - For the 15–19 age group, 2,302 per 100,000 in 2015, declining to 1,164 per 100,000 in 2016
  - For the 20–24 age group, 6 percent of women were married or in union before age 15, and 18.3 percent before the age of 18 (2015)
- 7.25 percent of women victims of domestic violence age 7 and older had some form of disability.<sup>91</sup>

Although the lack of personal security affects the population as a whole, women’s experience of insecurity — violence, abduction, robbery, extortion, trafficking, and other security problems — differs from that of men. This is mainly a result of the persistence of gender social norms and practices, related to differences

<sup>84</sup> Guatemalan Justice System Performance Study, 2008–2012: Indicators of Practice, Process, and Resolution within Cases of Child Sexual Assault, July 2013.

<sup>85</sup> USAID Guatemala. Citizen Security Gender Analysis Final, 2013.

<sup>86</sup> Grupo Guatemalteco de Mujeres. Informe Anual de Muertes Violentas de Mujeres, 2016.

<sup>87</sup> Ministerio de Salud, Previsión y Asistencia Social/DHS 2014–2015 and INE Reports on Violence Against Women 2013–2014 and 2015–2016, 2013, and 2016.

<sup>88</sup> Ibid

<sup>89</sup> CEPAL. Femicidio, 2016.

<sup>90</sup> INE based on Registro Nacional de Personas RENAP administrative data and author’s own treatment of data. 2017.

<sup>91</sup> MESECVI. Inter-American Commission of Women. Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in the Americas: Paths to Follow, 2017.

in economic status, ethnicity, age, physical capacity, and other factors that affect women's vulnerability. Homophobia is also common and is used as a justification for violence against LGBTI.

### **3.1.2 Advances, gaps, and challenges in GBV Prevention and Response**

Since 1996, several legislative advances have been made to prevent and respond to different types of GBV. The first was the Law to Prevent, Punish, and Eradicate Intrafamily Violence (D. 97-1996), designed to prevent intrafamily violence and to register and address complaints of such violence.

In 2008, Guatemala became one of the first countries in the world to criminalize femicide, with the Law and its Protocols Against Femicide and Other Forms of Violence Against Women (D. 22-2008). The law put in place a more holistic and inclusive approach to femicide and other forms of violence against women. This was a result of years of advocacy by women's organizations and feminist organizations, and it has served as a model for women's rights activists to advance legislation in other countries.

The Law Against Sexual Violence, Exploitation, and Trafficking in Persons (D. 9-2009) has provided a mechanism to address various forms of sexual violence of a transnational nature, including the exploitation and trafficking of people (often linked to drug trafficking and other crimes), as well as sexual violence and early and child marriage.

Increasing numbers of missing women, often found to be cases of femicide, led to the enactment of the Immediate Search for Missing Women Law (D. 9-2016). Other significant advances include reforms to the Civil Code (2017)<sup>92</sup> that prohibit marriage under 18 under any circumstances. This reform is notable, as in many cases early marriage has been used to abduct, prostitute, and traffic girls.

One challenge in the GBV legal framework is the harmonization of Decree 97-1996 (on intra-family violence) with Decree 20-2008 (Law Against Femicide and Other Forms of Violence Against Women). Their application sometimes generates confusion that can impede the criminal prosecution of perpetrators of violence.<sup>93</sup> The Guatemalan Women's Group (GGM), a civil society group, is evaluating the implementation of D. 20-2008 in six departments of the country, to identify bottlenecks and challenges for effective implementation.<sup>94</sup>

Development agencies and women's organizations have indicated that opposing forces in Congress are discussing legal reforms that might damage these recent legal advances. The Constitutional Court ruled in June 2018 that one provision of the Law of Femicide — that sentences for femicide could not be reduced — was unconstitutional.<sup>95</sup> Regarding transitional justice, Congress is discussing changes to the Law on National Reconciliation (D. 145-96) that would provide amnesty for army officials and ex-combatants who committed GBV during the conflict, with negative impacts on access to justice for sexual violence survivors.<sup>96</sup>

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<sup>92</sup> The codes are a set of rules or laws that regulate a specific matter. Among the pertinent to this document are civil code (which includes family), code for civil procedure, code for penal procedure, municipal code, and labor code.

<sup>93</sup> European Union. Perfil de Género Guatemala, 2017.

<sup>94</sup> Personal interview. G. L. and S. A. GGM, June 8, 2018.

<sup>95</sup> La Vanguardia. Constitución de Guatemala Autoriza Merma de Penas por Reos por Femicidio, June 16, 2018.

<sup>96</sup> Congreso de la Republica. Presentan Iniciativa Para Modificar Ley De Reconciliación Nacional, November 11, 2017.

## 3.2 GBV PREVALENCE AND INCIDENCE

### 3.2.1 Data availability

In recent years, Guatemala has improved the collection and dissemination of data on GBV, strengthening the role of the INE, which coordinates data collection on GBV as stipulated in the D. 22-2008 Protocol. In 2013 and 2016, the INE disseminated administrative data on the incidence of GBV through publications called *Violence Against Women*, providing a complete picture of the efforts to implement the Protocol.

In addition, some data on GBV prevalence rates are available in the violence module of the 2014–2015 Demographic and Health Survey (DHS) (VI Encuesta Nacional de Salud Materno Infantil (ENSMI) 2014–2015). The module measured the prevalence of physical, sexual, and emotional violence against both women and men. A dedicated GBV prevalence survey has not yet been carried out in Guatemala.

Though the advances are significant, interviews with GBV experts and public officials identified several challenges for GBV prevention and response. First, Guatemala has not developed an integrated information system to generate consolidated GBV incidence data from multiple service-providing institutions. Such a system would, for example, flag inconsistencies in data provided by the National Institute of Forensic Sciences (INACIF), the national police, health service providers, and the Public Ministry (MP). Some sources reported that initiatives are in place to develop a national information system on GBV in a coordinated process that would include all institutions generating GBV incidence data.<sup>97</sup>

Second, the information system in the judiciary is obsolete, and it only provides data regarding the type of sentence imposed. It does not provide information on the characteristics of the victim or the perpetrator. This limits the analysis of whether GBV survivors have effectively gained access to justice. Official, up-to-date data are not readily available; to gather such data, it is necessary to consult reports produced by multiple service-providing institutions.

### 3.2.2 Prevalence of GBV

#### Prevalence of physical violence

The physical-violence (GBV) prevalence rate — women who have ever experienced some type of violence since the age of 15 — is 19.2 percent for women between the ages of 15 and 49 (6.9 percent in the 12 months prior to the survey). Among separated, widowed, and divorced women, the rate of having experienced some type of violence since the age of 15 rises to nearly 50 percent, almost twice that experienced by women in the category “married or living together” (22.4 percent).

#### Prevalence of sexual violence

The sexual prevalence rate — women who have ever experienced sexual violence since the age of 15 — is 8.4 percent for women between the ages of 15 and 49 (2 percent in the 12 months prior to the survey).<sup>98</sup> The interannual rate of rape (reported in May 2018) was 2.8 per 100,000 population.<sup>99</sup> The prevalence of sexual violence would thus appear to be much lower than physical violence, but this may be due to underreporting, in light of factors such as social stigma and limited access to public services.

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<sup>97</sup> Grupo Guatemalteco de Mujeres. Informe Anual de Muertes Violentas de Mujeres, 2016.

<sup>98</sup> Ibid.

<sup>99</sup> CIEN. Centro de Investigaciones Económicas Nacionales. Boletín Estadístico de Delitos. 13 de junio 1008, 2018.

Complaints of sexual violence are relatively low nationally, ranging from just 38 in 2013 to 97 in 2016.<sup>100</sup> This is also likely due to stigma associated with reporting sexual violence and lack of easy access to police or other GBV service providers. However, the INACIF records a high number of sexual crimes (overwhelmingly rape), showing a significant increase from 2008 (2,184 cases) to 2017 (7,335 cases).<sup>101</sup> This trend indicates that GBV survivors are increasingly formalizing their complaints.

### **Ethnic and geographic differences**

For all categories of GBV, prevalence is slightly lower for indigenous people (whether as a self-reported or observed ethnic identity). Physical violence rates, according to self-reported ethnicity data, are practically the same for indigenous and non-indigenous women.<sup>102</sup> The departments of Izabal and San Marcos appear to have much higher rates of physical violence, at 25.2 percent and 24.5 percent respectively as compared to the national average of 19.8 percent. For intimate partner violence (emotional, physical, and sexual), the departments of Quetzaltenango and Retalhuleu have higher rates than the national average. San Marcos has higher rates of emotional and physical violence; Totonicapán has higher rates only of sexual violence; and Baja and Alta Verapaz have higher rates only of physical violence.

### **Prevalence of femicide**

In 2016, with a total 4,520 victims of homicide, prevalence rates stood at around 50.6 per 100,000 men and 8.4 per 100,000 women. Although Guatemala has experienced a significant reduction in violent deaths over the past decade, women's violent deaths have not decreased at the same rate as men's: their proportion among all violent deaths increased from 11.1 percent in 2012 to 13.5 percent in 2017.<sup>103</sup> Though the male prevalence rate has significantly decreased since 2010 (from 77.1 to 50.6), the female prevalence rate remained constant (8.75 to 8.41). Homicides, both for women and men, are mostly an urban phenomenon. Six out of 10 municipalities with a higher prevalence of female homicides are located in the department of Guatemala.<sup>104</sup>

In femicide prevalence, Guatemala ranks third (2.5 per 100,000 women) after El Salvador (11 per 100,000 women) and Honduras (10.5 per 100,000 women), from a list of 22 LAC countries and Spain.<sup>105</sup> The INE has reported increasing numbers of femicides from 2008 to 2013 (from 109 to 300 cases), with a flattening trend in the years following (207 in 2014, 199 in 2015, and 223 in 2016).

These figures were dramatized by recent events such as the tragedy of the Virgin de la Asunción Shelter (Hogar Seguro Virgen de la Asunción) in 2017, when 41 girls and young women died in a fire during a protest at the shelter, raising strong national and international concerns about the incidence of femicide in Guatemala.<sup>106</sup> Some of the girls staying at the shelter, many of whom were victims of trafficking, started the protest in reaction to abuse they were experiencing at the shelter, managed by the Secretariat of Social Welfare of the Presidency (MSCEVIC). The MSCEVIC later reported that “this incident took place

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<sup>100</sup> INE. *Violencia Contra la Mujer 2008-2013 and 2014-2016*, 2013 and 2016.

<sup>101</sup> INAFIC. *Reportes de Evaluación del Área Clínica para los Años 2012-2017*, 2017.

<sup>102</sup> INE. *VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015*, 2015.

<sup>103</sup> CIEN. *Centro de Investigaciones Económicas Nacionales. Boletín Estadístico de Delitos*. June 13, 2018.

<sup>104</sup> INE. *Violencia contra la Mujer 2008-2013 and 2014-2016*, 2013, and 2016.

<sup>105</sup> CEPAL. *Femicidio*, 2016.

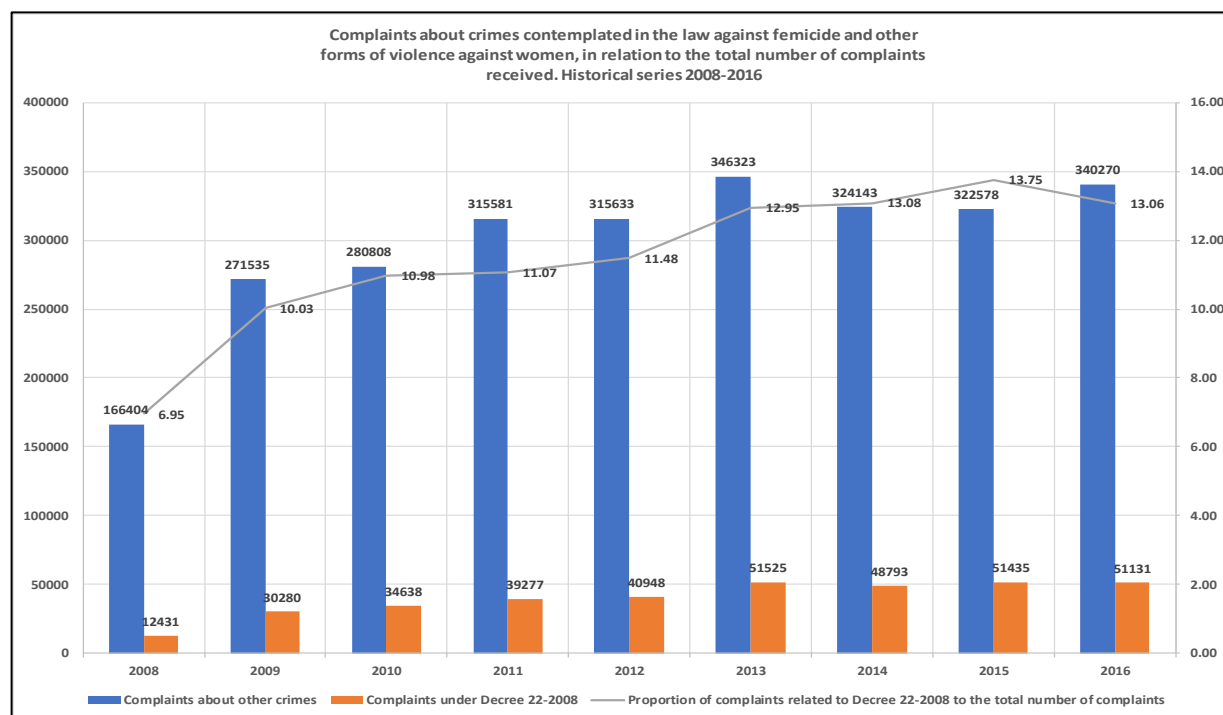
<sup>106</sup> Virgin de la Asunción Shelter was a state center for the protection of children and adolescents victimized by violence, abandonment, and child abuse, established in 2010 under the Social Welfare Secretariat of the Presidency of Guatemala. Since 2010, it housed minors from 0 to 18 years of age; since 2012, it also housed minors with legal problems who had served their sentences but did not have relatives to care for them.

as part of a demonstration by the girls, who were denouncing constant verbal, physical, psychological, and sexual abuse by the responsible authorities at the center” and asked the Government of Guatemala to exercise due diligence in the investigation of the tragedy.<sup>107</sup>

### Trend of GBV complaints

As shown in Figure I, in less than 10 years, the proportion of GBV-related complaints, compared with total complaints, has doubled (from 6.95 percent to 13.06 percent), and the absolute number has more than quadrupled.<sup>108</sup> This rise is encouraging, as it means that more crimes are being reported. But at the same time, it is a worrying trend, as the total number of crimes seem to be leveling off since 2013, while those related to GBV have leveled off, but have hardly diminished.

**Figure I. Complaints of Violence against Women in Relation to Total Number of Criminal Complaints**



Note: Historical series, 2008–2016.

Source: INE, 2008–2013 and 2014–2016 and author’s treatment of data.

The highest category of GBV reported was psychological violence (18,996, or 3 percent of total complaints).

<sup>107</sup> MESECVI. Inter-American Commission of Women. (Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence against Women in the Americas: Paths to Follow, 2017.

<sup>108</sup> INE. Violencia contra la Mujer 2008–2013 and 2014–2016, 2013, and 2016.

### 3.3 NATIONAL INSTITUTIONAL COORDINATION AND MECHANISMS FOR GBV PREVENTION AND RESPONSE

Criminal investigations are handled by the Public Ministry (MP), headed by the Attorney General (Fiscal General). Office of the Attorney General (Procuraduría de la Nación) serves as a legal advisory body for the state; Guatemala also has a National Human Rights Ombudsperson (Procuraduría de los Derechos Humanos (PDH).

The MP has 22 prosecutors' offices, responsible for investigating crimes against women; however, they lack their own investigators and are instead supported by district prosecutors, who have limited or no training on investigating crimes of GBV.<sup>109</sup> In 2016, a prosecutor's office for the investigation of crimes of femicide was created in Guatemala City, which has its own investigators trained on GBV.

Since 2008, the MP has been developing a comprehensive one-stop shop model to provide services to survivors of GBV (Modelo de Atención Integral, MAI). The model provides multidisciplinary and specialized attention to GBV survivors, 24 hours a day, and also focuses on the criminal prosecution of cases. There is a MAI, located in the Gerona neighborhood of downtown Guatemala City that provides a comprehensive menu of services. There are also MAIs in eight of the other twenty-two departments in Guatemala, but they do not provide such a comprehensive menu of services. At the MAI in Guatemala city, USAID recently provided support to update to the physical structure and to provide GBV survivors with immediate legal, psychosocial, medical, and social-protection services, as well as access to both INACIF and the femicide prosecutor's office, to file a complaint and initiate the legal process. Once a survivor has received services at the MAI, she is referred to the GBV referral network, comprised of nongovernmental organizations (NGOs) and public service providers, who make available support to the victim during the legal process. Among the 11,541 complaints of GBV received by the women's prosecutors' offices in 2017, 58 percent were reported through the MAI. The MAI has also a hotline and, more recently, a panic-button system that can be activated by cellular phone. The panic button calls the police, who can then immediately provide support at the victim's current location (determined by GPS).

MP also put in place the National Register of Sexual Aggressors (RENAS), as stipulated in the Genetic Database for the Use of Forensics Law. It registers all people convicted of sexual crimes. The MAI has created maps using geographic information software to identify the location of the aggressors. All individuals and organizations working with minors are required to obtain a specific permit from RENAS. This system appears to be successful and has, so far, located 36 perpetrators and one serial rapist.<sup>110</sup> The MP has also established eight clinics within the national hospital network to provide services to survivors of sexual violence, including antiretroviral and contraceptive kits<sup>111</sup> (the latter provided only if the victim files a formal complaint).<sup>112</sup>

The MAI's main limitation as a comprehensive and complete model is that it only operates in Guatemala City. Though similar but smaller MAIs exist in nine out of 22 departments (Guatemala, Alta Verapaz, Petén, Huehuetenango, San Marcos, Quetzaltenango, Sololá, Escuintla, and Jutiapa), full services are available only in the capital. The same is true for clinics on sexual violence in national hospitals, limiting the access of most rural women and others who live far from the services.

Other limitations include (1) the lack of specific protocols and forensic and police capacity to conduct criminal investigation of GBV crimes, especially cases of sexual violence and femicide; and (2) the lack of external monitoring and evaluation of the MAI, to determine how it can be replicated in other regions of

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<sup>109</sup> Interview with USAID partner, June 15, 2018.

<sup>110</sup> Group interview with MP staff, Guatemala, June 15, 2018.

<sup>111</sup> European Union. Guatemala Gender Profile, 2017.

<sup>112</sup> Group interview with MP staff, June 15, 2018.

Guatemala. So far, the MAI has had positive support from the international community; its sustainability depends on the government's ongoing support and commitment.<sup>113</sup>

Through systematic and continuous training on GBV, specific institutional bodies (such as the Public Ministry and the staff of the MAI) have acquired significant capacity and specialization to address cases of GBV. Challenges still exist in institutions and offices that are not specialized in GBV, though they are key for providing comprehensive, survivor-centered services. Again, much work needs to be done, including monitoring and evaluation of these various service mechanisms.

In addition to the MAI, there are nine Centers for Integral Support of GBV Survivors (CAIMUS) that provide immediate and temporary shelter and legal and psychological support to GBV survivors. These centers are supported mainly with public funds from the Ministry of Governance, but since 2012 they have faced severe budget allocation delays. This has affected not only their sustainability but also the quality of the services that they provide to survivors. Capacity at the CAIMUS is limited; there are approximately 90 spots among all the shelters, and most of the shelters are under-resourced.<sup>114</sup>

The National Coordinator for the Prevention of Domestic Violence and against Women (CONAPREVI) is the entity that coordinates national GBV strategies and plans. In 2012, Otto Pérez Molina's government suspended CONAPREVI and absorbed its budget, so there was no progress for four years. This weakened previous gains in institutional coordination on GBV.<sup>115</sup> At the end of 2016, the Morales government reactivated CONAPREVI as a result of the advocacy undertaken by the women's and feminist movements, under the umbrella of the Network for No Violence Against Women. CONAPREVI is still recovering from its four-year hiatus; it is also hampered by a limited budget, and by the fact that not all key GBV institutions participate in CONAPREVI, including the INE and the Judiciary.<sup>116</sup>

### 3.4 ACCESS TO JUSTICE FOR WOMEN AND GIRLS SURVIVING GBV

#### 3.4.1 Overview: The Judiciary System

The Law on the Judiciary lays out the organization of the judiciary, which is divided into two main areas, *jurisdictional* and *administrative*. The judiciary oversees the jurisdictional function, which includes pronouncing and executing judgments. The supreme body is the Supreme Court of Justice.

Substantial advances have taken place in the judiciary resulting from the enactment of the Femicide Law. The judicial system has put in place specialized femicide tribunals and courts throughout the country, which have facilitated women's access to justice. At present, there are femicide courts and tribunals in 11 of the 22 departments of the country: three were created in 2010 (Guatemala City, Chiquimula, and Quetzaltenango); two in 2012 (Huehuetenango and Alta Verapaz); and six more were put in place between 2013 and 2014 (Escuintla, Izabal, Petén, Sololá, San Marcos, and Quiché). Still, geographic coverage is far from ideal.<sup>117</sup> Women's prosecutors have been named for these courts, which in some cases also have indigenous language translators. The Judicial Authority (OJ) has also a free legal defense unit for GBV survivors under the Public Defenders' Office (*Instituto de Defensa Pública Penal*).

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<sup>113</sup> USAID, AECID, Médicos del Mundo, Red Cross, among others.

<sup>114</sup> Personal interview with Giovana Lemus of GGM, June 6, 2018.

<sup>115</sup> European Union. Guatemala Gender Profile, 2017.

<sup>116</sup> Personal interview with Giovana Lemus of GGM, June 6, 2018.

<sup>117</sup> Segundo Informe de Juzgados y Tribunales Penales de Delitos de Femicidio y Otras Formas de Violencia contra la Mujer, November 2013.



### 3.4.2 Access to Justice

Some recent jurisprudence has improved access to justice for survivors of sexual violence during the internal armed conflict. Noteworthy cases include: the case of genocide against Rios Montt (2013); the case of Sepur Zarco (2016), where a Guatemalan court convicted two former military officers on charges of crimes against humanity in the form of sexual violence and domestic and sexual slavery against 15 Mayan Q'eqchi' women; and the case of Molina Theissen (2017), where five ex-military men were convicted for the illegal detention and rape of a woman and the disappearance of her brother. These cases were the first instances in which a Guatemalan court prosecuted a case of sexual violence related to the country's 36-year internal armed conflict.<sup>118</sup>

Another advance is the implementation of an integral system to provide legal services to GBV survivors, coordinating at the department level the jurisdictional bodies dealing with femicide, violence against women, and trafficking in persons. It covers six out of 22 department capitals. According to the judiciary, since the implementation of the system, penal processes have greatly improved, from only 104 sentenced in 2010 to 4,826 in 2016.

Despite this improvement, much work remains to be done. In 2017, the public defender's office reported receiving 65,620 complaints of violence against women: 87.9 percent were under investigation, 2.71 percent under accusation, 0.53 percent were awaiting judgment, 8.5 percent of complaints were rejected, and 0.31 percent were filed.<sup>119</sup> There was no additional information available on the type of violence or the number or profiles of the women involved in these claims.<sup>120</sup>

In addition, there are challenges with providing legal support to GBV survivors during the criminal prosecution of cases. Though most Guatemalan departments and municipalities have referral networks, the quality and availability of legal services outside of Guatemala City can be limited, particularly for women with few economic resources. Furthermore, most of these networks lack a gender perspective.

### 3.4.3 Training and Capacity Strengthening

Since 1998, the School for Judicial Studies has trained professional judges, magistrates, officials, and employees of the judiciary (around 11,000 public servants in all). The school coordinates with the SEPREM, whose purpose is to promote gender integration in the training of the Judiciary. The Secretariat is responsible for implementing and monitoring the Institutional Policy of the Judiciary on Gender Equality and Promotion of Women's Human Rights, including the provision of survivor-centered, ethnicity-sensitive, and non-discriminatory services.<sup>121</sup>

Thus far, several sustained efforts have been made not only to train GBV specialists working in the specialized courts and tribunals on the national GBV legal framework,<sup>122</sup> but also to mainstream gender equality and women's empowerment within non-specific gender training. While the level of capacity of the specialized entities seems sufficient, some stakeholders expressed concerns in interviews regarding

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<sup>118</sup> Human Rights Watch. Guatemala Events of 2016, 2016.

<sup>119</sup> Ibid.

<sup>120</sup> MESECVI. Inter-American Commission of Women. Third Hemispheric Report on the Implementation of the Belem do Para Convention: Prevention of Violence against Women in the Americas: Paths to Follow, 2017.

<sup>121</sup> Sent by D. T. Coordinator of the Control, Monitor and Evaluation Unit of the Specialized Organs on Femicide and other forms of Violence Against Women.

<sup>122</sup> Ibid.

the adequacy of training for general judiciaries — including justices of the peace and first and second instance courts — in terms of applicability of the laws.<sup>123</sup> This training should be evaluated.

Despite these efforts, Guatemala's legal system ranks among the worst in Latin America due to endemic corruption, inefficiency, and impunity, a situation that also negatively impacts GBV survivors' access to justice.<sup>124</sup> The rate of impunity is estimated to be around 90 percent, according to the International Commission against Impunity in Guatemala, and it may even be as high as 97 percent. Recently, the MESECVI also expressed concerns about the persistence of gender stereotypes among judicial-sector officials, as reflected in a recent case before the Interamerican Justice Court (*Veliz Franco et al. v. Guatemala*): "opening the lines of investigation to the prior social or sexual behavior of the victims in cases of gender-based violence is none other than the manifestation of policies or attitudes based on gender stereotypes."<sup>125</sup>

The main challenges in the judiciary are: limited gender capacity (particularly for judges); scarcity of resources; lack of sensitivity and capacity to address crimes against LGBTI; overconcentration of services in the capital; a strong persistence of patriarchal beliefs and attitudes among some public officers regarding women's social inferiority and men's predominance; and beliefs that women are to blame for GBV. These attitudes translate into discriminatory and violent attitudes — even from women judges and investigators— and extend to sexual harassment against colleagues, denial and undervaluation of women's testimony and lack of interest in prosecuting their claims.

The greatest challenge to overcome is to provide access to justice for women (especially poor, rural, and indigenous), as well as to LGBTI and persons with disabilities. At the level of criminal prosecution, a lot of work remains to be done. Scarce and inefficient legal advice and litigation services for women and minority groups, and a lack of sensitivity in justice service providers to deal with groups that traditionally have been marginalized or discriminated against, are significant problems. Limited knowledge of their constitutional rights and where to go for assistance, unfamiliarity with making formal complaints, a fear of victimization and social shame, language barriers, a lack of resources (to offset travel fees, lodging, and the cost of documents), procedural delays, long distances to service providers, high costs associated with traveling to prosecutor's offices and courts, and the scarcity of support mechanisms for women with dependents are other challenges women confront when accessing justice.<sup>126</sup>

### 3.4.4 Specific areas of concern

#### Trafficking in persons

The Law Against Sexual Violence, Exploitation and Trafficking in Persons (D. 9-2009) created an opportunity to address sexual violence of a transnational nature, including exploitation and trafficking in persons, which is linked to drug trafficking and other illicit crimes. It also addresses sexual violence and early and child marriage. It established the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) under the Executive Branch, which created an institutional coordination protocol for victims of trafficking in persons.

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<sup>123</sup> Donor's G13 meeting – Guatemala, June 13, 2018.

<sup>124</sup> ISSAT. Guatemala SSR Background Note, January 26, 2018.

<sup>125</sup> MESECVI. Inter-American Commission of Women. Third Hemispheric Report on the Implementation of the Belem do Para Convention: Prevention of violence against women in the Americas: Paths to Follow. Resolution N° 516, 2017.

<sup>126</sup> Interview with Patricia Castro, Litigant lawyer, May 20, 2018.

Despite the advances in the legal framework and a widespread belief that trafficking in persons (TIP) is a problem of significant dimensions in Guatemala,<sup>127</sup> the prosecution of cases is very limited, as are the mechanisms for identifying and providing assistance to victims.<sup>128</sup> According to the Guatemala Human Rights Ombudsman (PDH), the MP reported 1,664 potential victims of trafficking between September 2014 and September 2016: 67 percent were women, and 38 percent were under the age of 18.<sup>129</sup> Only two public shelters exist under the SVET, and their sustainability is questionable as they will be soon transferred to the Secretary of Social Welfare, which appears to be a weaker public institution.<sup>130</sup> Some NGO shelters exist for TIP, but most of them are located in Guatemala City (such as the USAID-supported Asociación La Alianza and El Refugio de la Niñez), and they largely focus on trafficked minors. These organizations have developed specific and effective programs and protocols to support TIP survivors; their main sustainability challenge is their dependence on donor funds.

Up to 2016, prosecution of trafficking cases was handled in the femicide courts; it was then transferred to ordinary judicial bodies. Some magistrates in the Supreme Court have proposed creating specialized judicial bodies, but the proposal was not approved.<sup>131</sup> Prosecution and sentencing on TIP is still weak. From 2013 to 2016, the judiciary issued only 13 sentences, increased to just 35 in 2017.<sup>132</sup> A major problem is the corruption of public officials involved in trafficking networks, including officials in state-run institutions such as child-protection institutions and hospitals. Another problem is the lack of specific capacities within the judiciary to use a survivor-centered approach.

The Law on the Immediate Search for Missing Women was approved in 2016.<sup>133</sup> Its enactment increased legal complaints by 93 percent — from 292 in 2014, to 565 for the six-month period between September 2017 and February 2018. Nevertheless, in 2017, 3,670 women were reported missing, and 428 of these are still missing according to the Guatemalan National Police.<sup>134</sup> The geographic regions with the highest incidence of missing women are the departments of Guatemala, Escuintla, Chimaltenango, Huehuetenango, and Suchitepéquez.<sup>135</sup> Still to be appointed is a national coordinator of the Immediate Search for Missing Women.

## Returned migrants

The reintegration of returned migrants is a major challenge for Guatemala, as the figures are increasing because of policies adopted by the United States to stop illegal immigration. There is not much information available, however, regarding security and justice for returned migrants. Information obtained during this analysis mostly addresses unaccompanied minors and family units with deported minors.

Regarding unaccompanied minors, the Attorney General for Children (Procuraduría General de la Niñez (PGN)) is responsible for facilitating family reunification with minors. According to regulations, the PGN should analyze family conditions before the reunification takes place, to ensure that there is no risk for the minor of being subject to violence or re-victimized. This assessment is usually omitted, however; the

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<sup>127</sup> Personal interview with Asociación La Alianza, June 7, 2018.

<sup>128</sup> MESECVI. Inter-American Commission of Women. (Third Hemispheric Report on the Implementation of the Belem do Para Convention: Prevention of violence against women in the Americas: Paths to follow. Resolution N° 516, 2017.

<sup>129</sup> PPDH. Press release, December 7, 2016.

<sup>130</sup> Personal interview J.C. OIM Representative, June 1, 2018.

<sup>131</sup> Personal interview with D.A., June 13, 2018.

<sup>132</sup> Ibid.

<sup>133</sup> The law was issued in March (D 9-2016).

<sup>134</sup> Nodal. Guatemala: 428 Mujeres Siguen Desaparecidas a un Año de la Ley de Búsqueda Inmediata, April 17, 2017.

<sup>135</sup> Ibid.

PGN mainly establishes contact with the families simply to arrange for them to pick up the minors. While waiting for reunification, minors are housed in the shelters run by the Secretary of Social Welfare. Though they have psychosocial support staff, it seems that the capacities of the Ministry is limited, particularly with respect to identifying and providing services to GBV survivors.<sup>136</sup>

Despite the existence of a specific GBV and TIP protocol and referral pathway, no cases of GBV survivors seem to have been identified thus far among the returnees. In any case, there seem to be no mechanisms to identify and support such survivors of GBV before they return to their communities, where they likely will be re-victimized.

### **Security and access to justice for people who are LGBTI**

Though homosexuality is not forbidden by law in Guatemala, there are also no specific legal provisions for nondiscrimination on the grounds of sexual orientation or gender identity—or any other legislation ensuring equal treatment and the right for LGBTI people to live free of violence. Moreover, there is no official information regarding violence against LGBTI more broadly.

According to the Organization of American States' Commission on Human Rights' report on violence against LGBTI (2015), Guatemalan organizations reported that killings of LGBTI were not documented in public databases, and those that are documented are rarely pursued.<sup>137</sup> LGBTI CSOs reported 96 homicides of LGBTI from 1996 to 2006, and 13 transsexual persons murdered in the capital in just two months (May and June 2017).<sup>138</sup> None of these cases have been properly investigated or sentenced. The same CSOs reported a lack of action and interest from the MP to prosecute these crimes. Discrimination, prejudice rooted in religious beliefs, a lack of sensitivity among public officials, and a lack of specific mechanisms to register and monitor crimes against this population seriously limit LGBTI access to justice.<sup>139</sup> In May 2017, however, the draft Law to Punish Crimes for Prejudice was proposed, intending to reform the Penal Code to include protection for LGBTI on the specific grounds of sexual orientation and gender identity.

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<sup>136</sup> Personal interview with J. C. International Organization for Migration Representative, June 11, 2018.

<sup>137</sup> Interamerican Human Rights Commission. *Violencia contra Personas Lesbianas, Gay, Bisexuales, Trans e Intersex en América*, November 2015.

<sup>138</sup> Aquitodito. *Situación de Violencia Contra la Comunidad LGBTI se Agudiza*, July 9, 2017.

<sup>139</sup> Government of Guatemala. *Política Criminal Democrática del Estado de Guatemala 2015–2035*, 2015.

## 4. PROSPERITY FINDINGS – HEALTH

### 4.1 DATA AND STATISTICS

This section provides a profile of health data as it relates to gender equality and women’s empowerment, with a focus on family planning, reproductive health, maternal and infant health and nutrition, HIV/AIDS, and the Zika virus. This section reviews data from the 2014–2015 National Survey on Child and Maternal Health, as well as data on Zika prevalence collected by USAID partners during program implementation.

**Table 4. Key Statistics and Gender Gaps**

- Total fertility rate: 3.1 percent countrywide; urban areas 2.5 percent, rural areas 3.7 percent
- Infant mortality rate: 28 percent
- Child mortality rate: 35 percent
- Maternal mortality rate: 0.15 percent (2008–2015)
- Women using a method of family planning: 60.6 percent
- Women giving birth in health centers: 65 percent
- Women receiving treatment from a nurse or doctor during labor: 65.6 percent
- Median age of giving birth to first child: 21.2 percent (ages 25–29); 20.4 percent (ages 45–49)
- Mothers received postnatal attention within two days of giving birth: 77.6 percent
- Babies 0–5 months exclusively breastfed: 53 percent
- Chronic malnutrition: 46.5 percent
- Correct knowledge of Zika transmission (in USAID project area): 39.1 percent male and 24.7 percent female

Source: INE. VI Encuesta Nacional de Salud Materno Infantil , ENSMI (DHS in English) 2014-2015, 2015.

### 4.2 ADVANCES, GAPS, AND CHALLENGES

#### 4.2.1 Gender-Related Trends in Health and Nutrition

Supportive laws and financing schemes are in place to promote access to health services, but accountability mechanisms are lacking to ensure adherence to them. The role of watchdog organizations, such as the OSAR, is important for identifying gaps in access for both women and men, through monitoring at national and local levels. A lack of cultural sensitivity and resistance to working with indigenous communities affect indigenous women’s access to quality services within mainstream health services. Cultural insensitivity also exacerbates existing gaps in health services, such as stockouts of essential commodities and the absence of youth-friendly services.

#### Age of Union

The percentage of women who entered a union before the age of 15 has decreased over time, from 12 percent for women aged 45–49 to 5 percent for women aged 15–19. A similar trend is observed for unions before ages 18 and 20. Among men in these age groups, the trend is similar to that of women, although the changes have been much smaller. For women above the age of 20, the median age at first union was 19.8 for ages 20–49 and 19.5 for ages 25–49. Among men, the median age at first union was 22.3 for both of these age groups. A reduction in the age of early union and marriage of women could

have positive effects on reducing the prevalence of gynecological fistula and other diseases and medical problems associated with pregnancy at an early age.<sup>140</sup>

### **Age of first sexual encounter**

Thirteen percent of women aged 45–49 had their first sexual intercourse before age 15; among women aged 15–19, this figure is 8 percent. Twelve percent of women aged 20–49 and 6 percent of women aged 25–49 have never had sex. The median age of first sexual intercourse has increased slightly: 19 years old for women aged 20–24, versus 18 for women aged 45–49. For men, the median age at first intercourse has remained relatively constant: 17.2 years in 2008–09, increasing only to 17.4 years in 2014–15.<sup>141</sup>

### **Fertility**

The fertility rate has decreased, from 3.6 in 2008–09 to 3.1 in 2014–15. The rate is lower in urban areas (2.5) than in rural areas (3.7). The fertility rate for indigenous women is higher than for nonindigenous women (3.6 and 2.8 respectively). The rate decreases as women's education increases (from 4.6 to 1.6).<sup>142</sup>

### **Family planning**

Almost all women (99.7 percent) know about some method of family planning (FP). The percentage of women using a method of FP increased from 54.1 percent in 2008–09 to 60.6 percent in 2014–15. The change is especially notable in rural areas, with an increase from 45.6 percent to 55.3 percent in that period. Over the same period, the modern contraceptive prevalence rate increased from 44.0 to 48.9 percent.

Modern contraception use remains lower among indigenous, rural, and young women than among the general population (by 13, 6, and 18 percent respectively) as well as in the country's rural northwest. Some variation exists by age group: among women in a marriage or union, only 40.1 percent for ages 15–19 use FP, ranging to 68.2 percent for ages 40–44. A similar variation occurs among men: 36.6 percent of men 15–19 and 65.4 percent of men 40–44 use FP. Among the younger age groups (15–19, 20–24, and 25–29), there is a moderate degree of unsatisfied demand for FP, ranging from 19.3 to 11.6 percent.<sup>143</sup>

### **Reproductive health**

The percentage of women giving birth in health centers increased from 51.2 percent (2008–09) to 65 percent (2014–15). Similarly, women who received treatment from a nurse or doctor during labor increased to 65.6 percent from 51.3 percent over the same period. In 2014–15, 77.6 percent of women received postnatal attention within two days of giving birth; that percentage is 90 percent or greater for the two highest wealth quintiles. The median age for giving birth to a first child is 21.2 percent for women ages 25–29 and 20.4 in women aged 45–49, indicating a slight increase over time.<sup>144</sup>

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<sup>140</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014–2015, 2015.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

## Maternal mortality

The maternal mortality rate was 0.15 for 2008–15. The highest maternal mortality rate was for the 25–29 age group (0.31).<sup>145</sup>

## Infant mortality

The infant mortality rate was 30 percent in 2008 and 20 and 28 percent in 2014–15. The child mortality rate was 42 percent in 2008–09, decreasing to 35 percent in 2014–15.<sup>146</sup>

## Nutrition

The chronic malnutrition rate was 46 percent in 2014–15, a decrease of only 3 percent from 2008–09. The highest levels of chronic malnutrition were for children aged 18 to 23 months (55 percent) and 24 to 47 months (51 percent).<sup>147</sup>

## HIV/AIDS

The percentage of Guatemalans who had heard of HIV/AIDS ranges from 94 to 97 percent for men and 89 to 93 percent for women, across multiple age groups. The northwest region has notably lower levels of knowledge than other regions.<sup>148</sup> HIV prevalence was high among transgender persons (30.9 percent), men having sex with men (14.6), and female sex workers (2.5 percent).<sup>149</sup>

## Zika

The proportion of men and women with correct knowledge of Zika transmission differed between men and women (39.1 percent and 24.7 percent respectively). Among pregnant women and men whose partners were pregnant, 33 percent had correct knowledge about the transmission of Zika through sex. The overall estimate for correct knowledge of transmission of Zika through sex was higher for males (39 percent) than females (24.7 percent).<sup>150</sup>

## 4.3 GENERAL HEALTH: POLICIES, PROTOCOLS, AND PROVISION

### 4.3.1 Legal and policy framework supporting access to health

Most notable among Guatemala's legal and policy framework for access to health are the 2004 Alcohol Tax Law, the 2005 Law of Universal and Equitable Access to Family Planning Methods, and the 2010 Safe Motherhood Law. The first of these established a tax of 6 to 8.5 percent on alcoholic beverages, stipulating that at least 15 percent of this revenue must be allocated to FP/reproductive health (RH).<sup>151</sup> The second

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<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014–2015, 2015.

<sup>149</sup> PEPFAR. 2017 Regional Operational Plan Approval Meeting—Central America, 2017.

<sup>150</sup> USAID. Zika Prevention Knowledge and Behaviors in Dominican Republic, El Salvador, Guatemala, and Honduras SMS Monitoring Survey: Wave One Report, May 2017.

<sup>151</sup> Government of Guatemala. Ley del Impuesto sobre la Distribución de Bebidas Alcohólicas, Destiladas, Cervezas y Otras Bebidas Fermentadas, 2004.



law ensured access to FP services and mandated sex education for adolescents.<sup>152</sup> Finally, the Safe Motherhood Law created a legal framework for the health and quality of life of newborns; it also established an earmark that the government use 30 percent of the alcohol tax to purchase contraceptives.<sup>153</sup>

The Ministry of Public Health and Social Assistance (MSPAS) and the Guatemala Institute for Social Security (IGSS) provide most public health services. According to some estimates, however, as many as 6 million people lack adequate health coverage.<sup>154</sup> The MSPAS also is charged with policies, protocols, and guidelines related to health and nutrition. Similar to other ministries, the MSPAS has a gender unit, but it suffers from high turnover and weaknesses in capacity.<sup>155</sup>

### 4.3.2 Decentralization of the health system

The 2002 Decentralization Law, designed to devolve decision-making and fiscal authority to the municipalities, has yet to be put into practice. According to a Health Policy Plus (HEP+) report, “Line ministries have resisted delegating their responsibilities and argue that the lack of capacity for implementation and oversight at the local level prevents municipalities from taking on new functions. At the same time, unclear and seemingly contradictory laws have made local officials hesitant to break with the status quo and execute new responsibilities and programs. Progress toward a more fully decentralized system—as the law defines—requires a clear vision for implementation and the political will needed to see it through.”<sup>156</sup> In 2016, the government of Guatemala launched the national decentralization plan, which lays out a strategic vision for decentralizing public services and aims to guide the process of fulfilling that vision.<sup>157</sup>

### 4.3.3 Health financing

In 2013, only 36 percent of total health spending came from the public sector, divided primarily between the MSPAS (19 percent) and the IGSS (15 percent). Out-of-pocket expenditures accounted for 52 percent of total health spending. In theory, MSPAS provides services for all types of coverage free of charge, while IGSS covers all formal-sector employees through a designated payroll tax. From 2005 to 2014, IGSS coverage grew from 2.3 to 3.0 million; however, attempts to expand coverage beyond formal-sector workers have been limited.<sup>158</sup>

Both IGSS and MSPAS have faced recent financing crises. Even in the urban areas where public facilities are concentrated, clients often seek services in the private sector, because of limited capacity at lower levels of care as well as frequent stockouts of supplies and essential medicines. IGSS operates with a budget comparable to that of MSPAS, while serving only one-quarter of the population. Although IGSS includes services at all levels of care, it plays a limited role in primary care, including antenatal care and FP services; many IGSS clients seek such services in MSPAS facilities instead.<sup>159</sup>

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<sup>152</sup> Government of Guatemala. Ley de Acceso Universal y Equitativo de Servicios de Planificación Familiar y su Integración en el Programa Nacional de Salud Reproductiva, 2012.

<sup>153</sup> USAID and HEP+. Guatemala’s Family Planning Transition Successes, Challenges, and Lessons Learned for Transitioning Countries, January 2018.

<sup>154</sup> USAID Health Office, Interview, June 5, 2018.

<sup>155</sup> Save the Children, Interview, June 11, 2018.

<sup>156</sup> Health Policy Plus. Guatemala Launches Decentralization Pilot Programs, July 21, 2017.

<sup>157</sup> República de Guatemala. Política Nacional de Descentralización del Organismo Ejecutivo, July 2017.

<sup>158</sup> USAID. Fiscal Space for Health in Guatemala: Prospects for Increasing Public Resources for Health, October 2017.

<sup>159</sup> Ibid.



## 4.4 REPRODUCTIVE HEALTH AND FAMILY PLANNING

### 4.4.1 Access and cost

Although FP services are, theoretically, provided free of cost in public facilities, a large proportion of women using modern FP methods pay out-of-pocket (OOP) for these services. Although the cost of most FP methods in the private sector is lower than in other Latin American and Caribbean countries, these OOP costs still present a significant barrier to FP access for poor women.<sup>160</sup>

### 4.4.2 Financing schemes

In theory, the Ministry of Health and Social Assistance provides condoms, injectables, and oral contraception at the primary level of care; some secondary and tertiary facilities also provide intrauterine devices (IUDs), implants, and sterilization services. Commodity stock-outs, however, are frequent in MSPAS facilities, forcing patients to pay OOP for commodities in the private sector. The IGSS also provides IUDs, oral and injectable contraception, and tubal ligation as a postpartum procedure.

Due to limited access to health services in the public sector, however, 22 percent of FP services are obtained through private, for-profit clinics, hospitals, and pharmacies run by social-marketing organizations (primarily the Pro-Welfare Family Association of Guatemala). The latter provide 16 percent of FP services, offering subsidized prices based on income levels.

Guatemala's earmarked alcohol tax for FP and RH raised an estimated \$7 million in 2015. Only about half of this, however, was used for FP and RH, and one-quarter for FP commodities. Over the last four years, on average only 64 percent of earmarked funds have been used for FP and RH. Thirty-one percent of collected funds—slightly more than the allocated 30 percent—were used for FP commodities.<sup>161</sup>

From 2006 to 2016, MSPAS received \$56.6 million from the alcohol tax revenue, to be allocated for RH, FP, and anti-alcoholism programs.<sup>162</sup> During this period, the amounts that the ministry received and spent on contraceptives can be tracked for most years. The data indicate considerable variation in annual contraceptive purchases, even after the 2010 law that required that 30 percent of the 15 percent tax revenue be spent on FP commodities. In the years 2011, 2014, and 2015, MSPAS spending on contraceptives was approximately \$1.2 million, \$915,000, and \$1.3 million, respectively—below the 30 percent target mandated by law. Conversely, in 2012, 2013, and 2016, annual spending on contraceptives exceeded the target. As a balance from one year may be paid the following year, it is difficult to monitor adherence to the annual target. In total, since the 2010 law passed, the MSPAS spent approximately \$11.7 million on contraceptives from 2011 to 2016, or 32 percent of total alcohol tax revenue.<sup>163</sup>

### 4.4.3 Knowledge and use of Sexual and Reproductive Health services and Family Planning

Though almost all women and men have knowledge of at least one method of FP (97.7 percent and 98.3 percent, respectively), only 60.6 percent are using a method; 14.1 percent cite an unmet need for FP.<sup>164</sup> Some of the reasons women do not use FP are related to social factors: gender and social norms, including

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<sup>160</sup> Health Policy Plus Financing Family Planning. Guatemala: Inequalities Plague Family Planning Access, October 2016.

<sup>161</sup> Ibid.

<sup>162</sup> Ministerio de Finanzas. "Sistema de Contabilidad Integrada (SICOIN)," 2017.

<sup>163</sup> Health Policy Plus Policy Brief. Establishing and Sustaining Government Financing for Contraceptives, December 2017.

<sup>164</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015, 2015.

pressure from family, in-laws, and community to become a mother; husbands' disapproval of FP (such as the belief that contraception leads to infidelity, and their desire to bear children to show strength and dominance); and fear of marital problems and abandonment.<sup>165,166,167</sup> Other reasons for non-use may relate to access to services. Interviews and data revealed several barriers for women's access to health services (including SRH and maternal child health), and these obstacles usually are more pronounced for indigenous women.<sup>168,169,170</sup> These barriers include:

- Distance to health services and cost of travel
- Lack of availability of methods at accessed service providers
- Lack of rural health workers
- Lack of cultural sensitivity from health personnel (including discrimination and poor treatment of indigenous women, language barriers)
- Western medicines and structures presented as sole options

Traditional birth attendants, or *comadronas*, can serve as links to indigenous women in hard-to-reach communities — a topic not yet fully explored. However, several interviewees mentioned an unbalanced relationship, and resulting tensions, between *comadronas* and health services and staff. For example, the *comadrona* may be unable to enter the delivery room with their patient, and *comadronas* are required to attend training before registering patients.<sup>171,172</sup> Advances have been made, but improvements in communication and collaboration are needed.

#### 4.4.4 Gender roles and responsibilities in family and community health.

Poor socioeconomic conditions, inequitable gender roles, and weak communication between men and women about health issues (including FP, household nutrition, and child health) combine to impede couples from participating fully in promoting their family's health, reinforcing women's role as sole health manager for the family. Interviews and secondary data confirm that most women go alone to receive FP services<sup>173</sup> and that FP methods for men are generally not utilized (0.6 percent use vasectomy).<sup>174</sup> Inequitable gender norms and a lack of communication also influence women to use contraceptives (such as the injectable) without the knowledge of their partner.<sup>175,176</sup>

#### 4.4.5 GBV Prevalence

Beginning in 2002, the ENSMI began to incorporate data on violence, including GBV, into its reporting, in order to better understand “women's autonomy, GBV, and sexual-abuse prevalence, especially for girls

<sup>165</sup> Emma Richardson, et al. Barriers to Accessing and Using Contraception in Highland Guatemala: The Development of a Family Planning Self-Efficacy Scale. *Open Access Journal of Contraception*. 4:77–87, 2016.

<sup>166</sup> Interview with OSAR Juvenil, Interview, June 20, 2018.

<sup>167</sup> Interview with Santa Cruz de Quiche Health Directorate, June 22, 2018.

<sup>168</sup> Carlos Avila, et al. Guatemala Health System Assessment 2015. Health Finance and Governance Project, Abt Associates Inc., 2015.

<sup>169</sup> ALIANMISAR, Interview, June 29, 2018.

<sup>170</sup> Interview with Santa Cruz de Quiche Health Directorate, June 22, 2018.

<sup>171</sup> Interview with Asociacion por Nosotras Ixmukane, June 28, 2018.

<sup>172</sup> Interview with ALIANMISAR, June 29, 2018

<sup>173</sup> Interview with Santa Cruz de Quiche Health Directorate, June 22, 2018.

<sup>174</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015, 2015.

<sup>175</sup> Interview with Santa Cruz de Quiche Health Directorate, June 22, 2018.

<sup>176</sup> ALIANMISAR, Interview, June 29, 2018.

under 12 years of age.” In 2014, 19.8 percent of women of reproductive age had experienced violence at some point in their lives: 7.5 percent of women never in union, 22.4 percent married or in union, and 49.4 percent divorced, separated, or widowed. Most violence was at the hands of a current or previous spouse or partner (73.2 percent).<sup>177</sup>

Nationally, 7 percent of women of reproductive age have experienced violence during pregnancy. This behavior is reported more among women ages 40–49 (9 percent) than women ages 15–19 (5 percent). There is no difference in the prevalence between indigenous and nonindigenous women (7 percent each). The highest level is reported among divorced, separated, or widowed women (18 percent) and is lower in married or women in union and in those who have never been in union (5 and 7 percent respectively). For women with three to four children, the figure is 9 percent, and for those with no children it is 3 percent.<sup>178</sup>

The 2014-15 ENSMI also found that 8 percent of women of reproductive age experienced sexual violence, with the highest percentages for women aged 40–49 (12.2 percent), nonindigenous women (10 percent), divorced, separated, or widowed (23 percent), employed with remuneration (11 percent), women with three to four children (15 percent), and those without education (10 percent).<sup>179</sup>

#### **4.4.6 GBV Prevention and Response**

The 2004–2014 National Plan for the Prevention and Eradication of Domestic Violence and against Women (PLANOVI) defines the commitment to combat GBV. However, it is limited in its definition of priority actions to prevent and respond to GBV in health and other sectors. The Comprehensive Strategy on Sexuality and Violence Prevention outlines a national plan for implementing comprehensive sex education and preventing violence in schools, including bullying and other forms of school-related GBV. Watchdog organizations (such as OSAR, Youth OSAR, and Grupo Guatemalteco de Mujeres) state that the government is not devoting adequate attention to GBV prevention and response. For example, while the law directs resources to be allocated for survivors of GBV, in practice adequate funding does not exist; CAIMUS and support centers for female survivors of violence are largely underfunded.<sup>180</sup> Similarly, while child marriage is illegal, RENAP registered at least 90 marriage certificates involving minors thus far in 2018.<sup>181</sup> The NGO OSAR Juvenil states that many of the early pregnancies cases for youth are a result of sexual violence.<sup>182</sup>

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<sup>177</sup> INE. VI Encuesta Nacional de Salud Materno Infantil , ENSMI (DHS in English) 2014-2015, 2015.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Interview with Grupo Guatemalteco de Mujeres (GGM), June 8, 2018.

<sup>181</sup> Interview with OSAR, June 15, 2018.

<sup>182</sup> Interview with OSAR Juvenil, June 20, 2018.

## 5. PROSPERITY FINDINGS – EDUCATION

Guatemala's formal education system has six levels: early childhood education (*nivel inicial*), 0–4 years of age; preschool 1–3, approximately 4–6 years of age; primary (*primario*), grades 1–6; secondary (*nivel medio-ciclo básico*), grades 7–9; secondary (*nivel medio-ciclo diversificado*), grades 10–13; and tertiary, corresponding to university. The governance mechanisms on education consist of the Ministry of Education (MINEDUC); the National Literacy Committee,<sup>183</sup> responsible for youth and adult literacy outside the formal system; the Universidad Nacional San Carlos of Guatemala, which is the central institution of university-level education; and the Technical Institute of Training and Productivity (INTECAP), in charge of technical and vocational education and training (TVET).

### 5.1 DATA AND STATISTICS

#### 5.1.1 Data availability

MINEDUC collects data disaggregated by sex, ethnicity, location, age, and poverty level, as found in the 2014 ENCOVI. It does not always include data on compounded disaggregation (for example, sex and ethnicity). The category of educational attainment has been disaggregated by sex and ethnicity through analysis of the raw data by the DEMI and the United Nations Population Fund (UNFPA). However, the lack of systematically compounded disaggregation of data for all education indicators leaves gaps for the analysis of intersectional discrimination as a factor in inequality in education.

**Table 5. Key Statistics and Gender Gaps**

Indicators	Girls/ Women %	Boys/ Men %	Gender parity score <sup>a</sup>
Literacy	76.4	86.8	0.88
Mean years of schooling for individuals over the age of 15	5.3	6.0	N/A
Net enrollment in primary education <sup>b</sup>	85.1	85.7	0.993
Primary education attainment, adults	61.3	62.3	0.98
Net enrollment in secondary education	46.9	49.4	0.949
Secondary education attainment, adults	25.9	27.4	0.95
Net enrollment in tertiary education	23.5	20.2	1.0
Tertiary education attainment, adults	5.3	8.4	0.63
PhD graduates	0.0	.1	0.00
Out-of-school children (6–14 years old)	12.1	11.8	1.02
Out-of-school youth (15–24 years old)	55.3	49.2	1.12

Source: INE (2015) Encuesta Nacional de Condiciones de Vida 2014 (ENCOVI); World Economic Forum (2017). The Global Gender Gap Report Country Report: Guatemala.

Notes: <sup>a</sup> 0.00=imparity; 1.00=parity

<sup>b</sup> Net enrollment rate is the number of enrolled children divided by the total number of children in the particular (official) school age group.

<sup>183</sup> MINEDUC. 3 Sistema Nacional de Indicadores Educativos.

### 5.1.2 Literacy and Enrollment

Global literacy rates for women and men have increased steadily. Women's literacy increased from 65.2 percent in 2004 to 76.4 percent in 2015, and men's literacy increased from 79.6 percent to 86.3 percent in the same period; women saw a notable six-point gain between 2010 and 2013. These gains, however, do not apply equally across location, age, and ethnic origin, and important gaps remain. Furthermore, gains between 2010 and 2013 began to level off after 2013 and began reversing by 2015. The literacy gaps between women and men are greatest in the 65 and older age group (about a 14 percentage points difference) and in the 25–64 group (about a 12 percent difference). Gaps exist as well between rural and urban areas: women in metropolitan, other urban, and rural areas have literacy rates of 90.6, 75.5, and 66 percent (respectively); men in those areas have rates of 97.3, 86.5, and 76.2 percent.<sup>184</sup> A significant gap also exists between indigenous and nonindigenous Guatemalans, especially women. As of 2014, only 57.6 percent of indigenous women and 77.7 of indigenous men were literate; for non-indigenous women and men, the rates were 83.7 and 89.9 percent.<sup>185</sup>

#### Gender parity

Gender parity by and large exists for net enrollment at the primary, secondary, and tertiary levels, with women surpassing men slightly in higher education.

#### Educational attainment

The mean number of years of schooling has increased between 2000 and 2014, across sex and ethnic origin: women's schooling increased from 3.8 to 5.3 years and men's from 4.9 to 6.0; indigenous people increased schooling from 2.4 to 4.0 years, and nonindigenous people from 5.5 to 6.6.<sup>186</sup> Despite these gains, however, the numbers across all groups remain low. Furthermore, women and girls continue to lag behind men in nearly all education indicators, including net enrollment at primary and secondary levels and attainment in primary, secondary, and tertiary levels.<sup>187</sup> Girls and young women are also more likely to be out of school, particularly between the ages of 15 and 24.<sup>188</sup> However, for repetition and dropout rates at the primary and secondary levels, boys have consistently higher rates than girls. Nevertheless, the lower mean education attainments for women versus men, along with higher numbers of female out-of-school children and youth, indicate that dropout is more permanent for girls and women than for boys and men.

When disaggregating by sex and ethnic groups, the gaps become even larger—especially for indigenous women. In 2014, the mean number of years of schooling for indigenous women was only 3.4, versus 6.4 for nonindigenous women; similarly, it was 4.6 years for indigenous men versus 6.9 for non-indigenous men. The same is true for other education indicators such as nonattendance at the primary, secondary, and tertiary levels. Indigenous women are the most disadvantaged, as the group with the highest percentage not attending school.<sup>189</sup>

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<sup>184</sup> INE. *Compendio Estadística de Género 2015: Guatemala, 2016*.

<sup>185</sup> INE. *Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015*

<sup>186</sup> INE. *Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015*.

<sup>187</sup> Net enrollment rate is defined as the number of children enrolled in a school age group divided by the total number of children in the particular (official) school age group.

<sup>188</sup> World Economic Forum. *The Global Gender Gap Report, Country Report: Guatemala, 2017*.

<sup>189</sup> Defensoría de la Mujer Indígena (DEMI) y UNFPA. *Perfiles de Mujeres Mayas Garífunas y Xinkas en Guatemala, 2018*.

## 5.2 ADVANCES, GAPS, AND CHALLENGES

### 5.2.1 Legal and Policy Framework

Guatemala is signatory to several international and regional treaties and declarations that provide a foundation for its legal framework for education. All these documents stipulate requirements for guaranteeing the right to gender equality and equity, as well as equal rights to education for people with disabilities as well as individuals and populations from ethnic minorities. The legal education framework consists of the Guatemalan Constitution, the 1991 National Education Law, the 1996 Peace Accords, and several international legal instruments. The institutional policy and strategic framework includes: the 2016–2020 Strategic Education Plan of Action; the 2016–2019 Strategy for Addressing School Infrastructure at the Preschool, Primary, and Secondary Levels;<sup>190</sup> the Strategy for the Improvement of Education Quality;<sup>191</sup> the Strategy for the Expansion of Preschool, the Primary Education Coverage 2017–2020;<sup>192</sup> and the Comprehensive Strategy on Sexuality and Violence Prevention.<sup>193</sup>

The extent to which these frameworks and strategies address gender equality varies. By and large, the legislation is strong on social inclusion but weak in the necessary policy and strategic framework, with the exception of the Comprehensive Strategy on Sexuality and Violence Prevention. Participants in the research stated that the MINEDUC's gender unit was reduced in size recently, and that policies or protocols that support gender equality in education are developed but not operationalized.<sup>194</sup>

Other relevant policies include the MINEDUC's attempt to improve education quality through the 246-2017 Government Accord, which builds on 2013 education reforms, requiring candidates in a primary teaching career path to obtain a university degree (where previously only a high-school-level degree was required).<sup>195</sup> Given that the majority of teachers in Guatemala are women (64 percent)<sup>196</sup> and that teaching is and has been an important opportunity for rural women to access stable employment and benefits, this new policy would likely significantly reduce those opportunities for both women and youth. According to one interviewee, prior to this reform, “becoming a teacher was sometimes the only chance youth had to complete their secondary education,” since primary teachers were graduated at the high school level, and teaching allowed candidates to stay close to their communities.<sup>197</sup>

### 5.2.2 Gender-related trends in education

Though primary school enrollment is high for both girls and boys, retention stands at 62 percent; different reasons are cited for female and male students leaving school, which occurs mostly between third and sixth grades.<sup>198</sup> For girls, leaving school is usually related to the socioeconomic needs of the household (for example, caring for younger siblings, supporting with domestic chores, and generating income), and to a lesser extent reflects early marriage, early pregnancy, and fear of sexual violence. Girls also have different experiences than boys related to monolingualism and the availability of bilingual education, as

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<sup>190</sup> MINEDUC. Estrategia 2016–2019 para la Atención de Infraestructura en los Niveles Preprimario, Primario y Medio, 2016.

<sup>191</sup> MINEDUC. Estrategia del Mejoramiento de la Calidad Educativa, n.d.

<sup>192</sup> MINEDUC. Estrategia para la Ampliación de Cobertura de Preprimaria y Primaria 2017–2020, 2017.

<sup>193</sup> MINEDUC. La Estrategia de Educación Integral en Sexualidad y Prevención de la Violencia Sistematización 2010–2011, 2012.

<sup>194</sup> Interview with Juárez & Associates, June 8, 2018.

<sup>195</sup> Organismo Judicial, Guatemala. Sumario del Diario de Centro América, August 25, 2017.

<sup>196</sup> World Bank. Data: Primary education, teachers (% female). Guatemala, 2015.

<sup>197</sup> Email communication with Laura Villegas, USAID/Guatemala Education Office, August 15, 2018.

<sup>198</sup> INE. Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015.

well as the amount of attention from teachers. Boys primarily drop out of school to generate income for their household or themselves, and to a lesser extent because of fear of violence. Boys tend to experience more attention from teachers.<sup>199</sup>

### **5.2.3 Gender Equality and Education Access**

#### **General access trends in education**

Gender parity mostly exists for enrollment at primary, secondary, and tertiary school levels. Between 2000 and 2014, women saw increased mean number of years of schooling from 3.8 to 5.3 (men increased from 4.9 to 6.0).<sup>200</sup> Female students between 15 and 24 years of age are more likely to be out of school than their male counterparts.<sup>201</sup> Boys, however, have higher repetition and dropout rates than girls. Despite near parity for most education indicators, women and girls trail men and boys in education completion at primary, secondary, and tertiary levels. Several factors that impact school dropout are related directly to gender, as detailed below. Also, income, gender, ethnicity, and rurality are directly related to dropout and non-attendance.<sup>202</sup>

#### **Early pregnancy and dropout**

A 2015 study (conducted jointly by UNFPA, the Latin American College on Social Sciences (FLACSO), and MSPAS), focusing on early pregnancy and unions, found that nine out of every 10 girls who became pregnant stopped studying; the average dropout age for this reason was 15 years. The main reasons for discontinuing their studies included: insufficient resources, especially in light of needing to provide for a future child; the increased time commitment of being a new mother; and fear of stigmatization.<sup>203</sup> Pregnancy was also among the statistically significant reasons that the INE documented for not attending secondary school in 2014.<sup>204</sup> Early pregnancy continues to be a gender-specific factor that contributes to girls showing lower education attainment and literacy than boys; cases have been noted of schools that prohibit pregnant girls to continue studying.<sup>205</sup> Twenty percent of all births were to young women and girls under the age of 20 (2014). Nearly 70 percent of these mothers had either no education (30.3 percent) or just primary education (37.4 percent), underlining the connection between early pregnancy and dropout. Little difference exists between indigenous and nonindigenous groups in this area.<sup>206</sup>

#### **Norms and practices that violate women's rights**

Girls are frequently seen as an economic burden to their families, who force them into early unions or marriage. Cases of trafficking have been documented whereby girls' parents, typically their fathers, trade

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<sup>199</sup> Interview with Juarez & Associates, June 8, 2018.

<sup>200</sup> INE. Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015.

<sup>201</sup> World Economic Forum. The Global Gender Gap Report, Country Report: Guatemala, 2017.

<sup>202</sup> Defensoría de la Mujer Indígena (DEMI) y UNFPA. Perfiles de Mujeres Mayas Garífunas y Xinkas en Guatemala, 2018.

<sup>203</sup> UNFPA/FLACSO-Guatemala/MSPAS. ¡Me Cambió la Vida! Uniones, Embarazos y Vulneración de Derechos en Adolescentes, 2015.

<sup>204</sup> INE. Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015.

<sup>205</sup> UNFPA/FLACSO-Guatemala/MSPAS. ¡Me Cambió la Vida! Uniones, Embarazos y Vulneración de Derechos en Adolescentes, 2015.

<sup>206</sup> INE. Republica de Guatemala: Estadísticas Demográficas y Vitales 2014, 2015.



them for land, animals, or work. In these types of rights violations, girls are unable to continue their studies.<sup>207</sup>

### **Sociocultural gender norms and practices**

Norms and practices put pressure on girls, especially in rural and indigenous communities, to not attend school or drop out of school to assume progressively greater domestic responsibilities, such as cleaning, washing, and childcare.<sup>208</sup>

### **Fear of gang violence, including sexual violence**

Fear of violence has been documented as causing girls and young women to abandon school. This is a result of growing threats, including the practice of male gang members of stalking girls to force them into an intimate relationship and if the girls refuse, raping them.<sup>209</sup>

### **Main constraints for boys**

Dropping out to work in agriculture is a leading cause of boys' leaving school.<sup>210</sup> Increasingly, particularly in vulnerable urban areas, gang involvement is a factor.

## **5.2.4 Gender Equality and Education Equity**

### **Gender discrimination: teaching, curricula, and educational material**

Guatemala's educational system has a history of gender and ethnic bias among teachers. Both male and female teachers favor boys, and data shows boys have much more frequent positive interactions than girls with both male and female teachers. Prejudice against students from indigenous backgrounds has also been documented. Curricula and teaching materials often contain gender and ethnic stereotypes that are detrimental to academic success. Attempts to eliminate these negative biases in the 1990s were unsuccessful, when the proposed more girl-friendly instructional material failed to be incorporated as an integral part of the national curriculum but was viewed as a stand-alone component. In addition, the proposed strategies for including girls as active learners were ineffective.<sup>211</sup>

### **Bilingual education**

Advances have been made in making bilingual education available in all schools, particularly those that serve indigenous communities. The establishment of the General Directorate of Bilingual and Intercultural Education (EBI) in 1995 — with coverage in 19 of 22 departments — has resulted in a number of EBI resources documents (including the EBI education model) as well as updates to the basic cycle of education curriculum.<sup>212</sup> Challenges remain, however, and there has been little progress in putting EBI into practice

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<sup>207</sup> Ibid.

<sup>208</sup> GIZ. Research for Inclusive Education in International Cooperation. Guatemala Case Study 4: Inclusive Education Systems The Case of a Multi-Grade, Bilingual and Rural School in Guatemala, 2014.

<sup>209</sup> KIND and the Human Rights Center Fray Matías de Cordova. Neither Security Nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala, 2017.

<sup>210</sup> Inter-American Commission on Human Rights. Situation of Human Rights in Guatemala, 2015.

<sup>211</sup> Musen, Lindsey. The State of Education for Indigenous Girls in Rural Guatemala (Unpublished master's research project), 2008.

<sup>212</sup> MINEDUC. Estrategia Rediseño del Currículo Nacional Base-CNB-del Ciclo de Educación Básica, 2017.



in indigenous communities.<sup>213</sup> This is likely due to limited resources, and especially the lack of specialized teachers to teach indigenous languages and Spanish.<sup>214</sup> The importance of these advances and continued challenges to gender equality is twofold. Bilingual ability in Guatemala, for those from indigenous communities, is a matter of equal access to resources, including legal, health, and financial resources. Spanish is the *de facto* (and in many cases *de jure*) official language for accessing resources: for example, Guatemala's Judicial Branch Law establishes Spanish as the official language for judicial processes;<sup>215</sup> one study found that the inability to speak Spanish accounted for large differences in not accessing SRH services.<sup>216</sup> Indigenous Guatemala women and girls living in rural areas are least likely to be bilingual, even though Spanish fluency is essential to exercising their rights.<sup>217</sup>

### **Sex-segregation in Technical and Vocational Education and Training**

Out of 351,292 people that participated in Technical and Vocational Education and Training (TVET) in 2016, 40.17 percent were women, according to an INTECAP report. Access to quality, market-related TVET is a challenge in Guatemala, particularly in rural areas and for the majority of the indigenous population. Also for 2016, INTECAP reported geographical coverage of 48.9 percent for the northwest and western regions, where Mayan populations are prevalent. Training centers are concentrated in urban areas, further limiting access.<sup>218</sup> There is no data regarding sex-segregation in TVET, but according to several informants, women are over-represented in traditional trades such as beauty services, sewing, and baking, while men are mostly concentrated in technical areas that have greater access to markets and are better remunerated (like plumbing, electrical, and mechanical trades).<sup>219, 220</sup>

### **Intersectional discrimination**

The different statuses of being female, indigenous, poor, pregnant, and rural each present distinct disadvantages to educational success, as illustrated here in the section on Gender Equality and Education Access as well as in the data cited above on educational attainment, literacy, and early pregnancy.<sup>221</sup> For individuals with more than one of these conditions, the burden of discrimination is compounded: education success becomes more difficult with each added intersectional condition. Females with special needs or disabilities are another vulnerable group that likely experiences compounded discrimination in pursuing education, but little to no information is available about the intersection of being female and disabled,<sup>222</sup> and no specific information was found in the literature reviewed about the educational experience of disabled girls or other intersections.

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<sup>213</sup> Inter-American Commission on Human Rights. Situation of Human Rights in Guatemala, 2015.

<sup>214</sup> MINEDUC. Estrategia Rediseño del Currículo Nacional Base-CNB-del Ciclo de Educación Básica, 2017.

<sup>215</sup> Ley del Organismo Jurídico, n.d.

<sup>216</sup> Ishida et al. Ethnic Inequality in Guatemalan Women's Use of Modern Reproductive Health Care, International Perspective on Sexual and Reproductive Health, Volume 38 (2), 2012, 2012.

<sup>217</sup> Wulffhorst, Ellen. Reuters. Indigenous and female: life at the bottom in Guatemala, 2017. The ENCOVI 2014 does not sex disaggregate monolingualism in an indigenous language. It is disaggregated by language only.

<sup>218</sup> European Union (EU). Gender Profile: Guatemala, 2017.

<sup>219</sup> Interview with World Vision/Guatemala, June 27, 2018.

<sup>220</sup> Interview with MercyCorps/Guatemala, June 19, 2018.

<sup>221</sup> UNFPA/FLACSO-Guatemala/MSPAS. ¡Me Cambió la Vida! Uniones, Embarazos y Vulneración de Derechos en Adolescentes, 2015.

<sup>222</sup> Grech, Shaun. Discapacidad y Pobreza en la Guatemala Rural: Intersecciones Conceptuales, Culturales y Sociales, CbM, 2016.

## Discrimination against LGBTI

Limited information is available about the educational experiences of LGBTI in Guatemala. One case study referred to discrimination against girls based on their sexual preference, in documenting a school's efforts to implement the Comprehensive Strategy on Sexuality and Prevention of Violence. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) recently produced a country survey on school violence, but did not identify cases of discrimination against students based on sexual orientation or identity.<sup>223</sup>

### 5.2.5 Gender Equality and Education Quality and Governance

#### Gender and special-needs responsive infrastructure

Secondary schools are in short supply, especially in rural indigenous communities; most schools at this level are in urban areas. Furthermore, there is limited public transportation serving these remote communities.<sup>224</sup> This particularly impacts girls for several reasons: attending a distant school means less time for domestic responsibilities; traveling long distances can pose security concerns; and travel costs for girls' education often are not prioritized by their families.<sup>225</sup>

Water, sanitation, and hygiene (WASH) facilities are in poor condition in most rural schools, an issue that also impacts girls disproportionately. According to the United Nations Children's Fund (UNICEF), sanitation facilities for girls were available in 48 percent of rural schools, compared to 52 percent for boys.<sup>226</sup> Access to running water was available in 70 percent of schools in Guatemala. Global evidence (including from neighboring El Salvador, where schools face similar WASH challenges) shows that girls report missing school during their monthly period—indicating their discomfort attending school while menstruating and presumably in need of sanitary facilities.<sup>227</sup> Disability-accessible infrastructure in schools is also limited.<sup>228</sup>

#### School-related GBV

MINEDUC has created specific tools to address school-related violence: first, a protocol for identifying, handling, and referring of cases of violence in the national education system addresses cases of violence stemming from racism and discrimination as well as abuse of minors, sexual violence, and sexual harassment; and second, a guide for identifying and preventing school harassment (bullying), which has been found to impact boys more than girls.<sup>229</sup> According to MINEDUC, there is an increasing number of

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<sup>223</sup> UNESCO. 2015 Encuesta Nacional sobre Violencia y Clima Escolar: Folleto Informativo para Instituciones e Investigadores, 2015.

<sup>224</sup> Research for Inclusive Education in International Cooperation. 2014 Guatemala Case Study 4: Inclusive Education Systems The Case of a Multi-Grade, Bilingual and Rural School in Guatemala, 2014.

<sup>225</sup> Banyan Global consultant team observations in Quiche and references to barriers mentioned during interviews with NGOs and USAID partners implementing education projects, June 2018.

<sup>226</sup> UNICEF. Advancing Wash in Schools Monitoring, 2015.

<sup>227</sup> UNICEF. El Salvador: Changes in MHM Education Programme Based on Girls' Expressed Needs, by Save the Children in WASH in Schools Empowers Girls' Education Proceedings of the 5th Annual Virtual Conference on Menstrual Hygiene Management in Schools, October 25, 2016.

<sup>228</sup> Research for Inclusive Education in International Cooperation. Guatemala Case Study 4: Inclusive Education Systems The Case of a Multi-Grade, Bilingual and Rural School in Guatemala, 2014.

<sup>229</sup> DIGEDUCA Bullying: El Fenómeno del Acoso Escolar en Guatemala: Resultados de una Muestra del Sexto Grado del Nivel Primario, 2012.

cases of GBV in education centers.<sup>230</sup> However, little overall data exists on GBV and how it impacts girls in particular. Another gap is the absence of a school-related GBV (SRGBV) diagnostic that would be needed to inform a tool like the anti-violence protocol.<sup>231</sup> Because the Statistical Compendium on Childhood and Adolescence provides no location data on different types of violence, it provides no insight into the types of violence that take place in and around schools.<sup>232</sup> Despite these limitations, the available information points to the existence of the following types of SRGBV.

- **Sexual abuse, violence, and exploitation:** Reports of sexual abuse, violence, and exploitation in education centers have been registered in Guatemala.<sup>233</sup> According to the ENCOVI 14, 12.1 percent of all reported rapes or other physical mistreatment took place in educational centers,<sup>234</sup> including cases where the perpetrator was the student's teacher.<sup>235</sup> According to the executive director of the education NGO CONACMI, for children ages 5 and under, boys and girls suffer similar rates of sexual violence, but among older children sexual violence against girls becomes more prevalent.<sup>236</sup>
- **Sexual harassment:** A recent UNESCO survey found that sexual harassment — in the form of sexual insinuations, unwanted physical contact, and demands with sexual connotations — took place in schools against both girls and boys. It was directed more frequently towards indigenous students and in urban schools (both primary and secondary levels), and—surprisingly—more often toward boys than girls.<sup>237</sup> According to one study, girls in Guatemala experience sexual harassment and “sexual extortion” by teachers or other school personnel in relation to grades.<sup>238</sup>
- **Bullying:** Bullying impacts both girls and boys, though boys more frequently tend to be the perpetrator and the victim, at the primary level. Bullying tends to happen more frequently in rural areas, in small schools, and toward overage students.<sup>239</sup> It can encompass verbal or physical aggressions either at school or traveling to and from school.<sup>240</sup>
- **Gang-related violence:** Gang violence and harassment cause about 2 percent of dropouts among children at the primary and secondary levels, specifically in grades 7–9.<sup>241</sup> Gang-related violence in and around school impacts girls and boys differently. For girls, it manifests in stalking them to and from school, in efforts to force them into intimate relationships and eventually rape; boys may be threatened

<sup>230</sup> MINEDUC. La Estrategia de Educación Integral en Sexualidad y Prevención de la Violencia Sistematización 2010–2011, 2012.

<sup>231</sup> MINEDUC. Protocolo de Identificación, Atención y Referencia de Casos de Violencia del Sistema Educativo Nacional, 2013.

<sup>232</sup> INE. Compendio Estadístico de Niñez y Adolescencia, 2014.

<sup>233</sup> MINEDUC. La Estrategia de Educación Integral en Sexualidad y Prevención de la Violencia Sistematización 2010–2011, 2012.

<sup>234</sup> INE. Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015.

<sup>235</sup> KIND and the Human Rights Center Fray Matías de Cordova. Childhood Cut Short: Sexual and Gender-based Violence Against Central American Migrant and Refugee Children, 2017.

<sup>236</sup> Ibid.

<sup>237</sup> UNESCO. Encuesta Nacional sobre Violencia y Clima Escolar: Folleto Informativo para Instituciones e Investigadores, 2015.

<sup>238</sup> UNESCO/UNGEI. La violencia de Género Relacionada con la Escuela Impide el Logro de la Educación de Calidad para Todos (EFA-GEM Report), 2015.

<sup>239</sup> DIGEDUCA. Bullying: El Fenómeno del Acoso Escolar en Guatemala: Resultados de una Muestra del Sexto Grado del Nivel Primario, 2012.

<sup>240</sup> Research for Inclusive Education in International Cooperation. Guatemala Case Study 4: Inclusive Education Systems The Case of a Multi-Grade, Bilingual and Rural School in Guatemala, 2014.

<sup>241</sup> INE. Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014: Guatemala, 2015.

with having their sisters, mothers, or other female family members raped or otherwise injured.<sup>242</sup> More specific data on how boys experience this violence, and its impact on dropout, was not found in the reviewed literature; presumably, it is related to violence and the threat of violence as part of gang recruitment and control of areas surrounding schools (or the school themselves).

- **Violence against LGBTI:** One study noted that children and youth identified as LGBTI are subject to a wide range of discrimination and violence both in and outside of school. The same study found that gangs often target LGBTI children and youth; if a gang is operating in and around their school, these children are especially at risk of violence.<sup>243</sup>

### Sexual and reproductive rights in education

The MINEDUC's Comprehensive Strategy on Sexuality and Violence Prevention is an important advance toward integrating gender-equality in education, as it includes comprehensive sex education and GBV prevention into Guatemala's base curriculum. A complementary advance is the National Plan for the Prevention of Adolescent Pregnancy 2018–2022. Yet many challenges remain. According to a 2017 study, the MINEDUC has not created a systematic comprehensive sexual education (CSE) program, and its plan has been implemented only sporadically and without a dedicated budget. The study also found that even when the curriculum is taught, teachers omitted core CSE topics (such as use of contraceptives and HIV/AIDS) and did not use a rights-based and capability-focused approach. It found teachers giving contradictory messages that stigmatized sexual relations as dangerous and premarital sex as bad. Overall, teachers lacked sufficient training on core CSE subjects, including gender sensitization.<sup>244</sup> A 2015 study by UNFPA, FLACSO, and MSPAS interviewed adolescent girls who were pregnant or already mothers; it found that only 45.53 percent of them indicated they had received information about how to prevent pregnancy. Disaggregated by ethnicity, the study found a notable information gap: among the interviewed Ladino/Mestizo girls, 54.7 percent had received information, compared to only 32.3 percent of indigenous girls. The study also found that the source of information, for those who received it, came principally from healthcare facilities (68.9 percent); only 23.8 percent reported receiving information in schools.<sup>245</sup> Also, the 2015 study made no mention of the MINEDUC strategy.

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<sup>242</sup> KIND and the Human Rights Center Fray Matías de Cordova. *Neither Security Nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala*, 2017.

<sup>243</sup> *Ibid.*

<sup>244</sup> Monzón, Ana Silvia et al. *De la Normativa a la Práctica: la Política y el Currículo de Educación en Sexualidad y su Implementación en Guatemala*, Guttmacher Institute, June 2017.

<sup>245</sup> UNFPA/FLACSO-Guatemala/MSPAS. *¡Me Cambió la Vida! Uniones, Embarazos y Vulneración de Derechos en Adolescentes*, 2015.

## 6. PROSPERITY SECTOR – ECONOMIC GROWTH (AGRICULTURAL)

### 6.1 DATA AND STATISTICS

In Guatemala, the terms “rural” and “agricultural” are largely interchangeable. Agriculture employs 30.5 percent of Guatemalan workers.<sup>246</sup> Corn, beans, vegetables, rice, and potatoes account for 11.9 percent of the total agricultural land; a similar acreage is used for crops for export (12.3 percent), including coffee, sugar cane, African palm, rubber, and cardamom.<sup>247</sup>

The Guatemalan rural context is primarily Mayan, particularly in the WH (a USAID priority geographic region). Rural areas in Guatemala have the lowest indicators in the country on economic and social development, and they suffer from limited access to public services and opportunities. In 2014, 76.1 percent of rural households were in poverty; the poverty level for indigenous families was even higher, at 79.2 percent.<sup>248</sup> Chronic malnutrition for children under five exceeded 80 percent in some departments, and the average income of rural monthly households was GTQ 1,171/\$156.40,<sup>249</sup> a figure that would cover not much more than 25 percent of the monthly cost of the basic food basket (GTQ 4,500/\$603.40). Although Guatemala has strong labor legislation on agriculture, noncompliance is widespread.<sup>250</sup>

Rural women play a fundamental but mostly invisible role in agricultural economic growth in Guatemala. In addition to reproductive and domestic work, many contribute as unpaid workers on family farms, often developing their own productive activities (such as farming vegetables, raising poultry, and handicrafts). They also increasingly are becoming salaried agricultural workers, generally for export-oriented produce (like flowers and bananas). They play a substantial role in the conservation of genetic resources such as corn. Rural and indigenous women in particular play an important role in forestry, collecting and managing forest products for cooking and medicine and even for export to foreign markets. Despite their value, women are mostly seen as secondary agricultural workers, and they face obstacles to improving their participation and outcomes.

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<sup>246</sup> INE. Encuesta Nacional de Empleo e Ingresos. ENEI-3, 2016.

<sup>247</sup> MAGA. Brechas de género en la Agricultura Familiar, 2017.

<sup>248</sup> INE. Encuesta Nacional de Condiciones de Vida ENCOVI, 2014.

<sup>249</sup> Ibid.

<sup>250</sup> USAID. Agriculture in Guatemala. Analytical Brief. M/CIO Economic Analysis and Data Services (EADS), September 2017.

**Table 6. Key Statistics and Gender Gaps**

Indicators	Women	Men
Total number of weekly non-remunerated working hours	35.5	3.6
Total number of weekly remunerated working hours	11.3	44.1
Sex distribution of legal land property (percent)	16.0	84.0
Sex disaggregation of agricultural workforce (percent)	13.4	86.6
Sex disaggregation of agricultural workforce (formal sector, percent)	10.5	89.5
Sex disaggregation of agricultural workforce (informal sector, percent)	14.1	85.9
Sex distribution to access to credit and subsidies to buy land through the Land Fund (FONTIERRA) Law (percent)	29.0	71.0
Sex distribution regarding ownership and responsibility for agriculture activities (percent)	7.8	92.2
Sex distribution of agricultural workers <i>fincas</i> workers (percent)	25.0	75.0

**Source:** INE (ENEI 3-2016) and MAGA (Gender Gap in Family Agriculture 2017)

## 6.2 ADVANCES AND CHALLENGES

This section draws on the analysis of the USAID Women’s Economic Empowerment and Equality (WE3) Framework, which is based on the Feed the Future Women’s Empowerment in Agriculture Framework (WEAF). The WE3 domains are listed in the following table — importantly including domain 5, risk mitigation.

**Table 7. USAID Women’s Economic Empowerment Framework**

Domains	Description
1	Access (to key assets, income, and economic inputs)
2	Agency (control, ownership, and decision-making power)
3	Leadership (roles and skills in business, the community, region, and country)
4	Enabling environment (systems and norms in place to support WE3, including male engagement)
5	Risk mitigation (the ability to alleviate and respond to diverse potential risks to economic participation)

### 6.2.1 Enabling Environment: Legal and Policy Framework Supporting Women’s Access to Agricultural Activities

#### Discriminative legal provisions restricting women’s access to land

The Agrarian Transformation Law (1962) gave wives limited rights in their husband’s land: although “men are the main benefactors of land adjudications, the land cannot not be sold without the permission of one’s wife.” The FONTIERRA law regulating access to land and to rural development programs through the fund, states that only single women, single mothers, and heads of households have the right to own land. Accordingly, married women and women with partners have no rights to co-ownership of land through FONTIERRA programs. This law also provides for ownership of land through associations; however, as women have limited access to agricultural organizations, men are the main beneficiaries of

access-to-land programs.<sup>251</sup> Proposals have been presented, without success, to modify this law and to pass other provisions to improve women's access-to-property rights.

### **Public policies focused on promoting women in agriculture**

The government's Agricultural Policy 2014–2023 stipulates that women will be prioritized and includes four main focus areas: access to land, agricultural conflicts resolution, legal security, and access to productive resources.<sup>252</sup> Women participate in the Ministry of Agriculture, Livestock and Food (MAGA) programs through the Program on Family Farming and Strengthening of Farm Economy (PAFFEC). Although women are a minority within the agricultural labor force, women constituted 70 percent of total participants in PAFFEC activities, 50 percent of the recipients of agriculture inputs and materials, and 72 percent of participants in its training and technical-assistance activities.<sup>253</sup> In contrast, for the three main programs MAGA manages, only 7 percent of participants are women — again, mostly concentrated in the PAFFEC, with a smaller participation in programs on economic and commercial development and on climate change and natural resources.<sup>254</sup> Initiatives focused on women concentrate on subsistence backyard agriculture and healthy home practices.

In 2014, MAGA issued the Institutional Policy for Gender Equality and its Strategic Implementation Framework 2014–2023. Its goal is to encourage participation of women in agriculture and improve provision of MAGA services to women. It focuses on: strengthening MAGA's gender institutional capacities; promoting access for women (especially the poorest) to native foods and strategic reserves; promoting women's leadership in decision-making; and promoting women's productive, marketing, and entrepreneurial skills. The policy aims to integrate gender equality into the rural extension system, highlighting lines of action, goals, indicators, and specific responsibilities. So far, however, progress on MAGA's Gender Equality Policy implementation has been limited, mainly because of a lack of institutional commitment to gender integration in institutional planning processes. Activities seem to be limited to the collection of sex-disaggregated data.<sup>255</sup>

Although MAGA has had a gender unit since 2011, that unit has limited resources and little capacity for advocacy within MAGA's planning and implementation processes. Nevertheless, it has developed specific instruments to integrate gender equality into rural extension methodologies, using different approaches for each extension context: under-subsistence, subsistence, surplus, and commercialization.

Recently, the MAGA has established a technical roundtable on gender equality in rural development. Its objective is to increase the coordination and effectiveness of institutional actions to enhance integrated rural development involving women and indigenous groups. The roundtable consists of gender or women's units from 15 government ministries and secretariats, including the Secretary of the Presidency on Planning and Programming (SEGEPLAN) along with FONTIERRAS and MAGA. It has the technical and financial support of various donors. Among its specific objectives is to identify and develop comprehensive pilot projects that respond to the needs of women in rural areas. No specific results have been identified yet from this process.

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<sup>251</sup> Coalición Internacional de Tierras. *Las Mujeres Rurales en Guatemala*. Serie Informes/País, 2017.

<sup>252</sup> MAGA. *Política Agrícola*, 2014.

<sup>253</sup> Unidad de Género del MAGA. *Género y PAFFEC*, 2017.

<sup>254</sup> *Ibid.*

<sup>255</sup> Interview with USAID partner, June 26, 2018.



## 6.2.2 Access: Gender and Participation in Family Agriculture

### Increasing participation of women as agricultural workers

According to official data, men dominate the agriculture sector. They make up 89.9 percent of agricultural labor (2016); women comprise the remaining 11.1 percent.<sup>256</sup> From 2000 to 2016, women's share of agricultural employment has decreased by 9.7 percent, although the number of women employed in agriculture has remained relatively stable over the same period, ranging between 210,000 and 280,000.<sup>257</sup> Other studies, in contrast, estimate that close to 25 percent of all agricultural workers are women.<sup>258</sup> Overall, 69 percent of agricultural workers identify as Mayan, and 11 percent are children.<sup>259</sup> Agricultural workers are concentrated in monoculture produce, such as *hule* (rubber), sugarcane, bananas, and coffee.

Women's and men's working conditions in agriculture in most cases correspond to what the International Labor Organization (ILO) calls *labor exploitation*. In effect, the employer (the farm owner) is the only governing agency, as the government is virtually absent from these territories. Workdays are more than 12 hours, wages are less than the agricultural minimum wage, contracts are verbal, and social protection and health coverage are almost nonexistent.<sup>260</sup> Only 1 percent of agricultural workers surveyed had ever seen a visit of the Ministry of Labor (MINTRAB) labor inspection department at their place of employment.<sup>261</sup>

For women, conditions tend to be worse: about 57 percent do not directly earn a salary, as they are not considered regular workers but rather helpers to their husbands, fathers, or brothers. Where women are the primary workers (usually single mothers and widows), 97 percent of them earn below the minimum wage, and 73 percent earn only around *half* of minimum wage. This results in sons and daughters having to abandon their studies to help support the family.

Finally, rural women workers do not have access to maternity coverage. They are also vulnerable to GBV (harassment and sexual violence), and often do not have access to GBV complaint and response services.<sup>262</sup>

### Women's active participation in family farming tasks is mostly invisible

Most rural women are involved in family and household agricultural activities: estimates range from 50 percent<sup>263</sup> to 70 percent.<sup>264</sup> According to MAGA, increasing numbers of women are involved in agricultural productive processes.<sup>265</sup>

Women's degree of involvement and decision-making in family farming varies with the community, the family context, and their age. In general, women are mostly responsible for small vegetable crops and raising small livestock. There is some diversity by region. In Nebaj, women indicated that they only perform limited tasks in agriculture, whereas women in Sacapulas and Momostenango stated that they perform the

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<sup>256</sup> USAID. Agriculture in Guatemala. Analytical BRIEF. M/CIO Economic Analysis and Data Services (EADS), 2017.

<sup>257</sup> Ibid.

<sup>258</sup> CODECA. Situación de las y los Trabajadores Campesinos en Guatemala, 2013

<sup>259</sup> Ibid

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> MAGA. Unidad de Género. Género y PAFEC, 2017.

<sup>264</sup> USAID Guatemala. Gender Gap Analysis for Agriculture, 2013.

<sup>265</sup> MAGA. Unidad de Género. Género y PAFEC, 2017.



same agricultural tasks as men, regardless of the level of difficulty. Women are owners of family farms are usually single women or widows.<sup>266</sup>

There are severe gender gaps in terms of access to agriculture value chains and markets, especially for a woman who is a landowner. For example, some studies indicate that in the central highlands, women hold only 3 percent of contracts for snow peas and broccoli — two of the most important export crops in the area.<sup>267</sup>

### **Mayan women: ancestral practices and seeds keepers**

Women in Mayan communities play a fundamental role in crops sustainability which goes mainly unnoticed. According to FAO,<sup>268</sup> in many Mayan communities it is up to women to manage seed selection at harvest — reserving seeds for domestic consumption and reseedling, and selecting seeds for sale or barter at local fairs (for tools or other seeds). The mother-daughter transmission of oral traditions surrounding the selection and storage of seeds has allowed Mayan communities to preserve an amazing variety of types of corn.

### **6.2.3 Access: Gender and Youth Participation in Agricultural Activities**

In 2011, the latest year of available data, 37 percent of the population aged 15 to 24 were employed in the agriculture sector, up from 32 percent in 2006. Agriculture employed 48 percent of male youth and 16 percent of female youth.<sup>269</sup> Again, as in the case of adult women, the contribution of female youth to agriculture is seen mostly as an auxiliary to the work of male youth, and female youth's contribution to reproductive work remains invisible and not valued.

One of the challenges for small and family farms is to engage youth in agricultural activities. The higher the educational attainment of youth, the less interest they have in agricultural work, especially as compared to the common dream of achieving greater prosperity abroad (particularly in the United States). For youth who do engage in agriculture, lack of access to land and working capital limits their opportunities. For a young woman interested in agriculture, the situation may be even worse. If she has a brother, he may tend to be prioritized.<sup>270</sup> In other cases, the family may resist her involvement in agricultural production, traditionally seen as a male job.

### **6.2.4 Agency: Women's Access to and Decision-Making about Land, Credit, Technology, and Participation**

#### **WE3 Access: Land ownership**

Land distribution is highly unequal. According to Oxfam,<sup>271</sup> 78 percent of agricultural land is concentrated in just 1.7 percent of properties (*fincas*); at the other end of the landowning scale, 3.2 percent of land is divided among 45.2 percent of *fincas*, all smaller than one manzana (1.72 acres).<sup>272</sup> Women's land

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<sup>266</sup> Focus group held in Nevaj, Momostenango and Sacapulas, July 19, 2018.

<sup>267</sup> Higgins, K. Gender and Free Trade Agreements: Best Practices and Policy Guidance, 2013.

<sup>268</sup> FAO. Atlas de las Mujeres Agricultoras de América Latina y el Caribe, 2017.

<sup>269</sup> INE. Encuesta Nacional de Condiciones de Vida. ENCOVI, 2015.

<sup>270</sup> Focus group held with USAID partners, July 19, 2018.

<sup>271</sup> OXFAM. Tierra, Poder y Desigualdad en América Latina. Oxfam GB, 2016.

<sup>272</sup> Coalición Internacional de Tierras. Mujeres indígenas en Guatemala, 2017.

ownership is variously reported, ranging from 7.8 percent<sup>273</sup> to 19 percent.<sup>274</sup> (Additionally, some women may rent land for farming.) For most women, her husband or father is the owner of the land title.<sup>275</sup> There are several factors that contribute to gender equality in land ownership: ancient Mayan traditions privilege male inheritance and prevent married women from co-owning land; discriminatory provisions in FONTIERRA law result in women being just 28.7 percent of the beneficiaries of credits and subsidies for buying land in 2016;<sup>276</sup> there are no specific legal provisions or policies to facilitate women's access to land property; and rural women have limited economic autonomy.

### **WE3 Access: Credit**

Studies in the WH reveal significant gender gaps regarding access to productive assets in agriculture. Sixty-six percent of men and 28 percent of women were able to access credit, but loans for women were much smaller: average loans were GTQ 14,906/\$1,990 for men and GTQ 2,483/\$333 for women.<sup>277</sup> Within producers' associations, women often do not have full access to credit and other benefits, because they are frequently not considered direct participants but rather *esposas de asociados* ("wives of members"). The lack of land and asset ownership is a major obstacle for women.

### **WE3 Agency: Income control and decision-making**

Women's contributions to family-farming activities generally remain undervalued by both men and women within the family unit. In most cases, where women are involved in family farming activities, they do not receive a salary or payment; their work is considered as a duty to help to the male family members in charge of agricultural activities. Women who implement backyard production may be able to earn some income and manage it directly, mainly toward the family's needs for food, clothing, and education.<sup>278</sup> Economic dependence is one of the main structural barriers that rural women face when they attempt to increase their autonomy. The USAID/Guatemala 2013 Gender Gaps Analysis found that "the only time women's labor is explicitly recognized as valuable is when she rents her labor out to another *finca* and is paid for the labor. She usually has her husband collect her wages for her in those cases, as she views her labor contributions as part of her family/spousal duty."

### **WE3 Enabling environment: Stereotypes regarding women's ability**

A key theme that emerged during primary data collection was the strong predominance of gender stereotypes regarding women's perceived lack of capacity or strength to perform certain activities. These stereotypes are present not only among men but also among many of the women interviewed; they are in fact widely present among USAID implementing partner technical staff. Significantly, however, women primarily involved in agriculture (most of them single women) indicated with confidence that they could perform any activities that a man could perform.

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<sup>273</sup> FAO. Guatemala: Voz a la Mujeres sobre Seguridad Alimentaria y Nutrición, n.d.

<sup>274</sup> VV/AGEXPORT. Baseline Study for USAID in USAID Gender Analysis Table Agriculture, 2013.

<sup>275</sup> Focus group held in Nevaj, Momostenango and Sacapulas, July 19, 2018.

<sup>276</sup> MAGA. Unidad de Género. Brechas de Género en la Agricultura, 2018.

<sup>277</sup> MAGA. Mujeres rurales en Guatemala. Infografía, 2017.

<sup>278</sup> Focus group held in Nevaj, Momostenango and Sacapulas, July 19, 2018.

### **WE3 Enabling environment: Low self-esteem and resignation**

Poverty, limited personal autonomy, expectations that a woman's role is limited to mother and wife, low levels of education, and the high prevalence of intimate partner violence are factors that limit women's participation in decision-making and that contribute to their lack of knowledge about their rights. This often leads to low levels of self-esteem among rural women.<sup>279</sup> This correlation was evident during the primary data collection: women found it difficult to identify any personal needs and interests beyond family concerns, and some women would speak in mixed spaces on when directly asked to do so.<sup>280</sup> Some USAID partners mentioned that potential opportunities exist for changing traditional gender norms and patterns, arising from migration dynamics.<sup>281</sup> For example, they cited that some male migrants are returning to their communities with more liberal views about women's status and roles, and some are participating in domestic care activities – a trend that USAID/Guatemala's 2013 gender-gap analysis has also identified. In recent focus groups with savings groups participants, promoted by the USAID-supported Agrijoven project, some participants also mentioned that young unmarried women can be positive catalysts for norm changes (as long as they remain unmarried).<sup>282</sup>

### **WE3 Risk mitigation: Work overload and time burden**

Combining agriculture with domestic and care work is a challenge for women wanting to get more involved in farming activities. Even though women may spend more time and effort in agriculture, male family members do not necessarily increase their participation in domestic and care work. Some of women farmers consulted in this research reported that they worked more than 16 hours a day to carry out all their tasks. Others mentioned that their husbands would sometimes help with coffee preparation and look after the children for short periods of time.<sup>283</sup>

### **WE3 Risk mitigation: Prevalence of GBV**

According to national sources of data,<sup>284</sup> some departments in the WH have a higher prevalence of certain types of violence against women. For example, the department of San Marcos has a higher rate of physical violence (25.2 percent compared to the national average of 19.8 percent); Quetzaltenango is one of the departments with the highest levels of intimate partner violence (emotional, physical, and sexual). San Marcos ranked higher in emotional and physical violence, and Totonicapán ranked higher in sexual violence. Primary data collection included a review of gender analyses and other diagnostic exercises carried out within the context of several USAID projects, as well as consultations with USAID partner technical teams and indigenous authorities. These sources indicate that intimate partner violence is a pervasive — and unreported — phenomenon.<sup>285</sup> In most cases, victims suffer in silence and resignation. In rural areas, access to public services for reporting or to obtain assistance is limited<sup>286</sup> or non-existent. This, together with the attendant social stigma and the cultural acceptance of violence against women, means that few women report abuse or access needed care services.

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<sup>279</sup> Coalición Internacional de Tierras. Las mujeres Rurales en Guatemala. Serie Informes/País, 2017.

<sup>280</sup> Focus group held in Nevaj, Momostenango and Sacapulas, July 19, 2018.

<sup>281</sup> Meeting with CLD Project technical staff. Santa Cruz Quiché, July 22, 2018.

<sup>282</sup> Focus group with participants from Agrijoven project. Nevaj, June 19, 2018.

<sup>283</sup> Focus group with participants in Momostenango, July 21, 2018.

<sup>284</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI, 2014–2015.

<sup>285</sup> CLD Project. FY 17 Q2: Quarterly Report Annex 2. Community Survey Findings, June 2017.

<sup>286</sup> GGM. Informe Anual de Muertes Violentas de Mujeres. Boletina GGM, 2016.

### 6.2.5 Leadership: Women's participation in agricultural associations and cooperatives

According to the FAO, in 2012 women accounted for 21 percent of associates of agricultural cooperatives in Guatemala and 33 percent of their (permanent and temporary) workers.<sup>287</sup> Recent 2018 data indicate that women constitute 32 percent of

all associates in the Guatemala Federation of Agriculture Cooperatives.<sup>289</sup> There are no specific data available, however, assessing the participation of women in decision-making structures. In some specific value chains, such as coffee, women make up only around 10 percent of cooperative membership.<sup>290</sup>

*We know that the inclusion of women within value chains is difficult, because they do not have their own income. Normally they are only included when they are single, as that is when they are forced to start generating their own income.*<sup>288</sup>

In many cases, land ownership is a condition for membership in associations and cooperatives, so most women are automatically excluded; in other instances, they are discouraged from joining.<sup>291</sup> Widows and women heads of households have better access to producers' associations, often getting full membership in the absence of their husband (whether dead or migrant). Some USAID/Guatemala projects are trying to enhance women's participation in leadership positions within agricultural organizations. For example, AGEXPORT, focusing on Women's Empowerment, participates in 173 value chains.

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<sup>287</sup> FAO. Las Cooperativas Agrícolas Alimentan a Guatemala, 2012.

<sup>288</sup> Ibid.

<sup>289</sup> CONGCOOP. Federación de Cooperativos Agrícolas de Guatemala, May 28, 2011.

<sup>290</sup> Individual interview with F.L., June 20, 2018.

<sup>291</sup> Individual interview with USAID partner, June 16, 2018.

# 7. PROSPERITY SECTOR - ECONOMIC GROWTH (NON AGRICULTURAL)

## 7.1 DATA AND STATISTICS

Gender gaps are significant in labor-market participation, entrepreneurship, and access to income in the non-agricultural sector—and even greater in rural areas. Rural women, who are mostly indigenous, face more significant access and agency constraints. Some key gender gaps in the labor market are presented as a snapshot Table 8 and are discussed in the next section.

## 7.2 ADVANCES, GAPS, AND CHALLENGES

### 7.2.1 Labor Rights and Discrimination in the Labor Market

#### Challenges in international labor standards

Guatemala has ratified most of the relevant international normative instruments to promote women's labor rights, non-discrimination, and gender equality in employment and occupation. Article 46 of the Guatemalan Constitution applies the ILO convention to establish that, “regarding human rights, international treaties have prominence over national laws.” These international agreements include: CEDAW; the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belem do Pará Convention); and the main international labor standards, such as the Convention 100 on Equal Remuneration (1961), the Convention 111 on Discrimination in Employment and Occupation (1960), Convention 156 on Workers with Family Responsibilities (2000), Convention 103 on Maternity Protection (1952), and Convention 156 on Workers with Family Responsibilities (1981).

Some ILO conventions are still pending approval. For example, Convention 189 on Domestic Work was sent to the Guatemalan Congress in August 2015<sup>292</sup> but is still under discussion, although MINTRAB and other government institutions favor its application.

Another relevant standard awaiting approval is Convention 183 for the Protection of Maternity. Its provisions would: increase maternity leave up to 14 weeks; prohibit the request of pregnancy testing prior to hire; and increase protection for all working women, including those engaged in what is considered atypical forms of dependent work. (Such workers include a broad range of non-standard work arrangements, such as part-time, casual and seasonal work, job-sharing, fixed-term contracts, temporary agency work, homework and remote working, piece workers, and informal employees in all sectors, as well as women in disguised employment relationships.)<sup>293</sup>

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<sup>292</sup> Prensaliere. Trabajadoras de Servicios Domésticos Piden Convenio, November 8, 2016.

<sup>293</sup> ILO. Maternity Protection Resource Package Module2: Maternity Protection at Work: For whom? Conditions of Work and Employment Programme (TRAVAIL), 2012.

**Table 8. Key Statistics and Gender Gaps**

Indicator	Year	Women	Men	Gender parity score <sup>a</sup>
Head of household (distribution)	2015	21.4	78.6	0.27
Weekly hours of remunerated work	2015	38.3	46.8	0.82
Weekly hours of non-remunerated work	2015	32.7	9.5	3.44
Labor-force participation rate, 15 years and older: national average	2017	40.6	84.3	0.44
Labor-force participation rate, 15 years and older: rural	2017	32.2	88.8	-
Labor-force participation rate, 15 years and older: urban metropolitan	2017	49.9	78.5	-
Labor-force participation rate, 15 years and older: other urban	2017	46.7	81.3	-
Labor-force participation rate, ages 15–24	2015	28.8	69.4	0.41
Employed population distribution (Guatemala, all ages)	2017	32.7	67.2	-
Inactive population distribution (Guatemala, all ages)	2015	81.6	18.4	-
Inactive population distribution (indigenous people, all ages)	2015	89.4	10.6	-
Rate of formal employment, all ages	2017	28.6	31.2	0.92
Salaried workers as a percentage of all workers, all ages	2015	49.7	62.1	0.80
Percentage of workers under IGSS, all ages	2015	20.9	19.8	1.06
Percentage of <i>ninis</i> (ages 15–24)	2017	45.8	8.2	-
Average total monthly income, all Guatemala (in GTQ)	2015	1,819	2,253	0.81
Average labor-related monthly income, ages 15–29 (in GTQ)	2017	1,578	1,874	0.84

Source: INE (ENEI 1-2017, ENEI-2, ENEI-2 Youth Module, Gender Compendium 2015) and WEF 2017.

<sup>a</sup> Indicates the relationship between men's and women's situation for a given indicator, calculated by dividing women's value by men's value. A value less than 1 favors men; a value higher than 1 favors women.

## Discriminatory provisions and failures in labor legislation

The Labor Code prohibits discrimination for any reason (Article 137), including discrimination against women (Article 151). The Penal Code, in its 2000 reform (D. 57), defines the crime of discrimination and related punishments. It also increases the punishment for public officials who commit such crimes.

Yet several challenges were identified in terms of the seven dimensions assessed by the World Bank in the 2018 Women, Business, and the Law ranking. Guatemala achieved the maximum score (100 out of 100) regarding equal rights in accessing institutions, using property, and access to courts. However, it scored lower in providing incentives at work (80), getting a job (70), building credit (50), and protecting women from violence (20).<sup>294</sup> The overall ranking for Guatemala (520) was lower than its neighboring countries — Nicaragua (575), El Salvador (630), and Honduras (637).

Employment challenges identified included the length of maternal leave, limited to 12 weeks, and parental leave, limited to just two days (Art. 61, Labor Code). Some legal initiatives were recently presented to Congress to increase the latter to 10 days.<sup>295</sup> Neither the Constitution nor the Labor Code mandate equal remuneration for work of equal value. In regard to accessing credit, there are no legal provisions to prohibit discrimination on the basis of gender or marital status.

Other challenges include protection of women from violence in the workplace. In Guatemala, no legislation exists to prevent sexual harassment in either employment or education, and no criminal penalties or civil remedies exist for sexual harassment in the workplace.

Additional challenges include discriminatory provisions in the Labor Code itself. Art. 147 explicitly discriminates by gender, stating that “work for women and minors must be suitable to their age, condition, physical state, and intellectual and moral development”—a provision not included for men. Art. 139 assumes that women’s work on agricultural family farms is only to support the male head of household.<sup>296</sup> Art. 155, regarding childcare facilities, establishes an obligation for companies with more than 35 female workers to provide a childcare center, with no similar obligation for companies with more than 35 male workers.

## Gender-blind economic policies

Guatemala recently approved the 2017–2032 National Policy on Dignified Employment, focusing on indigenous groups, women, and youth. It includes four focus areas and 16 priority actions and goals regarding employment generation, development of human capital, a positive environment for business, and promoting formal employment.

The 2016–2021 Guatemala Economic Policy identifies two broad challenges in economic terms: addressing internal challenges (poverty, unemployed youth, and environmental degradation); and taking advantage of global opportunities (global markets, global value chains, and the digital world).

The 2018–2030 National Policy on Competitiveness, along with its National Competitiveness Agenda, identified challenges in promoting the economic development of the population: a lack of systems that favor entrepreneurship; limited availability of a trained workforce to meet market demands; the high costs of energy, transport, and infrastructure; the poor state of road infrastructure; the poor development of

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<sup>294</sup> World Bank. Women, Business and Law, 2018.

<sup>295</sup> Publinews. Diputada Villagrán Promueve Ampliación de Licencia Paternal, June 13, 2018.

<sup>296</sup> “All agricultural or livestock work performed by women or minors with the consent of the employer, gives to those the character of peasant workers, although such work is considered adjuvant or complementary to the work performed by the family boss peasant worker. Consequently, these peasant workers are linked to the said employer by an employment contract.”



housing; and deterioration of the quality and provision of health, educational, and safety services.<sup>297</sup> Despite the evidence of gender inequalities present in all these areas, these policies fail to mention them or to include strategies to address them.

## **7.2.2 Obstacles Impeding Women's Active Labor-Market Participation**

### **Reproductive work and women's time burden**

Reproductive work in Guatemala is still primarily women's responsibility, limiting their access to employment and income-generating activities. According to the INE (2015), women dedicate 23.2 hours per week more than men to performing domestic and care work (totaling 32.7 hours per week), whereas men dedicate eight hours more than women to remunerated work (46.8 hours per week).<sup>298</sup> Overall, women work 14.7 hours more per week than men. Indigenous women dedicate more time to unpaid activities (34.5 hours per week) than nonindigenous women do (31.8 hours). No significant differences were observed between the men in these two groups (at 9 hours/week).

In Guatemala, household work is not viewed as productive work having a direct impact on economic growth. Rather, it is an invisible contribution that girls and women make to the economy, with no recognition, financial benefits (such as social security contributions), or remuneration. Some efforts to render reproductive work more visible have been made. The National Statistics Institute, along with the Central Bank (BANGUAT) and the Women's Secretary of the Presidency, and with the support of CEPAL, has calculated the monetary value of 12 unpaid activities largely carried out by women: the value of these activities account for 18 percent of Guatemala's GDP — higher than the value share of agriculture (13 percent), manufacturing (17.5 percent), or commerce (11.6 percent).<sup>299</sup>

Among economically inactive women, paid domestic work is the principal occupation, both for indigenous (86 percent) and non-indigenous women (76 percent); for men in both groups, the principal occupation is being a student (51 percent).<sup>300</sup>

### **Intersectional discrimination in the labor market**

The Guatemalan labor market is characterized by informality entailing the absence of social security, low mobility, and low wages — factors which mainly affect women, indigenous populations, and youth. As mentioned, MINTRAB recently approved the policy on dignified employment; however, MINTRAB labor inspection and sanctioning capacities remain limited.<sup>301</sup> In general terms, reports indicate a retrogressive trend on labor rights, particularly with respect to payment of the minimum wage, which is a constitutional right.<sup>302</sup>

The general labor inspection of MINTRAB reported 2,014 preventive inspections during the four-year period 2009–2012, leading to 20,663 claims for violation of labor rights. In these cases, 82.5 percent of the victims were indigenous women.<sup>303</sup>

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<sup>297</sup> Ministry of Economy MINECO. 2018–2030 National Policy on Competitiveness, 2018.

<sup>298</sup> INE. Encuesta Nacional de Empleo e Ingresos ENEI I–2015, 2015.

<sup>299</sup> European Union. Perfil de Género Guatemala, 2017.

<sup>300</sup> INE, Encuesta Nacional de Empleo e Ingresos ENEI I–2015, 2015.

<sup>301</sup> USAID Guatemala. Diagnóstico de la Política Fiscal y Género en Guatemala. Proyecto de Reforma Fiscal y de Compras (FPRP), March 2018.

<sup>302</sup> Ibid and European Union. Perfil de Género de Guatemala, 2017.

<sup>303</sup> USAID Guatemala. Diagnóstico de la Política Fiscal y Género en Guatemala. Proyecto de Reforma Fiscal y de Compras (FPRP), March 2018.



Though labor-rights violations are prevalent, most workers do not file complaints out of fear of being fired or given a bad recommendation. Notably, the 45 potential violations listed in the Guatemalan Labor Inspection Protocol do not include discrimination based on gender, workplace harassment, or sexual harassment at work. Nor does the Protocol include the option to make a complaint about requiring pregnancy tests, an illegal practice that is nevertheless common in Guatemala.

In the private sector, most of the reported Labor Code violations for both sexes are for unfair dismissals, unpaid social benefits and bonuses, or a failure to pay minimum wage. Illegal dismissals are reported for pregnancy and for breastfeeding at work. Some interviewees claimed that employers make women sign letters allowing them to be “legally” dismissed if they get pregnant. These violations are attributable to weak enforcement. Labor-rights violations in the public sector are also common. For example, MINEDUC-employed teachers report that they are obliged to hire a replacement if they take maternity leave.<sup>304</sup>

### **Sexual harassment in the workplace**

The Labor Code lacks a formal definition of sexual harassment. This results in a limited number of cases being reported to MINTRAB or redirected to the penal system. Some laws have been submitted to congress on sexual harassment, but thus far none have been ratified. Moreover, no legal protections exist for ensuring equal pay between women and men or nondiscrimination by gender in hiring.<sup>305</sup>

### **7.2.3 Gender Segregation of the Labor Market**

#### **Women’s limited access to the labor market**

Although women are 52.3 percent of the Guatemalan population, in 2017 they comprised only 32.7 percent of the active workforce (over 15 years of age). Fewer than four in 10 women of working age were active (37.4 percent), compared to more than eight in 10 men (85.1 percent).<sup>306</sup> Over the eleven years between 2004 and 2015, the participation rate of women was stable, while men increased their participation by close to 9 percent. The gap is greater in rural areas, where 90 percent of working age men are active as compared to only 28 percent of women.<sup>307</sup>

In 2017, one-third (37.8 percent) of economically active persons were identified as indigenous. In 2015, women accounted for 82 percent of the non-active working-age population: 89 percent within the indigenous group, and 78 percent with the nonindigenous population.

The economically active population is predominantly urban: 81 percent of active women, and 72 percent of active men live in cities (in 2015). The gender gap in labor-market participation varies geographically. In metropolitan urban areas, women’s participation rate is 49.6 percent, versus 78.3 percent for men. In other urban areas the gap is wider: the participation rate is 42.5 percent for women and 83.5 percent for men. The biggest gap is at the rural level, where only 28.1 percent of women are active, compared with 89.1 percent of men.<sup>308</sup>

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<sup>304</sup> Interview with staff from the General Labor Inspection, Ministry of Labor MINTRAB, 2016.

<sup>305</sup> World Bank. Women. Business and the Law, 2017.

<sup>306</sup> INE. Encuesta Nacional de Empleo e Ingresos, 2017.

<sup>307</sup> INE. Compendio de Género, 2015.

<sup>308</sup> INE. Encuesta Nacional de Empleo e Ingresos, 2017.

## A predominantly informal and vulnerable labor market

The Guatemalan labor market is primarily informal; only three in 10 working persons (30.3 percent) work in the formal labor market. Again, more women than men are in the informal sector: 71.4 percent of working women, compared with 68.8 percent for men. Fully 86.4 percent of rural working women work in the informal sector.<sup>309</sup> For both sexes, the incidence of informality is directly related to the level of education achieved.

Women in the informal sector are concentrated in sales (15.8 percent) and men in agriculture (37.6 percent). Just two in 10 Guatemalans have access to social security, with a slightly larger proportion of women (20.9 percent in 2017, compared with 19.8 of men). Out of the total number of women who are formally employed, 49.7 percent are salaried workers, compared to 62.1 percent for men (2015).

## Gender-segmentation in sectors and occupations

Whereas men work primarily as private employees (35.8 percent) or as farmers or day laborers (20.9 percent), women work mainly as nonagricultural self-employed operatives (33.2 percent) and private employees (28.6 percent). Whereas women predominate in the sales and service sectors, men represent the majority of workers in agriculture and industry. Fully 11.9 percent of women and 8.9 percent of men are non-remunerated workers. In 2015, women represented fewer than 30 percent of all directors and managers, increasing to 51 percent in 2016. This significant increase is likely due to the way that the data were collected and not substantive changes in this domain. Among all women directors and managers, fewer than 20 percent were indigenous and less than 40 percent came from rural areas (2014–2016 figures).<sup>310</sup>

Women continue to be disadvantaged in the professional sectors that are generally associated with positions of power, leadership, and higher pay. Twenty-five percent of male higher-education graduates studied business, administration, and law, compared to 18 percent of female graduates. Similarly, 11.5 percent of male higher-education graduates went on to work in engineering, manufacturing, and construction, compared to only 3.7 percent of female graduates.

## Structural salary and income gaps

The Guatemalan Constitution provides a minimum hourly wage. In 2018, the minimum wage for agricultural and nonagricultural activities is GTQ 2,742.36 (\$367.70) per month; for the *maquila* industry it is GTQ 2,508.15 (\$336.34). In 2015, however, the actual mean salary in agriculture was only 42 percent of the constitutional minimum (GTQ 1,122/\$150.10 versus GTQ 2,644/\$353.70); in industrial activities (including *maquila*), it was 45.7 percent (GTQ 1,208/\$161.60 versus GTQ 2,644 /\$353.70).<sup>311</sup>

A sustained overall increase in monthly income from 2002 through 2017 narrowed the gender gap. In 2002 women, earned 61 percent of men's income on average;<sup>312</sup> this ratio increased to 81 percent in 2017 (GTQ 1,871/\$250.3 for women, compared to GTQ 2,285/ \$305.70 for men).<sup>313</sup> In the informal sector, however, the wage gap has been substantially higher: in 2015, women's wages were only 70 percent of men's wages. The largest gender gaps are for women who are employers, self-employed workers, and employees in private homes. The gap increases significantly for women of specific ethnic groups. The

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<sup>309</sup> Ibid.

<sup>310</sup> INE. Compendio Estadístico de Género, 2015.

<sup>311</sup> ASIES. Productividad del Trabajo y Salarios Reales en Guatemala, 2016.

<sup>312</sup> INE. PPT. Cuarto Foro Global de Estadísticas de Género. México, 2014.

<sup>313</sup> INE. Encuesta Nacional de Empleo e Ingresos ENEI-3, 2017.

earnings of indigenous women amount to only 54 percent of nonindigenous women in the workforce, and only 64.4 percent of indigenous men's earnings.<sup>314</sup>

Recent data from INE 2017 shows large differences in income between regions as well as between rural, urban metropolitan, and urban areas. In urban metropolitan areas, men earn a mean of GTQ 3,924 (\$524.90), whereas men in rural areas earn less than half that amount (GTQ 1,579/\$211.20). The same trend occurs for women (GTQ 2,641/\$353.30 versus GTQ 1,215/\$162.50). In urban metropolitan areas the mean income for women is 67 percent that of men (GTQ 2,641/\$353.30 versus GTQ 3,924/\$524.90), while in rural areas women earn around 77 percent of men's incomes (GTQ 1,215/\$162.50 versus GTQ 1,579/\$211.20). Indigenous women earn lower average income than any other group (nonindigenous women, indigenous or non-indigenous men).<sup>315</sup>

## 7.2.4 Age and Ethnic Segregation of the Labor Market

### **Ninis: young people who do not work or study**

Guatemala has the highest rate of *ninis* in Latin America: 27.7 percent of youth are not in school or employed (*ni estudia ni trabaja*).<sup>316</sup> This phenomenon primarily impacts young women, as 45.8 percent of all female youth (ages 15 to 24) are thought of as *ninis*, compared to only 8.2 percent of males. However, in this calculation, domestic work — whether remunerated or not — is not counted as productive labor, even though upwards of 90 percent of female *ninis* participate in domestic chores and 45 percent also care for children or elderly family members.<sup>317</sup>

### **Gender bias in the informal sector**

Nearly seven in 10 young workers (ages 15 to 29) work in the informal sector, with higher rates for young women than men: 70.2 percent of female youth work in the informal sector versus 68.3 percent of males.<sup>318</sup>

### **Income gaps**

The lack of equal-pay rights protection for women shows up in the difference in average monthly pay between male and female youth (ages 15 to 29): GTQ 1,874 (\$251.30) per month for men, and GTQ 1,578 (\$211.6) per month for women, a 16 percent difference.<sup>319</sup>

### **Unpaid work**

In general, youth are the majority of unpaid workers in Guatemala. Male youth are more likely than females to be unpaid workers (considering that reproductive and domestic work is not considered work): 41.8 percent of indigenous male youth, compared with 18 percent of indigenous female youth; and 33.2 percent of nonindigenous males compared with 25 percent of nonindigenous females.<sup>320</sup>

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<sup>314</sup> INE. Compendio Estadístico de Género, 2015.

<sup>315</sup> INE. Encuesta Nacional de Empleo e Ingresos, 2017.

<sup>316</sup> Tornarolli, Leopoldo. El Fenómeno de los NiNis en America Latina, Documento de Trabajo Nro. 213, Centro de Estudios Distributivos, Laborales y Sociales (CEDLAS) de la Universidad Nacional de La Plata (UNLP), 2017.

<sup>317</sup> Ibid.

<sup>318</sup> World Economic Forum. The Global Gender Gap Report Country Report: Guatemala, 2017.

<sup>319</sup> INE/MINECO. ENI 2-2017 Modulo de Juventud, 2017.

<sup>320</sup> INE. Compendio Estadístico de Niñez y Adolescencia, 2015.

## Unfair treatment<sup>321</sup> in the workplace

Both male and female youth (ages 15 to 29) report abuses in the workplace, and females do so at a much higher rate than males: 22 percent versus 14.7 percent.<sup>322</sup>

### 7.2.5 Labor Vulnerability at its Peak: Domestic Workers

In 2015, Guatemala had 169,968 employed domestic workers, 97.8 percent of whom were women. They accounted for 9.5 percent of women's active working population. Twenty-one percent were under the age of 18, and 2.4 percent were under 14. Working conditions for domestic workers in Guatemala are difficult—and in many cases resemble indentured servitude.

The protection of domestic workers in the Labor Code is much more restricted than in other sectors: their contracts do not have to be written (unlike agricultural workers); their work is not subject to schedule regulations and limitations as in other sectors; and, in most cases, the employer can dismiss the domestic worker if she/he is sick for more than a week.<sup>323</sup> Some domestic workers report having as little as four hours of free time per week. In general, the average monthly salary for domestic workers (GTQ 878/\$117.60) represents 30 percent of the minimum salary for nonagricultural workers.<sup>324</sup>

Paid domestic work in Guatemala is subject to a special social security regime, the Special Protection Program for Private Household Workers, which provides domestic workers with access to health coverage including coverage for children under 5 years old (as long as the child was born before the woman registered in the program). The health coverage is limited, however, and exists only in the department of Guatemala. Participation in the program is mandatory<sup>325</sup> for all employers who have at least one domestic worker working permanently for more than three days a week; nevertheless, the level of registration is extremely limited.<sup>326</sup>

Domestic workers' organizations have demanded repeatedly — but unsuccessfully — that the Guatemalan Congress pass legislation that provides increased protection of their rights, including presenting Congress with several proposals to establish a minimum wage for the sector. The ratification of the ILO Convention 189 on Domestic Workers has obtained a positive recommendation from MINTRAB and seems to be under study in Congress; this could be a significant step toward improving labor rights for domestic workers.

### 7.2.6 Women as Entrepreneurs

In Guatemala, 41.5 percent of women are entrepreneurs, compared to 58.5 percent of men. The female-to-male total entrepreneurship ratio in Guatemala is 0.7, compared to a 0.8 average across all countries in Latin America and the Caribbean.<sup>327</sup> The 2016 Global Entrepreneurship Monitor (GEM) 2017 mentioned

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<sup>321</sup> The word used by the INE is *maltrato*, which is broader than unfair treatment.

<sup>322</sup> INE/MINECO. ENEI 2-2017 Modulo de Juventud, 2017.

<sup>323</sup> Gobierno de Guatemala. Código de Trabajo. Edición Conmemorativa 1947-2007, 2007.

<sup>324</sup> European Union. Perfil de Género Guatemala, 2017.

<sup>325</sup> Instituto Guatemalteco de Seguridad Social. Acuerdo 1235 PRECAPI. Artículo I del Acuerdo Gubernativo 236-2009, 2009.

<sup>326</sup> Prensa Libre. Perfil de la Empleada Doméstica en Guatemala, April 12, 2014.

<sup>327</sup> Universidad Francisco Marroquín. Monitor Global de Emprendimiento Guatemala 2015-2016, 2016.

limited access to basic services for caring for children and dependents, low connectivity to markets, and traditional gender roles as the main constraints for women accessing entrepreneurial activities.<sup>328</sup> USAID/Guatemala recently performed a women's entrepreneurship diagnostic<sup>329</sup> to identify specific gender barriers faced by Guatemalan female entrepreneurs. The data reported here are drawn from this study. The share of managers who are women has decreased from 48 percent in 2011 to 30 percent in 2015, a trend opposite to most countries in Latin America. For businesses established in 2017, 55 percent were owned by men and 45 percent were owned by women. Total early-stage entrepreneurial activity (TEA) is a statistical indicator of potential entrepreneurs' startup activities; this indicator increased for both men and women (2011-12 to 2017), though men continue to have higher TEA rates than women. Some important differences identified between men and women startups include: the level of education of the founder; the business sector; the number of employees; and the growth aspirations of the founder. Women tend to start businesses with less education: more than half of women starting businesses do not have a high school diploma (53 percent), as compared to 38 percent of men. The most common types of businesses started in 2017 by both men and women were in consumer-oriented sectors, though the percentage is higher for women (83 percent) than for men (69 percent). Male-owned start-ups were more likely to have more employees and to anticipate hiring additional employees, as compared to businesses started by women.

This analysis identified five constraints that affect women entrepreneurs: lack of accessible information (related to finance and business skills); legal discrimination (regarding access to finance and labor); lack of visibility of growth-oriented women entrepreneurs; limited access to networks; and cultural and family dynamics (such as lack of autonomy or access to collateral). The study also found that regional differences, as well as factors such as age and indigenous status, can intensify the constraints on women entrepreneurs. Additional checks that affect women in Guatemala include limited access to education, GBV, and childcare responsibilities.

## **7.3 PROSPERITY SECTOR – NATURAL RESOURCES MANAGEMENT AND CLIMATE CHANGE**

### **7.3.1 Data and Statistics**

Climate change and natural resources management require an integrated economic, social, and environmental approach toward comprehensive human and environmental sustainability. Integrating gender equality into this domain is fundamental to ensure that climate change policies and natural resources management consider the specific roles, conditions, positions, interests, and needs of women and men in each context. Here, too, it is essential to promote women's participation and empowerment as well as more equitable gender relationships.

### **7.3.2 Advances, Gaps, and Challenges**

#### **Gender-Related Trends in Management of Natural Resources**

Women and men play important yet different roles in the management and conservation of natural resources, and environmental degradation impacts them differently. Men, in particular, primarily consider

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<sup>328</sup> When mentioning this constraint, it refers to an analysis that the previous GEM carried out in 2012.

<sup>329</sup> USAID Guatemala. Guatemala Women's Entrepreneurship Diagnostic. Leadership in Public Financial Management II. Draft, July 2018.

temporary or permanent migration when (agricultural) jobs are not available, or they may become involved in profitable trades or value chains.

Boards for community-led productive enterprises or land concessions can serve as a stepping stone for women's increased involvement in leadership and management opportunities in their communities. However, there continues to be resistance from men to women's participation, and limitations are often placed on the scope of their involvement.

**Table 9. Key Statistics and Gender Gaps**

*Energy for cooking*

- As of 2012, 60 percent of extracted forest products was for firewood.<sup>330</sup> According to a study by the Economic Commission for Latin America and Caribbean, approximately 2.1 million households in Guatemala consume firewood for cooking. At the national level, 69.8 percent of households depend on firewood as their main energy source (42.6 percent in rural areas and 27.2 percent in urban areas).<sup>331</sup>
- Breathing smoke and wood soot from burning wood inside the homes causes 30 percent of respiratory diseases, as well as cases of chronic obstructive pulmonary disease and lung cancer. Women and girls, being traditionally in charge of cooking, are most affected.

*Water and sanitation*

- 3 million people in the country have no access to adequate water systems, and 6 million do not have adequate sanitation. More than 90 percent of surface water is contaminated with feces and other waste that is harmful for public health.<sup>332</sup> This situation increases women's time burden, requiring them to boil drinking water.
- Access to drinking water and basic sanitation is 79 percent overall: 90 percent in urban areas but just 61 percent rural areas.<sup>333</sup>
- According to Foster and Araujo, women and girls perform 74 percent of the activities to carry water for domestic use.<sup>334</sup> Deforestation and desertification are causing shortages of water reserves that affect women's time use.

***Energy for cooking***

According to the World Bank, 33 percent of Guatemala's total land area is forested,<sup>335</sup> but in the last 40 years, 60 percent of its forest cover has been lost.<sup>336</sup> Notably, in 2012, 60 percent of the extraction of forest products was for the purpose of firewood.<sup>337</sup> According to a study by the Economic Commission for Latin America and Caribbean, approximately 2.1 million households in Guatemala consume firewood

<sup>330</sup> Instituto Nacional De Bosques (Inab), Comision Nacional De Areas Protegidas (CONAP), Universidad Valle De Guatemala and Universidad Rafael Landivar. Mapa de Cobertura Forestal de Guatemala 2010 y Dinámica de la Cobertura Forestal 2006–2010, 2012.

<sup>331</sup> INE. Compendio Estadístico Ambiental 2015, 2015.

<sup>332</sup> Ministry of Health and Sanitation. Política Nacional del Sector de Agua Potable Y Saneamiento, 2013.

<sup>333</sup> State Environmental Report, 2012.

<sup>334</sup> Ministerio de Salud Pública y Asistencia Social, 2012.

<sup>335</sup> World Bank. Country Profile: Guatemala. Accessed on June 26 2018.

<sup>336</sup> Instituto Nacional De Bosques (Inab), Comisión Nacional De Áreas Protegidas (Conap), Universidad Valle De Guatemala and Universidad Rafael Landívar. Mapa de Cobertura Forestal de Guatemala 2010 y Dinámica de la Cobertura Forestal 2006–2010, 2012.

<sup>337</sup> Instituto Nacional De Bosques (Inab), Comisión Nacional De Áreas Protegidas (Conap), Universidad Valle De Guatemala and Universidad Rafael Landívar. Mapa de Cobertura Forestal de Guatemala 2010 y Dinámica de la Cobertura Forestal 2006–2010, 2012.

for cooking. At the national level, 69.8 percent of households depend on firewood as their main energy source (42.6 percent in rural areas and 27.2 percent in urban ones).<sup>338</sup> It is estimated that the resulting smoke and wood soot cause 30 percent of respiratory diseases, as well as cases of chronic obstructive pulmonary disease and lung cancer. Women and girls, as traditionally in charge of cooking, are most affected.

### **Water and sanitation**

Ninety percent of the surface waters in Guatemala show pollution.<sup>339</sup> At present 3 million people in the country have no access to adequate water systems, and 6 million do not have adequate sanitation. More than 90 percent of surface water is contaminated with feces and other waste that is harmful for public health.<sup>340</sup> This situation increases women's time burden, as they have to boil water for drinking.

Climate change is a significant and lasting alteration in the distribution of weather patterns over time; this can cause catastrophic events such as storms, floods, and heat waves. Women and children are 14 times more vulnerable than men to the effects of disasters related to climate change, such as floods and drought.<sup>341</sup> Guatemala is experiencing a severe environmental crisis that manifests itself in multiple ways: forest fires, high rates of deforestation, rivers and lakes with alarming levels of pollution, a shortage of water, and mudslides and floods caused by excessive rainfall.<sup>342</sup> The Global Climate Risk Index (CRI) of Germanwatch<sup>343</sup> indicates that Guatemala is one of the most affected and vulnerable countries because of climate risks, ranking ninth globally.<sup>344</sup>

### **Legal and Policy Framework for Gender Equality in Environmental Management and Climate Change**

Since 1985 Guatemala has passed more than 18 environmental laws and a similar number of environmental, natural resources, and climate change policies, which attempt to address the challenges posed by climate change and environmental degradation.<sup>345</sup> These laws include the Law for the Protection and Improvement of the Environment (Decree Number 68-86), Forest Law (Decree Number 101-96), and Law of Protected Areas (G.A. 759-90). Policies include the national climate change policy, the national policy on environmental education, the national policy of the potable water sector, and the national strategic agenda for the environment and natural resources. Only the Forest Law and the national policy of the potable water sector have language related to gender equality. The Environment and Natural Resources Ministry, however, includes a team within its gender and youth unit that is tasked to ensure that gender is integrated into environmental policies. This unit has created a working group for gender in environmental programs in which 14 institutions participate, and it has contributed to the 2015 Gender and Environment Policy

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<sup>338</sup> INE. Compendio Estadístico Ambiental 2015, 2015.

<sup>339</sup> Garschagen, Matthias, et al. World Risk Report 2016. Bundnis Entwicklung Hilft and United Nations University—Institute for Environment and Human Security (UNU-EHA), 2016.

<sup>340</sup> Ministry of Health and Sanitation. Política Nacional del Sector de Agua Potable Y Saneamiento, 2013.

<sup>341</sup> Revista Claves 21. Las Mujeres son las más Afectadas por el Cambio Climático, March 8, 2018.

<sup>342</sup> Fundación Libertad y Desarrollo. Deterioro del Medio Ambiente en Guatemala. Accessed on July 20, 2018.

<sup>343</sup> The climate risk index (CRI) indicates a level of exposure and vulnerability to extreme events that countries should understand as warnings to be prepared for more frequent or more severe events in the future. Not being mentioned in the CRI does not mean there is no impact.

<sup>344</sup> COCIGER. Guatemala Continúa entre los 10 Países con Mayor Riesgo Climático a Nivel Mundial, Accessed on July 19, 2018. <http://www.cociger.org/?p=334>.

<sup>345</sup> Telephone interview with Carmen Torcelli, lawyer and member of the board of Asociación Nacional de Organizaciones No Gubernamentales de los Recursos Naturales y el Medio Ambiente (ASOREMA), May 30, 2018.



and the Gender Pathway and Reducing Emissions from Deforestation and Forest Degradation (REDD+), in collaboration with the Ministry of Agriculture and the National Council for Protected Areas.

### **Gender-Responsive Disaster-Risk Reduction and Response**

Natural disasters — including earthquakes, hurricanes, tropical storms, volcanic eruptions, landslides, and floods — have severely affected Guatemala. According to the world risk index,<sup>346</sup> Guatemala ranks fourth for risk of natural disasters. Recent hurricanes and volcanic eruptions have caused human and economic losses; and, as funding for social programs are diverted to immediate disaster-response activities and subsequent longer-term recovery, the most vulnerable groups (women and children) lose critical support. This situation points to the need for improved planning and budgeting for disaster response.

To address disaster risk management, disaster risk reduction, and financing, the National Program for Disaster Prevention and Mitigation published its Plan for Recovery and Reconstruction with Transformation (Adaption and Mitigation for Climate Change) in 2010. Though the plan mentions government projects to address gender equality and include women's participation, it is on the whole gender blind, ignoring the different needs of women and men during and following natural disasters and neglecting to tailor solutions to meet their different needs.

### **Women's Access to Decision-Making Regarding Environmental Management and Climate Change**

Guatemala's Gender and Environment Policy and the Gender Pathway and REDD+ serve as resource documents, addressing (respectively) the integration of gender in environmental policy and a strategy for gender consideration in environmental programming. The Gender Pathway lays out gender considerations for environmental programming, underlining the importance of women's engagement in all aspects of program design, implementation, and monitoring, including as decision-makers. Interviews and field visits confirmed that, although it is happening slowly, women are becoming more involved in decision-making related to environmental management and climate change via their participation in projects.

In practice, both the government of Guatemala and USAID lack practical plans and systems to assess the different needs and risks for women and men in disasters. The eruption of the Fire Volcano (Volcán de Fuego) on June 3, 2018 is illustrative. In the immediate aftermath, few government systems or even simple checklists were available for relief workers to use to identify whether women's basic needs were met (such as for hygiene) and whether they were being targeted for support as caretakers of the family. As well, few measures were taken immediately after the eruption to mitigate the risk of enhanced GBV linked to multiple factors, including possibly increased stress as well as preexisting gender-unequal social norms and practices.<sup>347</sup> According to UNFPA, in the first weeks after the eruption, the shelters reported "several cases of violence against women that worried the authorities." There were few measures to ensure the effective participation of women and women's organizations in the organization of the shelters, and to prevent GBV: "the participation of women is also limited by the authoritarianism of their peers. Although women are appointed as caretakers of some area of the shelter, they go to their husbands, as if they had been named instead of them."<sup>348</sup>

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<sup>346</sup> Garschagen, Matthias, et al. World Risk Report 2016. Bündnis Entwicklung Hilft and United Nations University – Institute for Environment and Human Security (UNU-EHA), 2016.

<sup>347</sup> To speak definitively and precisely on which factors cause the increased risk of GBV in the aftermath of natural disasters in Guatemala, it would be necessary to conduct in-depth research because these factors vary by context and country.

<sup>348</sup> UNFPA. Tras Erupción del Volcán de Fuego, Aumentan los Riesgos para Mujeres y Niñas, July 5, 2018.



# 8. GOVERNANCE FINDINGS

This section discusses women's and men's political participation at national and local levels, as well as national and local government mechanisms for gender equality. Mayan indigenous governance mechanisms are discussed in terms of opportunities to advance gender equality and women's empowerment.

## 8.1 DATA AND STATISTICS

**Table 10. Key Statistics and Gender Gaps**

### *Political Participation*

- In the 2015 elections, 7,522,920 people were registered in the electoral registry; 54 percent were women, increased from 46.9 percent in 2007.
- In the 2015 elections, women accounted for 26 percent of the national parliament and 6 percent of candidates to the municipal governments; 7 percent of women candidates were successful, compared with 15 percent of men.
- In the last election (2015), two women were presidential candidates, out of a total of 28 presidential and vice-presidential candidates. There were no indigenous women candidates for those offices. In 2011, Guatemala elected its first woman to the vice-presidency.
- Along with Brazil and Paraguay, Guatemala is one of the Latin American and Caribbean countries with the lowest levels of female political participation. Currently, women represent 15 percent of parliamentarians (23 of 158 seats) and only two of them are indigenous.
- Women are under-represented at all levels of government. Currently there are two female ministers (one indigenous) and eight vice-ministers, amounting to 12.5 percent of all ministers and 17 percent of vice-ministers. Out of 15 Secretaries of the Presidency, 25 percent are women; 29 percent of under-secretaries are women. In 2015, women accounted for 18 percent of the total number of governors.
- Women hold only nine of 338 mayoral (*alcalde*) positions in the municipalities (2.6 percent) and 182 out of 1,657 councilors' positions in the city halls (11 percent), showing a decrease from the 2011 elections.
- Interviews suggest that women's participation in community spaces accounts for less than 4 percent.<sup>349</sup>
- The rates of participation of any kind of children, adolescents, and youth across age groups has declined sharply between 2000 and 2014. For ages 7–24, the decline has been from 26.1 to 2.2 percent.<sup>350</sup>

### *Participation in the Judicial System*

- 41 percent of the country's 1,456 judges are women, as are the Attorney General and head of the Public Ministry (2014–2018). At the Supreme Court of Justice (2018), however, they are only 4 percent of magistrates; only 20 percent of seats in the Supreme Electoral Court are held by women.

Source: Superior Electoral Court. Memoria Electoral 2016 (all data unless otherwise cited).

## 8.2 ADVANCES, GAPS, AND CHALLENGES

### 8.2.1 Women's Electoral Participation

#### Structural resistance to legislative reforms

<sup>349</sup> Group interview with the CLD project. Quetzaltenango, June 21, 2018.

<sup>350</sup> INE. Encuesta Nacional de Condiciones de Vida 2014 (ENCOVI), 2015. INE. Compendio Estadístico de Niñez y Adolescencia, 2015.

Access to national political participation in Guatemala takes place through political parties and civic electoral committees in the municipalities. The first step to participation is enrollment in the registry of citizens and then in a political party. A more engaged form of political participation requires nomination. Guatemala is divided into 22 departments, each headed by a governor representing the president. Each governor is chosen by the president from a short list of candidates drawn up by a departmental commission, made up of representatives from CSOs. The national system of development councils, based in each department, is the government's main implementation mechanism for development planning processes; it is mandated to consider principles of national multiethnic, multicultural, and multilingual unity.

The main legal instruments governing political participation are the Electoral and Political Parties Law (1985), the Decentralization Law Decree (2002), the Municipal Code (2002) and its Reform on Women's Municipal Office (2016), the Law of the Development Councils (2002), and the Urban and Rural Development Councils Law (229-2003). Despite sustained advocacy from Ladino and Mayan women's and feminist organizations, Guatemala has seen no amendments, new laws, or affirmative measures to enhance women's political participation. The Constitutional Court has issued several favorable opinions on such reforms, but thus far, none have passed.

Along with Cuba, Guatemala is one of the two Latin America countries that lack laws and regulations guaranteeing minimum quotas for women's political participation. Similarly, Guatemala is one of the two countries (along with Brazil) with the lowest levels of representation of women in all levels of government. Guatemalan women's organizations have experienced little success, despite their efforts over the last 25 years to introduce affirmative actions and provisions to ensure increased women's political participation (such as quotas and parity). For example, women's organizations have prepared and submitted to Congress at least six different proposals to reform the Electoral and Political Parties Law (LEPP), but none has achieved the required majority approval. Nevertheless, the National Development Plan (K'atun Nuestra Guatemala 2032) includes an objective to reach parity, both at the national parliament and local government levels.

## **Gender barriers**

Challenges are still significant, reflecting the prevailing patriarchy and the persistence of stereotypes and traditional gender roles. Women's participation is impacted directly by poverty, lower education levels, racial and ethnic discrimination, sexual harassment and other forms of GBV, as well as their responsibility for reproductive work and their lower employment opportunities and income. Apart from these structural barriers, women — particularly those from single-headed households and those in indigenous and rural communities — have other obstacles, such as the absence of support mechanisms for childcare and community disapproval of their participation. Women participating in public life confront other challenges: the undervaluing of their opinions; insufficient access to information; inadequate knowledge of municipal government structures, procedures, and negotiation skills; and language barriers. Foremost is the fear of expressing their opinions in public, particularly in mixed-sex groups. Lastly, even if they are proposed for an electoral list, women often appear at the end of the electoral ballot, where they have almost no chance of winning.

## **8.2.2 Institutional Support for Gender Equality and Women's Rights**

### **Effects of a severe political crisis**

Four main executive institutions are responsible for gender equality and women's empowerment: SEPREM, established in 2000; Women's Specific Cabinet in the Executive, established in 2012; DEMI, established in

1999; and the gender units in the various ministries and autonomous public agencies. (Specific institutions designated to address GBV are discussed in the Section 3 on Security.)

SEPREM advises the president and coordinates public policies on issues regarding women: to promote the integral development of women in their ethnic and sociocultural diversity, particularly the Policy for the Promotion and Integral Development of Women (PPDIM); to support the institutionalization of gender units in sector-level entities; and to lead implementation of the gender budgeting classifier. Representatives at SEPREM attend all levels of the national system of development councils and serve to direct attention to the specific needs of women at the local level. According to respondents, however, SEPREM has lost influence over the last few years, with a reduction in its representatives in each department and sparse promotion of its work. There have been unsuccessful initiatives to adopt legislation to elevate SEPREM to ministerial status.

An unsupportive government (2012–2015) and the subsequent political crisis weakened the state's institutional gender framework. SEPREM's legal framework (G.A 20-2000) was modified such that the secretary of SEPREM would be selected directly by the President rather than by women's organizations, as previously. This change generated a substantial breach between SEPREM and the women's movement, and it is only recently that SEPREM is acting to recover its original mandate (through the approval of its 2018–2022 strategic institutional plan).

Until July 25, 2018, the Women's Specific Cabinet (created by G.A 264-2012, existed, with the purpose of "the adoption of policies, plans, and programs for women's development." Chaired by the vice-president of Guatemala, it included the heads of nine ministries as well as seven state secretaries, DEMI's ombudswoman, and the Youth Institute director. The GEM developed annual plans and priorities by geographic area; it received technical support from the consultative technical committee, formed by the sectoral gender units. President Morales very recently eliminated GEM, along with the Youth Cabinet, with the stated goal of avoiding duplicity of functions. This move impacts gender policy negatively, as it eliminates SEPREM and DEMI (among other secretariats) from any high-level decision-making role in the government.

There are 35 gender units in public government institutions, with varying scope and capacities for achieving gender mainstreaming within their respective areas. Most of them work on the margins, with limited resources and influence within their institutions.

The indigenous women's ombudsperson, DEMI, was created in 1999 (AG 525-99) to promote public policies, plans, and programs for the prevention, defense, and eradication of all forms of violence and discrimination against indigenous women. It receives and provides referrals for complaints of indigenous women; provides legal advice, psychosocial support, and other services to indigenous women victims of violence; and develops educational programs for training on and dissemination of the rights of indigenous women. Currently, DEMI has three main areas of work: attention to victims, educational training, and social and political participation.

Prior to 2016, several municipal governments had municipal offices for women, with varying scopes of work and levels of organization and performance. The 2016 reforms to the municipal code made the municipal women's

#### Gender Budgeting Classifier Decree (D.19-2010)

The decree provides for the inclusion of a numerical code, located within the special expenditure monitoring classifier of the public budget, which makes it possible to identify budget allocations directly benefitting women.

It aims to allow for the linkage and integration of policies, institutional plans, and programs with the National Policy for the 2008-2023 Promotion and Integral Development of Women Plan.

It establishes that all public institutions should input the related data, indicating which programs they develop that will contribute to the promotion of women's rights and gender equality.

secretariat (DMM) compulsory, raising its rank (Reform on Women's Municipal Office D.39-2016). The DMMs constitute the governance structures for women's rights and gender equality at the municipal level. They are responsible for advising the municipality, informing women about their rights, promoting women's participation in municipal planning, and coordinating the implementation of actions and projects serving women's needs. The municipal government must ensure adequate human and financial resources to carry out these functions, allocating at least 0.5 percent of the municipal budget to the DMM. The DMMs are also responsible for coordinating with the national government (SEPREM and others) for implementation of national gender policies and actions at the local level.

The DMMs generally do not participate in municipal decision-making bodies such as the COMUDE or take part in developing the annual operative plan and municipal budget, despite their increased rank. In some cases, the DMM lacks knowledge of the planning and budgeting processes; more often, it is perceived as a minor office with no standing to participate in municipal decisions. The offices not always receive the 0.5 percent established in the municipal code. DMMs experience other challenges in fulfilling their mandate, in particular with ensuring women's consistent access to, and participation in decision-making at the municipal and community levels. No recent evaluations of their performance have been identified.

### Implementation issues

The PPDIM is a multi-sectoral policy instrument that gives SEPREM a strong intra- and inter-institutional coordination role within the national planning system, led by Secretary of the Presidency on Planning and Programming (SEGEPLAN). However, the Women's Cabinet<sup>351</sup> and the gender units in the State had limited capacity to influence their own institution's efforts to advance gender integration. Similarly, there is a required Gender Budget Classifier, but most government institutions have not put it in practice, or if they have, they often misclassify a non-gender related investment as gender-related.<sup>352</sup>

## 8.2.3 Decision-Making at the Community and Local Level

### Increasing opportunities

The Law of Urban and Rural Development Councils (D.II-2002) regulates the operation of the National System of Development Councils at the community, Municipal, Departmental, Regional, and National levels. Enacted in 2002 and reformed in 2003 (D. 229-2003), it created a space for the development of the National System of Development Councils, which "is the main means of participation for Mayan, Garifuna, Xinka and Mestizo populations in public management and democratic development planning, while accounting for the principles of national, multi-ethnic, pluricultural and multilingual unity of the Guatemalan nation."

The National System of Development Councils has five levels.<sup>353</sup> On each level, it is required to have a representative from the Presidential Secretariat for Women (SEPREM), a local women's organization, and an indigenous people's organization. At the community level (level 5), it is required to have at least one woman among the five council members. D.II-2002 specifically states that women's organizations will raise and promote initiatives to benefit women, based on local needs. The law also establishes the

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<sup>351</sup> It refers to the period from its creation to July 25, 2018 when it was eliminated.

<sup>352</sup> European Union. Gender Profile Guatemala 2017; personal interviews. G.L June 7; F.L June 26; donors' meeting June 13, 2018.

<sup>353</sup> The levels are: 1. CONADUR; 2. Regional Councils of Urban and Rural Development; 3. Departmental Development Councils (CODEDE); 4. Municipal Development Councils (COMUDE); and 5. Community Development Councils (COCODE).

Indigenous Advisory Councils (IAC), including the indigenous community authority's representative (where there is at least one indigenous community). The mandate of the IAC is to advise the Development Council at the community or municipal level (COCODE and/or COMUDE); however, there is no specific mention of women's participation in the IAC.

Participation in local organizations can serve as the entry point for rural and indigenous women's social and political participation, in bodies such as the municipal committees on water distribution, or school and church committees. Through this experience they can develop self-confidence, learn negotiation skills, and build women's support and advocacy networks. The institutionalization of the National System of Development Councils has increased the space available for the participation of rural women in the COCODES and COMUDES. Nonetheless, the challenges to rural women's participation are very significant. In the WH, a priority region for USAID/Guatemala programming, women's formal participation at the community level is very low, at approximately 4 percent (Quetzaltenango communities). In most cases, moreover their participation is only on paper; in practice, their voices are not heard. The USAID-funded CLD project Community Survey 2017,<sup>354</sup> carried out in 200 communities in the WH, found that: "Even [though] there are some COCODES with women present, their roles tend to be very secondary. The surveys noted that women present in COCODES rarely spoke." The higher levels of women's participation were found in Food Security and Nutrition Committees (50 percent), youth groups (40 percent), associations or cooperatives (25 percent), and emergency commissions and producers' groups (15-20 percent). Youth participation, both of women and men, is even scarcer, and according to the same sources stands around 2 percent.

There are also *alcaldías indígenas* (indigenous mayors) in some of the USAID target territories in the Western Altiplano, particularly in municipalities of Huehuetenango, Quetzaltenango, Quiché, and Totonicapán. They include indigenous authorities elected in a community assembly, usually adults who enjoy being recognized and working on a volunteer basis. Each *alcaldía* works according to specific rules, established by the assembly, which are usually not written. The main focus of the *alcaldías* is the resolution of conflicts: some, such as the *alcaldía* in Santa Cruz Quiché, focus on social conflicts, while others, in the 48 cantons in Totonicapán, are more oriented toward addressing environmental conflicts. According to the CLD survey, women were rarely involved in Indigenous Authorities or Water Committees (with participation rates from 2 to 10 percent).

The actual participation of women and the specific barriers they confront vary according to the community, socioeconomic conditions, and ethnicity (with relevant differences among the different indigenous groups); participation is also affected by the presence of development projects and the levels and influence of migration. Greater opportunities are noted for participation of young unmarried women with higher levels of education, as well as communities with existing women's groups or organizations. At the municipal level, the Women's Commissions and their articulation with the DMMs represent a notable opportunity for women to introduce their needs and interests in the municipal agenda. Social and behavioral change communication programming directed at men (husbands, community leaders, mayors and members of the municipalities, indigenous authorities) is fundamental for creating opportunities for more balanced participation of women and men in public spaces.

## **8.2.4 Women's Rights and Gender Equality CSOs**

### **Women's and feminist networks**

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<sup>354</sup> USAID/Guatemala. FY 17 Q2 Quarterly Report: Annex II. Community Survey Findings. Communities Leading Development, 2017.

Guatemala has a strong, widespread network of women's organizations, in both indigenous and non-indigenous contexts. The women's and feminist movement has participated strongly in the formulation and promotion of specific laws and public policies as well as the monitoring of their implementation and budgeting. Indigenous women's organizations produced the *Articulated Agenda of Mayan Women, Garífunas and Xinkas*, updated every four years, which was a fundamental contribution to the PPDDIM and other sectoral policies.

At the national level, there are networks of indigenous women focused on: the promotion of leadership and healing from violence (Kaglá, CONAVIGUA); the promotion of political participation (MOLOJ) and on the defense of sexual and reproductive rights (ALIAMSAR, National Network of Midwives); prevention and response to GBV (Ixmucafé); and the provision of technical training (AMUTED). These networks and organizations are present in most of USAID's territories of intervention. In some municipalities, local women's organizations focused on agricultural or textile production were also identified. However, many of these organizations and networks are severely underfunded and frequently confront prejudice from other CSOs and donors for being "too activist," for example when they challenge public officials, institutions, or private companies for acting against women's rights and gender equality.

The CLD Project for community mapping, developed in 200 communities of 5 departments in the WH (2017), identified a total of 147 women's organizations, 71 youth groups, and 61 producers groups.<sup>355</sup> Women's groups accounted for almost 50 percent of all of the organizations identified.

### 8.2.5 Youth Participation

Social group participation of children, adolescents, and youth is low. (In general, male and female youth (under age 20), whether indigenous or not, do participate in religiously-affiliated organizations). The 2014-2015 ENCOVI indicates that boys/men participate in social and community organizations at higher rates than girls/women (2000–2014). The largest gap in 2014, however, was that between indigenous men and women (7.2 percent versus 4.3 percent), compared with a negligible difference between non-indigenous men and women (4.4 percent versus 4.2 percent). This suggests compounded discrimination of indigenous female youth, in political and social participation.<sup>356</sup> CLD survey mapping found an average 2 percent youth participation in rural communities' governance structures in the WH.<sup>357</sup> In particular, the percentage of indigenous youth participating in social and educational organizations is low in comparison with their non-indigenous counterparts. Sex-disaggregated data on youth participation is not available, however.<sup>358</sup>

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<sup>355</sup> USAID/Guatemala. FY 17 Q2 Quarterly Report: Annex II. Community Survey Findings. Communities Leading Development, 2017.

<sup>356</sup> INE. Encuesta Nacional de Condiciones de Vida 2014 (ENCOVI), 2015.

<sup>357</sup> USAID/Guatemala. FY 17 Q2 Quarterly Report: Annex II. Community Survey Findings. Communities Leading Development, 2017.

<sup>358</sup> INE. Compendio Estadístico de Niñez y Adolescencia. 2015.



## 9. CROSS-CUTTING THEMES

### 9.1 IRREGULAR MIGRATION TO THE UNITED STATES

#### 9.1.1 Relevant Data and Statistics

Guatemalans of all ages engage in irregular migration to the United States. In recent years, however, children and youth under the age of 18 are increasingly represented among the migrant population.<sup>359</sup>

**Table 11 Relevant Data and Statistics**

- Approximately 1 in 10 Guatemalans live outside of the country; 97.4 percent immigrated to the United States.<sup>360</sup>
- 2.6 percent of Guatemalan households had at least one member who immigrated to another country. In the case of urban and rural households, 1.8 percent and 3.6 percent respectively reported family members immigrating to another country.<sup>361</sup>
- Between January and October 2017, Mexico deported 25,167 people: 15,659 adult men (62 percent), 418 adult women (1.6 percent), 215 accompanied boys, 175 accompanied girls, 156 unaccompanied boys, and 39 unaccompanied girls.<sup>362</sup>
- Between 2011 and 2016, one-third of Unaccompanied Alien Children (UAC), originating from Guatemala, Honduras, and El Salvador and “apprehended” in the United States, were female.<sup>363</sup>
- There was an increase of unaccompanied migrant children from 1,115 to 17,057, from 2009 to 2014. This increased to 18,913 in 2017.<sup>364</sup>

### 9.2 GENDER EQUALITY ADVANCES, GAPS AND CHALLENGES

#### 9.2.1 Legal, Institutional, Policy, and Strategic Framework

Various international treaties that Guatemala has ratified provide a foundation for its national-level legal migration framework. All these treaties include provisions for gender equality in the treatment and rights of migrants. These treaties include: the U.N. Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Protocol Against the Smuggling of Migrants by Land, Sea, and Air; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Convention to End All Forms of Discrimination Against Women; the Convention on the Right of the Child; the Convention Relating to the Status of Refugees; and the Vienna Convention on Consular Relations, Migration for Employment Convention.<sup>365</sup>

<sup>359</sup> Taft-Morales, Maureen. Guatemala: Political and Socioeconomic Conditions and U.S. Relations, Congressional Research Services, 2017.

<sup>360</sup> Ibid.

<sup>361</sup> INE. Encuesta Nacional de Condiciones de Vida (ENCOVI) 2014, 2015.

<sup>362</sup> OEA/CIDH. Situación de los derechos humanos en Guatemala, 2017.

<sup>363</sup> Ibid.

<sup>364</sup> Taft-Morales, Maureen. Guatemala: Political and Socioeconomic Conditions and U.S. Relations, Congressional Research Services, 2017.

<sup>365</sup> Maldonado Ríos, Erick Mauricio. Marco General y Descripción de Acciones del Estado de Guatemala en Materia Migratoria, CONAMIGUA, 2010.

Guatemala's legal framework is comprised primarily of two national laws (the Migration Code D. 44-2016 and Law of the National Council of Attention to Migrants from Guatemala (CONAMIGUA)) as well as various international legal instruments. The Migration Code establishes a number of migrant rights related to gender equality: non-discrimination based on gender, ethnicity, and other conditions; access to sexual and reproductive health services, especially for women and girls; special protections for migrant victims of GBV; and the rights of victims of human trafficking, particularly relevant to women and girls, as they are the primary victims in Guatemala and in migratory transit.<sup>366</sup> The Law of the National Council of Attention to Migrants from Guatemala establishes CONAMIGUA as the "government entity that coordinates, defines, supervises actions and activities of the organisms and entities of the State tending to protect, assist and provide assistance to Guatemalan migrants and their families."<sup>367</sup> The Law includes only a brief reference to the importance of members' adopting behaviors and practices that respect "gender rights." According to the Migration Code, the Executive Secretary will be a part of the new National Migration Authority.

The United States Strategy for Engagement in Central America does not address gender equality at all within its focus on addressing illegal immigration and illicit trafficking to the United States. The extent to which other regional level strategies address gender equality is not well documented.

The phenomenon of illegal migration cuts across several USAID/Guatemala priority sectors, notably security and justice, health, education, and economic growth. The variables that cause and are affected by irregular migration are discussed below.

### 9.2.2 Sector-related factors

Various sector-related factors, such as gang violence, GBV, lack of economic opportunity/poverty, or insufficient access to healthcare and education contribute to migration to the United States.

**Intimate Partner Violence.** No figures exist to show how many women from the Northern Triangle countries are claiming asylum or have been granted refugee status because of domestic violence.<sup>368</sup> "Domestic violence is one of the main motivations for women fleeing Central America but has been made invisible by the domination of the gang discourse."<sup>369</sup>

**Gang-Related GBV.** Increasing numbers of women and girls are fleeing El Salvador, Guatemala, and Honduras amid mounting evidence that criminal gangs are systematically targeting adolescent girls as sexual slaves. "The forced recruitment of girls and young women into gang-related activities, and especially being forced into prostitution through providing 'conjugal visits' to gang members in prison, are extreme forms of sexual exploitation and human degradation that involve exercising powers akin to the right of ownership over these individuals."<sup>370</sup>

**Violence against LGBTI.** Despite the difficulty in obtaining accurate figures from the Guatemalan government (as data do not exist), there is evidence that LGBTI are particularly exposed to violence in the Northern Triangle countries. This is related intrinsically to the multiple forms of discrimination that LGBTI people face in their family and working life on the basis of their gender identity and/or sexual orientation. Given the lack of options for protecting their lives in their own country, LGBTI choose to

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<sup>366</sup> Organización de Estados Americanos/Comité Internacional de Derechos Humanos. Situación de los Derechos Humanos en Guatemala, 2017.

<sup>367</sup> CONAMIGUA. Ley del Consejo Nacional de Atención al Migrante de Guatemala (CONAMIGUA), 2008.

<sup>368</sup> Reuters. Domestic Violence Pushes Central American Women to Flee for their Lives: U.N., May 24, 2017.

<sup>369</sup> The Guardian. 'He Will Kill Me if He Sees Me Again': Abused Women Seek Refuge in Mexico, June 7, 2017.

<sup>370</sup> The Guardian. 'It's a Crime to be Young and Pretty': Girls Flee Predatory Central America Gangs, November 23, 2016.



depart and seek protection in other countries such as Mexico or the United States. This puts them at more risk of danger by criminal gangs and the authorities in transit and/or in destination countries.<sup>371</sup>

**Migration poses sector-specific challenges for individual irregular migrants.** Migration creates various challenges for individuals, which include the interruption of education for migrant children and youth, unequal access to healthcare, and exposure to increased GBV during migration. Analyzing irregular migration from a gender perspective provides important insight into the ways that women, men, girls and boys experience irregular migration. For example, an estimated 6 of 10 migrant girls and women experience sexual violence in transit through Mexico, including violence at the hands of gangs and other criminal groups, smugglers and traffickers, police and migration officials, and other migrants. Girls traveling alone and LGBTI are especially at risk to human trafficking and sexual exploitation.<sup>372</sup>

### 9.2.3 Migration and Changing Gender Norms and Practices.

Research has indicated that migration has reinforced the gender equality status quo far more than it has supported changes to patriarchal household gender dynamics. Though there are some signs of change in gender norms and practices, the research generally reveals a great deal of continuity in women's and men's gender practices and relations of authority, underlining the profound influence of both transnational processes and local conditions that reinforce gender relations.<sup>373</sup>

In some cases, migration leaves women responsible for the family, creating a window for women and girls to assume new roles traditionally occupied by men, which can be empowering both at the household and community level. Remittances from abroad can support women's greater autonomy in terms of decision making and income use at the household level. Furthermore, women may begin to make decisions regarding income use, such as prioritizing the education of female children that their migrated husbands might not have made. Migration may also provide a window for women to use their (limited) free time to develop entrepreneurial activities that might not have been possible prior to their husband's migration. Some women also may go back to school, or enter the labor market, or participate in sports and cultural or religious activities. Finally, migration of an abusive male partner or husband may provide relief from intimate partner violence.

Migration may also increase vulnerability and dependence for the women who remain in Guatemala. Ugalde y Peláez<sup>374</sup> point to the myth of women's empowerment, as, in most cases, gender roles are maintained through the husband's family and community control. As such, women face greater supervision and control from their mother- and father-in-law. Guatemala's patriarchal culture allows the man to keep his role as provider even from a distance, taking decisions and monitoring his wife's conduct, based on information from his relatives. In some cases, the man sends the remittances to his parents, who do not allow the wife to access or make decisions regarding their use.

Gender roles may also be maintained when women feel obligated to ask their husbands for permission to make personal or household decisions, because they fear that their neighbors or husband's relatives will give him a biased account. In other cases, the community may act as a control mechanism even when the husband does not request such "support."

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<sup>371</sup> Amnesty International. No Safe Place, November 2017.

<sup>372</sup> KIND. Sexual and Gender Based Violence (SGBV) & Migration Fact Sheet, January 2017.

<sup>373</sup> Hughes, Christine. At Home and Across Borders: Gender in Guatemalan Households and Labor Migration to Canada, 2014.

<sup>374</sup> Ugalde, M. y Peláez, A. "Guatemala. Hoy son lagrimas, Mañana son Dólares", en Ansion, J., Gómez, R. y Medina, P. (eds.) Más Allá de la Remesas. Familias de Migrantes en América Latina. Paris: Federación Internacional de Universidades Católicas (FIUC), 2009.

Male migration may also increase women's time burden, in particular with respect to productive tasks. This is especially the case when a male partner does not send remittances or there are insufficient resources to support the household. When men abandon their families as a consequence of migration, they are psychological effects for both women and children, as well as impacts on the family's economic stability and living conditions.<sup>375</sup>

Research also indicates that livelihood strategies, in particular in agriculture, remain constant, even when the male head of household migrates. What changes is the transformation and expansion of the role of married women into agricultural production. For example, World Bank research revealed that, as men in southeastern Guatemala migrate, their partners face greater responsibilities in agricultural production. They reported having not only to take on farming, but also learning how to farm, once their husbands migrate. The challenge is that agricultural extension services and technical assistance generally fail to reach women in rural areas, despite the expansion of their roles in this domain.<sup>376</sup>

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<sup>375</sup> FADEP. Migración y Familia: Caso Guatemala, July 7, 2016.

<sup>376</sup> World Bank Group. Women in Agriculture: The Impact of Male Out-Migration on Women's Agency, Household Welfare, and Agricultural Productivity, May 2015.

# ANNEX A: STATEMENT OF WORK

## USAID/Guatemala Gender Analysis and Assessment Scope of Work For 2019-2024 CDCS

### I. BACKGROUND

USAID/Guatemala is preparing to develop a new Country Development Cooperation Strategy (CDCS) for FY 2019-2024. The current CDCS is valid from 2012-2019. To inform the new CDCS, USAID/Guatemala needs to conduct the following analyses/assessments:

**Mission Gender Analysis:** USAID/Guatemala will conduct a Mission Gender Analysis to provide a framework and baseline for effective integration of gender concerns in its programs. This responds to USAID gender requirements and complies with ADS 201.3.2.9 and ADS 205 that require that Strategic Plans must reflect attention to gender concerns.

**Gender Assessment:** A review of attention to gender in current mission's programming (through a desk review of program documents and interviews with implementing partners and Agreement Officer/Contracting Officer Representatives). The results of the gender assessment will help prepare the gender analysis and its recommendations.

### 2. MISSION GENDER ANALYSIS<sup>377</sup> AND GENDER ASSESSMENT<sup>378</sup>

The research team will prepare a gender analysis and assessment report. In alignment with ADS 205, the gender analysis portion of the report will provide a country-wide analysis of gender roles and constraints (including gender-based violence). The purpose of the gender analysis is to inform USAID/Guatemala's strategic planning and program implementation. It will identify the key gender inequalities, issues and constraints and make recommendations on how USAID/Guatemala can achieve greater gender and social integration in its CDCS, programs and projects. The analysis will help the mission identify, understand,

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<sup>377</sup> **Gender Analysis:** An analytic, social science tool that is used to identify, understand, and explain gaps between males and females that exist in households, communities, and countries, and the relevance of gender norms and power relations in a specific context. Such analysis typically involves examining differences in the status of women and men and their differential access to assets, resources, opportunities and services; the influence of gender roles and norms on the division of time between paid employment, unpaid work (including subsistence production and care for family members), and volunteer activities; the influence of gender roles and norms on leadership roles and decision-making; constraints, opportunities, and entry points for narrowing gender gaps and empowering females; and potential differential impacts of development policies and programs on males and females, including unintended or negative consequences.

<sup>378</sup> **Gender Assessment:** A review, from a gender perspective, of an organization's programs and its ability to monitor and respond to gender issues in both technical programming and institutional policies and practices. A gender assessment is a flexible tool, based on the needs of a Mission, and may also include a gender analysis at the country level. If a gender analysis is included in a gender assessment, this meets the ADS requirements. Findings from a gender assessment may be used, for example, to inform a country strategic plan or a DO and/or develop a Mission Gender Plan of Action or a Mission Order on gender.

and explain the gender gaps<sup>379</sup> within men and women that belong to the following groups: indigenous and non-indigenous, youth, and people with disabilities and persons with other sexual orientations-- lesbian, bisexual gay, bisexual, transgender and intersex persons (LGBTI), urban and rural inhabitants. It can also extend itself to look at other disadvantaged populations that exist in households, communities, and in the country. This analysis should also disaggregate population by age: children, youth (10-29) and adults.<sup>380</sup> To the extent that there is information available, as they relate to the technical areas identified below and, more specifically, those areas highlighted during initial consultation discussions with USAID/Guatemala. It is also used to identify the relevance of gender norms and power relations in a specific context (e.g., country, geographic, cultural, institutional, economic, etc.). Of equal importance, the analysis will include concrete recommendations on ways to mitigate gender inequality that can be integrated into USAID/Guatemala Development Objectives (DOs), Intermediate Results (IRs) and sub-IRs, monitoring and evaluation, and indicators.

### **Gender Analysis:**

Per ADS 205.3.3., the gender analysis must provide descriptive statistics<sup>381</sup> on men and women and LGBTI (education, health, community participation, political participation, economic activity and earning, time use, violence, etc.) and will also provide country and sector-level quantitative and qualitative data on the key gender gaps for indigenous and non-indigenous in each of the domains described in section 205.3.2: Laws, Policies, Regulations, and Institutional Practices; Cultural Norms and Beliefs; Gender Roles, Responsibilities, and Time Use; Access to and Control over Assets and Resources; Patterns of Power and Decision-making. These data will focus on the country level and on specific sectors where Mission resources are likely to be concentrated. At this level, the analysis should, to the extent possible, also provide information about groups of women or men that are particularly disadvantaged or that have strong unmet needs for empowerment (e.g., LGBTI persons, women from marginalized ethnic groups, women with disabilities, and so forth). All data and statistics will be disaggregated by age group and demographics (e.g., economically active population, indigenous and non-indigenous, family composition (with/without children) immigrants, economic activity, wealth index, etc.) for the purposes of comparing gender issues within those groups and among non-group members.

It is expected that additional analyses may be needed for key sectors as the activities progress.

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<sup>379</sup> Gap definition: disparity (Merriam Webster). The gaps in this case are between indigenous males and females or between indigenous and non-indigenous women and urban women vs. rural women and/or urban women vs. urban men.

<sup>380</sup> The analysis must disaggregate by demographic group in order to be able to identify youth. USAID Youth in Development Policy defines youth in the cohort of 10-29 years. On the other hand the UN, for statistical consistency across regions, defines 'youth', as those persons between the ages of 15 and 24 years, without prejudice to other definitions by Member States. .

<sup>381</sup> ADS 205.3.2. Descriptive Statistics in Gender Analysis: Gathering statistics on women and men is a core element of carrying out a gender analysis. As much as possible, these statistics should not treat men and women as monolithic categories, but should reflect the intersection of sex with other characteristics such as age, marital status, income, ethnicity, race, disability status, geographic location, sexual orientation and gender identity, or other socially relevant category as appropriate, in: Education, Health, Political participation, Economic activity and earnings, Time use, Violence, and other relevant domains. It is important to understand the intersecting identities a person has in order to capture the extent to which they may or may not experience heightened marginalization or exclusion in society. Statistics disaggregated by sex should be collected and reported separately in two different categories (male or female) or fashioned into ratios or absolute or relative gaps to show the status of females relative to males. Indicators pertaining to either males or females only should also be included, for instance, those measuring progress toward women's participation and leadership.

Key lines of inquiry for the analysis include the following (all of which should cover the relevant domains listed in ADS section 205.3.2:

What are the current gaps within men and women that belong to the following groups (listed below) in terms of gender analysis key domains<sup>382</sup>, and provide recommendations on how USAID programs can help close gender gaps found in the following areas and sectors where USAID works<sup>383</sup>:

**Primary:** indigenous and non-indigenous, youth, urban and rural inhabitants

**Secondary:** people with disabilities, lesbian, gay, bisexual, transgender and intersex persons (LGBTI)

**Development Objective 1** - Greater Security and Justice for Citizens: Democracy and Governance (justice, decentralization,<sup>384</sup> political participation, community participation, civil society strengthening, anti-corruption, conflict mitigation, fiscal and procurement reform, and violence prevention.);

**Development Objective 2** - Improved Levels of Economic Growth and Social Development in the Western Highlands:

Education (youth workforce development; youth development; primary education; early grade reading; bilingual education; teacher training' school-related GBV<sup>385</sup> in all the areas mentioned before; youth and basic education policy, etc.);

Economic Growth (non-agriculture economic growth and agriculture, informal economy);<sup>386</sup>

Health (nutrition, family planning, maternal and child health, health financing, civil society development and advocacy, health policy, health systems strengthening)

**Development Objective 3** - Improved Management of Natural Resources to Mitigate Impacts of Global Climate Change:

Environment (resilience to climate change, conservation of biodiversity, sustainable management of natural resources, etc.);

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<sup>382</sup> Laws, Policies, Regulations, and Institutional Practices; Cultural Norms and Beliefs; Gender Roles, Responsibilities, and Time Use; Access to and Control over Assets and Resources; Patterns of Power and Decision-making.

<sup>383</sup> The analysis must be done from a racial/ethnic perspective in order to obtain data between the advantages/disadvantages between indigenous and non-indigenous females and males, for example.

<sup>384</sup> For the gender gap analysis, please consult the gender gap analysis for the 2013 Project Appraisal Documents for each sector.

<sup>385</sup> School-related gender-based violence is physical, sexual or psychological violence or abuse that is based on gender stereotypes or that targets students on the basis of their sex, sexuality or gender identities. The underlying intent of this violence is to reinforce gender roles and perpetuate gender inequalities. It includes rape, unwanted sexual touching, unwanted sexual comments, corporal punishment, bullying, and verbal harassment. Unequal power relations between adults and children and males and females contribute to this violence, which can take place in the school, on school grounds, going to and from school, or in school dormitories and may be perpetrated by teachers, students, or community members. Both girls and boys can be victims, as well as perpetrators. SRGBV results in sexual, physical, or psychological harm to girls and boys. What is the cost of school-related gender-based violence? USAID. 2015.

<sup>386</sup> USAID's Bureau for Economic Growth, Education and Environment (E3) will fund a Women's Entrepreneurship Assessment in Guatemala. Women's entrepreneurship is one of the main ways to integrate gender into USAID's economic growth activities. Aspiring women entrepreneurs face different barriers than do their male counterparts. This assessment will look at those gender gaps and propose solutions. The Diagnostic will also inform the Mission's new CDCS, and complement the broader country-level gender analysis.

What are the key issues and constraints to equitable political and socio-economic participation and access to economic, political, and social opportunities of men and women in Guatemala, with an emphasis on the sectors and regions where USAID/Guatemala programs operate (mentioned above)?

What are the areas of opportunities for USAID's activities within priority sectors to help Guatemala overcome those constraints?

How does migration differentially affect men, women and LGBTI populations (provide information disaggregated by ethnicity and age)? What are the consequences of migration in regard to gender? Specifically, women tend to face a burden after men migration and they are left behind.

What is the legal and policy framework to support gender mainstreaming, including gender-sensitive policies both at the central and local level in those municipalities where USAID works. (This can be done through a spot check of how these municipalities are incorporating these issues)?

What are the effects of gender-based violence (for different populations, but also within the context of each priority sector listed above under 2.a)?

### **Gender Assessment:**

The gender assessment portion of the report will build upon the gender analysis to assess USAID's attention to gender sensitivity and gender integration in current USAID/Guatemala strategic planning frameworks and projects/activities.

The assessment should also include recommendations for better addressing the gender gap in the sectors in which USAID works. Findings, recommendations and results from the gender assessment will inform USAID's gender analysis.

In 2013, USAID/Guatemala developed [gender gap analyses for the Project Appraisal Documents](#), which included the citizen security, agriculture, health, education and environment sectors. Analyze how the gender gaps from that analysis have changed during the past five years. This can be done by taking the gaps identified in the 2013 gender assessment and verifying: (1) if USAID did something to address them, and (2) if the conditions have changed in the last years, which is not necessarily directly attributed to USAID/Guatemala. The assessment will include recommendations for better addressing the gender gaps identified in the gender analysis in the sectors in which USAID works. The recommendations will concentrate on how USAID can operationalize gender and social inclusion within upcoming CDCS Results Framework and further Project Appraisal Documents. It will identify possible entry-points for incorporation of gender and other considerations in carryover activities and potential new programs. The research team will work with Mission Monitoring and Evaluation (M&E) focal point to propose CDCS gender indicators and M&E framework and as appropriate, to incorporate the Agency's eight gender key issue indicators into the framework. The research questions for the assessment include the following:

What are the impacts of the mission's proposed strategic approaches to address gender equality and on gender-based relations, taking into consideration ethnicity, age, and rural/urban residence, as well as other key variables in the different technical and geographic areas of intervention?

What are gender-based constraints to and opportunities for equitable participation, including for civil society, in planned and existing USAID/Guatemala programs?

What are successful examples of gender equality, female empowerment, and addressing gender-based violence in the country or region where USAID works, as a result of USAID's work? This relates to impacts on direct beneficiaries, as attribution in the general population is difficult to confirm without more scientific research.

How did GBV contribute to or hinder the achievement of proposed development outcomes?

What are the gender issues for which USAID/Guatemala possesses a comparative advantage to address, which includes identification of other major donors' gender strategies in the country?

What is the institutional context supporting gender mainstreaming in the mission (policy, staffing, capacity building)?

Coordination of gender activities within USAID different projects.

### **3. ANALYSIS METHODOLOGY:**

Gender Analysis and Assessment:

The gender analysis will comprise a combination of primary and secondary data collection. The desk review will include analysis of secondary data, including national and regional statistical databases as well as literature relevant to the sector and the region. Relevant statistical indicators will be selected and updated- informed/circumscribed to the sector and region prioritized by each DO. USAID/Guatemala will create a Google Drive Folder to drop all the reports that are not found on internet; i.e., USAID/Guatemala CDCS, PAD gender analysis, as well as other reports.

Primary data collection will include semi-structured interviews and focus group meetings with USAID staff, implementing partners, Government counterparts, national NGOs, and key civil society stakeholders.

For the gender assessment, the team will rely on a desk review of USAID projects documents, such as PAD gender analyses, Cooperative Agreements/Contracts, work plans, MEL plans, quarterly reports, evaluations, gender action plans for the projects, as well as semi-structured interviews with key informants and focus groups to gather additional information where secondary data are lacking. Efficiencies will be promoted by interviewing the same groups for both the gender analysis and gender assessment. For the gender analysis and assessment, the research team will consider the following:

Comprehensive review and analysis of pertinent literature and documents. Relevant materials might include, but not be limited to:

[Política Nacional de Promoción y Desarrollo Integral de las Mujeres -PNPDIM- y Plan de Equidad de Oportunidades -PEO- 2008-2023;](#)

[Encuesta Nacional](#)

[de Condiciones de Vida \(ENCOVI 2014\);](#)

[Encuesta Nacional de Salud Materno Infantil \(ENSMI 2015\) and departmental data sets;](#)

[Guatemala status in global gender gap index of the World Economic Forum over time;](#)

[Informe de la II Encuesta Nacional de discapacidad en Guatemala \(ENDIS 2016\)](#)

[Sistema Nacional de Indicadores Educativos.](#) add g. Review the Childhood Marriage Law (13-2017) that includes reforms to the civil code (Codigo Civil)

USAID/Washington documents including, but not limited to:

The Automated Directives System (ADS) 201 and 205, [the 2012 Gender Equality and Female Empowerment Policy](#),  
[U.S. Strategy to Prevent and Respond to Gender-based Violence](#),  
[USAID Vision for Ending Child Marriage and Meeting the Needs of Married Children](#),  
[U.S. Strategy to Empower Adolescent Girls](#),  
[Counter-Trafficking in Persons Policy](#),  
[USAID's Youth in Development Policy](#),  
[USAID Disability Policy Paper](#),  
[Advancing Disability-Inclusive Development](#),  
[USAID LGBT Vision for Action](#),  
[USAID Policy on Non-Discrimination](#),  
[Equal Employment Opportunity, Diversity and Inclusion](#),  
[Presidential Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons](#).

USAID/Guatemala documents, such as, but not limited to:

Gender Analysis (2009), the Mission's 2012-2016 CDCS, results frameworks for the DOs, Inclusive Development Mission Order, evaluations. You can visit [USAID/Guatemala website](#). Technical analyses for strategy development such as the case study on migration performed by DevTech in August 2016, the guide on good practices for social inclusion and gender equity under the Low Emissions Development Project, operational strategy for gender performed by Climate, Nature and Communities in Guatemala project, youth mapping exercise, etc. When interviewing the teams, they can provide further documents. PAD Gender gap analyses and action plans for USAID-funded implementing mechanisms; Gender policies developed by implementing partners;

Studies and assessments concerning gender conducted by donors, NGOs, national governments, regional organizations, and the academic community;

National statistics on women from the [national statistics institute](#) and the [UNDP Human Development Index Reports](#);

Recent literature that addresses gender issues in specific sectors and areas of strategic interest for the Mission (e.g., Democracy and Governance (justice, decentralization, community participation, political participation, civil society strengthening, anti-corruption, conflict mitigation, fiscal and procurement reform, and violence prevention.); Economic Growth (non-agriculture economic growth and agriculture); Education (youth workforce development; youth development; primary education; early grade reading; bilingual education; teacher training; school-related gender-based violence; youth and basic education policy, etc.); Health (nutrition, family planning, maternal and child health, health financing, civil society development and advocacy, health policy, health systems strengthening); Environment (resilience to climate change, conservation of biodiversity, sustainable management of natural resources, etc.); migration, youth engagement).

USAID/Guatemala indigenous assessment.

Secondary Analysis of Data on Violence Against Women and Men in Guatemala.

Meetings and discussions with USAID/Guatemala and implementing partners' staff involved in developing the Mission program. These shall include where possible:



Entry briefings with the Inclusive Development Advisor, the core inclusive development working group, the Indigenous Advisor, the Planning and Program Support Office and the Front Office;

Preliminary briefing session for USAID/Guatemala staff on the ADS 205 requirements for addressing gender in USAID programming;

Meetings with DO teams and implementing partners on specific sectors and areas of interest, to jointly identify possible links to inclusive development issues in each DO and come up with recommendations to adequately consider these issues in the draft CDCS; to identify possible entry points for the incorporation of gender and inclusive development considerations into ongoing and future activities taking into consideration the cultural context of Guatemala, and to recommend how inclusive development considerations can be adequately treated in the Mission draft CDCS;

Presentation of the draft gender analysis and assessment to USAID/Guatemala staff to obtain feedback; and Exit briefings with the Inclusive Development Advisor, the Planning and Program Support Office, and the Front Office.

Interview selected key expert stakeholders, beneficiaries and other community members, and implementing partners involved in current and proposed programs, including local gender expert resource groups, perform focus groups, site visits to selected program activities as time permits, and ask them about problems, successes, and potentialities for improving attention to gender in USAID activities. To the extent possible, a representative from each technical team of USAID/Guatemala will accompany the team during the interviews, focus groups, and site visits.

#### **4. MAIN AUDIENCES**

The main audience of these analyses and assessment is USAID and its implementing partners; they will particularly help the Program Office and DO teams in the preparation of mainstreaming gender in the CDCS 2019-2024 and program and/or project design work.

#### **5. ESTIMATED LEVEL OF EFFORT**

Performance Period: For the gender assessment is approximately three months (12 weeks) to start o/a May 1 – August 31, 2018.

- 5 weeks to prepare the inception report (May 1-31).
  - Five weeks for field work (June 1-July 5). Present preliminary results to USAID (July 25).
  - USAID completes review of draft Gender Assessment (August 10)
  - 5 working days to prepare the final gender analysis, assessment based on USAID comments. (This can be done from the United States.) (August 13-17)
  - 5 working days for USAID to provide comments
  - 5 working days to incorporate comments and submit final report to USAID (August 31)
  - 5 days in Guatemala to present results of the Gender Analysis to USAID, partners and GOG.
- Note that this TO includes a five-day work week while in the United States and six-day work week while in Guatemala; therefore, salaries are calculated on that basis.

## **6. DELIVERABLES**

The schedule of deliverables reflects the level of effort and does not include the time that would take USAID to review and approve them.

The timeline would be applied in a strict fashion and would be explicitly stated as part of the contract.

### **Gender Assessment:**

The estimated dates for the Gender Assessment are: May 1 to August 16, 2018 with a 5-day work week (Monday through Friday) in the United States or home country, and a six-day work week (Monday through Saturday) while in Guatemala. We are anticipating 55 days of LOE for the Team Leader (Gender Assessment), 50 days of LOE for a Senior Gender Expert (Gender Assessment only), and 35 days for a National Gender Expert.

The research team must submit the following deliverables which are associated to the schedule of payments as shown in the table and paragraphs below:

### **Deliverable timetable and payment schemes**

The first deliverable includes the Inception Report (IR) and Work Plan. The IR is key since its contents should provide fully fledged and detailed description of how the gender analysis and the gender assessment will be carried out from beginning to end. It should include a detailed methodology for the Gender Assessment, detailed activities for the operationalization of the desk review and potential primary data collection, including localities and timeline for both fieldwork and the entire work, and necessary annexes to include any other relevant material. The IR is expected to have benefited from (a) review of all statistical databases identifying availability of information; (b) review of all the provided literature including additional secondary information retrieved by the research team; (c) the initial/ kick-off meeting; and (d) any other preparatory work before desk review and data processing. The IR should be clear, coherent and should not have any remaining issues and questions regarding any design or implementation issues. The Work Plan will include a detailed schedule of desk review activities and field work, timeline for data processing and analysis, and drafting of final report, and any other relevant information regarding the assessment.

The second deliverable has two products: a) a presentation of preliminary findings of the Gender Assessment to USAID (power point presentation); and b) populated index or reports outline of the Gender Assessment. The populated index will be in the final format agreed upon in the IR and will include the main ideas in each section which reflect in the most accurate way the content of the final report.

Deliverable 3 will include a draft of the gender assessment report. It is important that the report follow the pre-established format in the IR, ensuring all comments made to the populated index were incorporated. The draft of the final reports will include tables and graphs, index and acronyms, and appendices (unless the latter are extensive). Each report shall not exceed 30 pages in length (without including appendices, lists of key informants, etc.) and will include any database in an Excel sheet in electronic format.

Deliverable 4 will comprise the final gender assessment report.

The team must also submit all data records in Excel in electronic format and any other data collection instruments used. In case of semi-structured interviews, transcription files of key informants shall be provided.

Finally, the consultant team will conduct a final presentation of the Gender analysis and assessment in PowerPoint which will focus on the findings, conclusions and recommendations.

Each report (gender analysis that includes the gender assessment) will include the following sections:

**Executive summary (3-4 pages):** In English and Spanish. Synthesizes main findings, recommendations, and lessons learned. Does not include new information not available in the report. This must be a stand-alone document.

**Purpose (1 page):** Clearly specifies the purpose of the analysis/assessment, the use of findings, the decisions for which evidence is being provided, and audiences of the report. The analysis/assessment topics of interest are articulated to the purpose; questions regarding lessons learned are included in this section.

**Context and Background (2-4 pages):** This section summarizes the sector/ themes under assessment in regard to the main problem addressed, as well as a description of the target population, geographic area, and economic, social, historic and cultural context.

**Methodology and limitations (3-6 pages):** This section includes a detailed description of the methodology and instruments used in the analysis/assessment. This allows the reader to estimate the degree of credibility and objectivity in the data gathered and in the analyses performed. In case of primary data collection, instruments and sampling criteria must be explained. Here, a summary table must be included which presents the following: instruments used, types of key informants, information gathered, and limitations or observations encountered during data collection. Similarly, limitations regarding secondary data analysis should be disclosed.

**Findings, conclusions, and recommendations (up to 15 pages):** This is the main section of the report. Findings will be clearly supported by multiple evidence sources referenced in the text, increasing its credibility. To the extent possible, evidence will be presented by using graphs and tables, and any other form that facilitates the readers' understanding of the text. Recommendations must be concise, specific, practical, and relevant supporting decision-making and the achievement of results on behalf of key stakeholders (including USAID), as appropriate.

**Appendices:** Will include: a) SoW of the analysis/assessment, b) description of the design and methods used c) copies of the instruments used (if applicable), d) sources used for statistical and desk review analysis (primary and secondary), e) relevant outputs of data processing and analyses; f) other appendices required by USAID or provided by the assessment team.

The report must also include database files with corresponding complete technical description and dictionary.

Develop a final report and present findings internally and externally in a public event.

## **7. RESEARCH TEAM**

The contractor should propose the number of consultants (both international and local) to perform the gender analysis and gender assessment: It is required that at least one of the consultants have contacts in Guatemala who can facilitate meetings with experts. The team leader, who will also be in charge of the gender analysis and gender assessment and the local consultant(s), will complement each other with expertise in the different sectors in which USAID/Guatemala works. The contractor is responsible for all logistical support.

It is highly desirable that the inclusive development analysis team includes:

### **1. Team Leader:**

The team leader must have at least 15 years of experience in gender analysis in the development areas of democracy and governance, health and education, economic growth and environment. S/he must have a master's degree in sociology or anthropology or a relevant social science field. S/he must have excellent speaking and writing skills in Spanish and English and be familiar with Guatemala and USAID/Guatemala work.

The team leader must have leadership skills, be able to lead meetings, coordinate, and gather different points of view of members of the team, draft initial document with conclusions and recommendations, and prepare the report of the presentation. The team leader must be familiar with public policies addressing gender and social inclusion gaps, gender-based violence, indigenous people, disability, and gender agendas and programs of the main development agencies in Guatemala, particularly of USAID. S/he must have experience in the drafting and implementation of qualitative research instruments and possess working computer skills particularly in Excel.

The team leader must also draft the final report and present conclusions and recommendations for USAID's team and implementers. English and Spanish fluency is required.

### **2. Senior Gender Expert - Gender Assessment:**

The consultant must have at least ten years of experience in gender analysis and assessments –including gender-based violence. S/he must have formal studies in gender and/or social inclusion and a minimum of a Master's degree in sociology, anthropology, economics, or relevant social science field. Excellent speaking and writing Spanish and English language skills are required. This expert must be familiar with public policies addressing gender and social inclusion gaps, gender-based violence, indigenous people, disability, and gender agendas and programs of the main development agencies in Guatemala, particularly of USAID. S/he must have experience in the drafting and implementation of qualitative research instruments and possess working computer skills particularly in Excel.

### **3. National Gender Expert Consultant:**

The national consultant must have at least five years of experience working in development, research and/or evaluations preferably in the gender analysis area. The consultant must have a BA (master's degree is highly desirable) or equivalent in economics, public policy, development, or other related field. S/he must have contacts with the academia, think tanks, government institutions and NGOs in order to be able to set up the expert interviews and focus groups.

#### 4. National GBV Expert

The national consultant must have a Bachelor of Arts (master's degree is highly desirable) or equivalent in economics, public policy, development, or other related field. S/he must possess at least five years of experience working on gender-related research and be knowledgeable of GBV. S/he must have contacts with the academia, think tanks, government institutions, especially with the National Statistics Institute and NGOs in order to be able to set up the interviews.

## **Annex I**

### [USAID/Guatemala Country Development Cooperation Strategy](#)

DOI: Greater Security and Justice for Citizens

IR 1: Improved Governance of Key Public Institutions

IR 2: Reduced Levels of Violence and Conflict in Target Areas and Populations

IR 3: Citizen Voice and Responsible Participation Increased

DO2: Improved Levels of Economic Growth and Social Development in the Western Highlands

IR 1: Broad based economic growth and food security improved

IR 2: Access to and use of sustainable quality healthcare and nutrition services expanded

IR 3: Education quality and access improved

DO3: Improved Management of Natural Resources to Mitigate Impacts of Global Climate Change

IR1: Market-driven conservation and management strategies implemented

IR2: Vulnerability to the effects of global climate change reduced

IR3: Environmental Governance Strengthened

Based on expectations of where the new CDCS will direct us, the Mission is also interested in the following special topics:

Reduction of irregular migration to the United States

Positive Youth Development Youth engagement

Institutional strengthening and anti-corruption

Gender based violence

Per ADS 201, a Mission's strategic plan is a multi-faceted document with the principle purpose of defining the Mission's strategic approach to achieving results, with particular emphasis on why choices were made and how results in particular sectors contribute to the Mission's overarching Goal and DOs.

## **Annex II**

### **STATISTICS**

Findings from the latest gender analysis executed in 2009, and gender gap analysis for Project Appraisal Documents (PADs) performed in 2013, informed USAID/Guatemala to incorporate a gender lens in the projects being implemented under the 2012-2018 CDCS. Also, USAID/Guatemala performed an indigenous assessment. The recommendations from these assessments can be found in the reports attached to this SOW.

In 2008, the Government of Guatemala issued the National Policy of Promotion and Integral Development for Women 2008 - 2023, which focuses on four areas: (1) political and cultural development (equity in the socio political participation and cultural identity of Mayan, Garifunas and Xinka women), (2) economic development with equity (equitable access to labor and natural resources, land and housing), (3) social development (judicial equity, elimination of violence, discrimination, racism, access to health, education and respect to cultural identity, and (4) institutional development (implement the policy in the state institutions). Each area has a specific objective that guides the strategies of the state institutions. This policy has a Plan for Equitable Opportunities that is designed and implemented in each government. The Presidential Secretariat for Women is in charge of following up the implementation of the policy.

According to the World Economic Forum's "Global gender gap report", Guatemala has the highest gender inequality in Latin America, ranking 105th out of 144 countries worldwide. Gender differences in the unpaid economy, the labor market, household decision-making, consumption patterns, and property rights among other differences need to be considered in determining the gender impact of different interventions in development sectors.

### **Gender-Based Violence**

Guatemala is one of the most dangerous places in the world for women. Women endure high rates of gender-based violence (GBV), domestic abuse and marginalization. The 2015 Human rights Report indicated that there was a monthly average of 5,634 crimes against women and 1,228 allegations of sexual crimes against women, 57% of them were committed against women under 30 years of age.<sup>387</sup>

The annual homicide rate for women in 2015 was 7/100,000.<sup>388</sup> One-to-two women are murdered daily, the third highest femicide rate in the region. A history of armed conflict, social exclusion, machista culture, poverty and weak gender-based violence laws (that are rarely enforce) contribute to the high incidence of GBV.

Guatemala continues to show high levels of violence against women and girls. Although homicides have declined recently in Guatemala from 46 for every 100,000 inhabitants in 2008 to 27 in 2016<sup>389</sup>, the number of violent deaths for women (including femicides) for the period 2013-2016 have increased in 55 percent from 748 in 2013 to 1,161 in 2016<sup>390</sup>. Girls are more vulnerable to suffer rape than boys. A total of 9,090 rape cases were registered from January – September 2016 of which 1,235 cases were of boys and 7,855 of girls.

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<sup>387</sup> Procurador de los Derechos Humanos. Informe de Derechos Humanos 2015, 2015

<sup>388</sup> Mendoza Carlos. Informe de la Violencia Homicida 2015.

<sup>389</sup> Reporte Estadístico, Secretaría Técnica del Consejo Nacional de Seguridad, Guatemala, enero 2017.

<sup>390</sup> Data produced by UN Women with statistics from the Public Ministry 2016.

A total of 20% of ever-married women and 9% of ever-married men age 15-49 have ever experienced physical violence committed by their spouse/partner, while 8% of women and 4% of men have experienced violence in the past 12 months. Seven percent of ever-married women and <1% of ever-married men have ever experienced sexual violence committed by a spouse/partner, while 3% of women and <1% of men experienced sexual violence by spouse/partner in the past 12 months.<sup>391</sup>

### **Child/Early Marriage**

In November 2015, the age for getting married was increased from 14 years for girls and from 16 years for boys to 18 years. Also, the legal loophole for judges to make exceptions prior to 18 was closed in 2017. This will help reduce the number of early marriages and pregnancies in adolescents and girls.

### **Political**

Political participation of women continues to be low. There are only 22 congresswomen out of 158 (13.9%) and only one is an indigenous woman in congress (0.7%). Only 11.1% of the congresspersons are indigenous (18 of 158). Of the 338 mayors, only 10 are women (2.9%) and only one is an indigenous woman (0.3%). Of the 14 ministries, only 2 out of 14 are headed by women (14.2%).

Although the Peace Accords as well as the Municipal Code<sup>392</sup> provide legal recognition of indigenous systems of political organization; in practice this recognition remains largely symbolic, as they are overshadowed by official state institutions that continue to exercise substantial legal and financial power.

### **Community Participation**

Community participation can be loosely defined as the involvement of people in a community in projects to solve their own problems. People cannot be forced to 'participate in projects which affect their lives but should be given the opportunity where possible. This is held to be a basic human right and fundamental principle of democracy.

### **Paid and Unpaid Labor Participation**

Women work 6.1 hours a day of unpaid work while men only 2.7. Women participate more than men in domestic chores. In the labor market, women participate more in agriculture and commerce, while men in industry and services that generate higher income. With respect to access to assets and land, it is estimated that from each 100 people with access to land, 84 are men and 19 are women. Women usually obtain lower income from their labor than men. This situation worsens in the rural areas.<sup>393</sup>

USAID's gender analyses in Guatemala have found that while women average less paid labor, they also have less free time than men and are engaged in more unpaid labor.<sup>394</sup> Although there are no legal

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<sup>391</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015, 2015.

<sup>392</sup> Articles 55, 56, and 57.

<sup>393</sup> National Development Plan. KATUN 2032

<sup>394</sup> USAID/Guatemala. Gender Analysis in Agriculture: 2013



restrictions on women's access and rights to land, the percentage of female landowners is extremely low due to prevailing patriarchal influences.<sup>395</sup>

## **Migration**

Migration within the country and to the United States is an important socio-economic dimension of many of the communities in the Western Highlands municipalities. Migration provides remittances that economically support many families. Migration also results in differential social stratification and the rise of sometimes powerful figures outside of the traditional power structure of the community in the form of coyotes and criminal organizations such as maras (Camus 2007).

## **Health and Chronic Malnutrition**

Though health indicators in Guatemala have greatly improved, health disparities continue to exist, and the health, education, and income status of poor and indigenous Guatemalans remains among the worst in the Western Hemisphere. Guatemala's high maternal and infant mortality and chronic malnutrition rates are concentrated in the poor and indigenous in the rural population of the Western Highlands. While nationally women have fewer years of formal education (3.3 years) than do men (4.4 years), this is especially pronounced in the Departments of Quiché (1.3 years), Huehuetenango (1.9 years), Totonicapán and San Marcos (both 2.5 years). Similarly, in the Western Highlands pervasive chronic malnutrition and limited access to quality health services lead to poor health outcomes for rural and indigenous women and children. There is a significant gap between indigenous and non-indigenous women in modern contraceptive method use with 39% of indigenous women compared to 58% of non-indigenous women using modern contraceptives. In the area of maternal health, 82% of births by non-indigenous women are attended by doctors and/or nurses, compared to only 50% of births by indigenous women. An example of this gap is reflected in the maternal mortality ratio of 2.27 maternal deaths among indigenous women to each maternal death among non-indigenous women. With regard to child health, infant and neonatal mortality rates have decreased over the years; however, Guatemala still has the highest infant mortality rate of any Central American country: 28 infant deaths per 1,000 live births. As national child mortality rates drop, overall mortality rates show that the existing gaps between indigenous and non-indigenous populations are widening. These gaps appear to reflect both the higher prevalence of malnutrition and lower access to services among women and indigenous children.<sup>396</sup>

In Guatemala, the greatest threat to a child's survival, intellectual potential and future economic productivity is the extremely high rate of chronic malnutrition, particularly in children under age two, when growth of bones and brain development are at their most critical stage. Malnutrition's adverse effect on educational achievement in turn negatively affects the development of a country's human capital. The World Health Organization and The Food & Agriculture Organization of the United Nations have articulated that a well well-nourished, healthy workforce is a pre-condition for sustainable development, and the 1992 International Conference on Nutrition recommended that nutrition be at the center of socio-economic development plans and strategies of all countries. With 46.5% of children less than five years old stunted (no significant difference by sex), Guatemala ranks sixth for chronic malnutrition in the world and has the highest rate of stunting in the Western Hemisphere I. Half of children under five suffer from chronic malnutrition and the percentage rises to 70 percent in the Western Highlands. Although progress has been made during the past decade in improving weight for age, even these improvements

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<sup>395</sup> USAID. Property Rights and Resource Governance Country Profile: Guatemala. 2010. Accessed November 30, 2016.

<sup>396</sup> INE. VI Encuesta Nacional de Salud Materno Infantil, ENSMI (DHS in English) 2014-2015, 2015.

will not overcome the huge burden of stunting incurred during the past two decades.<sup>397</sup> In the area of maternal nutrition, almost one-third of mothers at the national level and almost half (48.3%) of indigenous women are shorter than 145 centimeters, a critical minimum height that is related to both obstetric complications and low birth weight. This reflects the need to improve nutrition in childhood and into early adolescence for girls as well as women. Food insecurity, poor diet diversity, and lack of clean drinking water contribute to both maternal and child malnutrition, which in turn is undermining the country's human capital and development efforts. Nutrition-specific and nutrition-sensitive interventions are lifesaving interventions that can have the greatest impact in ending preventable child and maternal deaths.<sup>398</sup>

More than 80% of indigenous women from 15-24 years are from homes that live in poverty. When examining the main activity during last week of this group of women, it was found that 65.6% was working in home chores, 28.5% in paid labor and 2.3% were looking for a job. Almost 2% took care of children and 1.8% to other activities. A total of 28.8% of working women were doing unpaid labor (27.2% were employed in the private sector and 1.9% in the public sector). A total of 20.4% were self-employed (19.3% in non-agriculture activities and 1.1% in agriculture), 11.6% were domestic employees and only 0.1% were employers.

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<sup>397</sup> Delgado, H. Bases para el Mejoramiento de la Situación de Desnutrición Crónica en Guatemala, 2011 and Situación y Tendencias de la Desnutrición Crónica en Guatemala, 2010.

<sup>398</sup> U.S. Agency for International Development. Acting on the Call, 2014.

## ANNEX B: DELIVERABLES TABLE

PRODUCTS	Deliverables	USAID Due Date
<b>Inception Report</b>	<b>Inception Report (IR)</b> for the Gender Assessment and GBV Costing Study Content:	May 1-31, 2018
	a) <b>Preliminary findings:</b> Review of existing literature and organize resources (to be done before coming to Guatemala).	
	b) <b>Detailed methodology:</b> Databases for statistical analysis, secondary data to be used in desk review and domain and gender issues, and if applicable-selection and profiles of key informants, instruments to be used, identified risks and mitigation actions.	
	c) <b>Work Plan:</b> detailed schedule of desk review activities and fieldwork, time for data processing and analysis, roles tasks and level of effort of consulting team, structure and drafting of final report, and any other relevant information regarding the assessment.	
	IRB reviews GBVC methodology and provides consolidated feedback.	NA
<b>Field Work and Draft reports</b>	a) <b>Field Work GA:</b> Meetings, expert interviews and a field trip.	June 1-31
	b) <b>Presentation of preliminary findings to USAID/Guatemala</b> (end of field mission-PPT)	July 5
	c) <b>Populated index of final Gender Analysis Report</b>	July 6
<b>Final Reports</b>	a) <b>Draft Gender Assessment report</b> including recommendations.	July 31
	USAID reviews draft Gender Assessment Report and provides consolidated feedback.	August 24
	b) <b>Final Gender Assessment Report and presentation</b>	August 30

# ANNEX C: DATA COLLECTION TOOLS

## INFORMATION TOOL 1. SEMISTRUCTURED INTERVIEW GUIDE (CoPs and Gender Focal Points)

### I. INTRODUCTION

**Definition/purpose:** It is a conversation between the interviewee and the interviewer directed to obtain the former's ideas, perceptions and points of view on the topic researched.<sup>399</sup>

**Characteristics:**<sup>400</sup>

The participation of the interviewee and the interviewer have "explicit expectations": the one to speak and the other to listen. The interviewer constantly encourages the interviewee to speak, without contradicting the interviewee. In the eyes of the interviewee, the person in charge of organizing and maintaining the conversation is the interviewer.

The interview is guided by a script of topics<sup>401</sup> to be discussed. The interviewer is free to order and formulate the questions in the manner that better considers, throughout the interview. For the benefit of the interview, the interviewee must perceive it as a conversation, without being aware of the structure of the interrogation, the order of the questions or the objectives of the interviewer.

It will take between 1-2 hours, depending the specific context and the availability of the interviewee.

The information provided must be treated confidentially.

### II. INSTRUCTIONS

Introduction: Good morning. First of all we would like to appreciate your availability to participate in this gender analysis and assessment for USAID Guatemala. We ask your permission to record it, but at the same time we want to ensure you that all of the information that you provide and your opinions will be treated confidentially.

- 1) Can you tell us in general terms what is the focus and the scope of the USAID/Guatemala financed project that you manage?
- 2) When the project was developed, did you take any measures to identify the specific needs of women and girls, or men and boys as direct and indirect beneficiaries/participants? Did any specific and relevant issues come up?

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<sup>399</sup> Caplow (1956:71) in Vallés, M. Técnicas cualitativas de investigación social. Reflexión metodológica y práctica profesional. Capítulo 8. Técnicas de conversación y narración (III). Los grupos de discusión y otras técnicas afines. Ed. Síntesis. Madrid 1997; Canales M. y Peinado. A, Grupos de Discusión en Delgado J. (Coords.) Métodos y técnicas cualitativas de investigación en ciencias sociales. Capítulo 11. Ed. Síntesis. Madrid 1995.

<sup>400</sup> Ibid.

<sup>401</sup> From the four types of interviews mentioned by Patton (1990:28), the "interview based on a guide of questions" has been chosen.

- 3) In this project, how do women and men participate? What do they do?
- 4) According to your experience and the project you manage/work for: What are the most relevant gender gaps between men and women? What are the key issues and constraints that limit/impede equal participation and access to program activities and benefits? How do other conditions such as ethnic belonging, rurality or other affecting those gaps/constraints?
- 5) Are you aware of the existence of gender-based violence in the context where the program takes place? How does it manifest? How does it relate to other expressions of social violence (gangs, illicit traffic etc.) Does it affect in any way the participation and access to benefits for women/girls and men/boys in the program?
- 6) Is migration an issue in the context where your program works? Why? How does it affect the program and the organizations/people involved? In your experience, are there differential characteristics/expressions of migration on women/girls and men/boys?
- 7) What would you consider the key strategies/actions (specific and non-specific) that the program puts in place to support advances or to overcome potential constraints for ensuring active participation and empowerment of women/girls and men/boys? Do you have any specific objectives regarding these topics?
- 8) If there were 3 main results that the program has produced or is producing in terms of reducing gender gaps/constraints and promoting women's participation and empowerment, what would they be? And regarding government/public institutions gender capacities?
- 9) Does USAID monitor your work as implementing partner in terms of your actions to promote gender equality and women's empowerment through the programs? How does it do so? Do you think these mechanisms are effective?
- 10) Has USAID provided any technical support to the project in this area? Is there any additional support that you would think it would be needed?
- 11) Does the project address behavioral change on gender equality? If yes, how so? If no, do you think that it should do so?
- 12) Through your experience in this field, is there any lesson learned that you would consider relevant to share with us?
- 13) If you could re-design the project today, what would you recommend be done differently of additionally to what has been done in order to increase the impact on reducing gender gaps and promoting women's active participation and empowerment?
- 14) If you could design a new project to address gender equality in the sector in which you are working to reduce gender gaps, what would be your recommendations for the project?
- 15) At the strategic level, what do you think that USAID should prioritize in this sector?

## INFORMATION TOOL 2. FOCUS GROUPS QUESTION GUIDE

### I. INTRODUCTION

**Definition:**<sup>402</sup> Research technique based on developing a conversation and focused on obtaining qualitative information. It is considered a variation of group interviews. Its fundamental difference is that there is no alternation between the researcher's questions and the participants' answers. The flow of the conversation depends on the interaction within the group, based on the topics provided by the researcher, who acts as moderator.

**Purpose:**<sup>403</sup> To collect the most characteristic social discourses regarding the research topic. The group is the framework to capture the dominant ideological and imaginary representations and values, in a determined social stratum or class, or group of people.

**Characteristics:**<sup>404</sup> It takes place in formal sceneries (no natural), the moderation style is semi-directed and the format of the interview is semi-structured.

As much as possible, there must be no power relationships (formal or non-formal) between participants, to be able to generate a safe and trustful atmosphere.

**Ethical criteria:** The opinions and views of the participants must be treated confidentially.

Estimated number of participants: 5-12.

**Size of team research:** 1 moderator is enough if the conversation can be recorded. If the conversation cannot be recorded, it is recommended that one additional team member is dedicated to take notes and observe the development of the conversation.

**Estimated duration:** 45-60 minutes.

**Participants:**<sup>405</sup> The focus groups will be mixed or one-sex only depending on the context. The way and order of asking the questions will be adapted depending on the age group, the sector that is being addressed (education, health, economic development, environment, security and justice) and the specific context (rural / urban, students / teachers / fathers and mothers). There will be translation in case of speaking groups in indigenous languages.

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<sup>402</sup> Vallés, M. *Técnicas cualitativas de investigación social. Reflexión metodológica y práctica profesional*. Capítulo 8. Técnicas de conversación y narración (III). Los grupos de discusión y otras técnicas afines. Ed. Síntesis. Madrid 1997; Canales M. y Peinado, A, Grupos de Discusión en Delgado J. (Coords.) *Métodos y técnicas cualitativas de investigación en ciencias sociales*. Capítulo 11. Ed. Síntesis. Madrid 1995.

<sup>403</sup> Ibid.

<sup>404</sup> Ibid.

<sup>405</sup> Se buscará realizar un número de grupos focales que sea representativo de las personas participantes en los distintos sectores y proyectos de USAID/Guatemala.

## II. INSTRUCTIONS

### Introducción:

Buenos días a todas. En primer lugar queremos agradecerles su tiempo y disponibilidad para participar en este grupo focal, que forma parte de las consultas que estamos realizando en el marco de un análisis de género de país que USAID/Guatemala ha encargado a Banyan Global.

Les agradecemos de antemano que se sienta libres de expresar sus opiniones, ya que todo lo que aquí se diga será tratado de forma confidencial. Si están de acuerdo, vamos a grabar la conversación, para poder estar más atentas a lo que nos deseen compartir.

### Guía de preguntas:

#### a) Sobre la situación de mujeres y hombres

Les agradeceríamos mucho que se presenten, (en el caso de participantes de proyectos USAID, solicitamos también que cuenten brevemente cuál es su relación con el proyecto).

Ustedes, como mujeres o hombres en sus comunidades, ¿Cuáles son las tareas que realizan cotidianamente? ¿Qué tareas/actividades desarrollan sus compañeros/esposos? ¿Hay algún tipo de actividades que mujeres y hombres no pueden/deben hacer según las costumbres de la zona?

En general, en los hogares de sus comunidades, ¿Cómo se toman las decisiones en relación a la familia, la participación en la comunidad, el trabajo o los ingresos? ¿Quién y cómo participa en las actividades comunitarias donde se discute y toma decisiones?

Si tuvieran que mencionar tres problemas o dificultades principales que enfrentan las mujeres/los hombres específicamente en las comunidades donde ustedes viven, ¿Cuáles serían?

¿Consideran ustedes que las mujeres y los hombres en sus comunidades tienen las mismas oportunidades de desarrollarse, aprender y decidir sobre sus vidas? ¿Por qué cree que se dan estas diferencias?

En Guatemala, como en los demás países, un problema frecuente que enfrentamos es la violencia tanto en la familia como fuera del hogar? ¿Pueden compartir algo sobre las situaciones generales que se dan con más frecuencia en su entorno? ¿Cómo actúa el entorno en estos casos? ¿Qué puede hacer una mujer/niña que se encuentra en esta situación?

Otro problema que existe en Guatemala en general es la migración, sobre todo hacia EEUU. ¿Conocen ustedes casos de mujeres/hombres que han migrado? ¿Cuáles son las razones que llevan a las personas a migrar? Según los datos, las mujeres migran menos que los hombres ¿por qué creen que se da esta situación? ¿Qué pasa con las mujeres cuando los hombres migran? ¿Qué pasa con los hombres cuando las mujeres migran? ¿Y con las familias?

En su comunidad y su entorno cercano ¿Con que apoyos cuentan para resolver/superar todos los problemas mencionados?

#### Sobre el proyecto de USAID en el que usted participan:

¿En qué consiste su participación? ¿Pueden contarnos un poco que actividades se desarrollan? ¿Participan las mujeres en las mismas actividades que los hombres y viceversa, o hay actividades donde participan más unas que otros?

¿Cuáles son las razones que les han llevado a participar en el programa? ¿Les ayuda o aporta de alguna manera a mejorar sus vidas, las de sus familias y comunidades?

¿Han enfrentado algún problema particular para poder participar, en su familia, en la comunidad o en relación al propio programa? ¿Alguien o alguna razón les limita o impide participar?

Si miran atrás y se ven a ustedes mismas antes de comenzar a participar en estas actividades, y se miran ahora, ¿Ha cambiado algo en ustedes, ya sea en su forma de pensar, de relacionarse con las demás personas? ¿Ha cambiado algo en sus familias y en la relación con sus esposos/compañeros, hijos e hijas o en su participación en la comunidad?

Se les ocurre alguna idea sobre cómo se pudiera mejorar el programa para que más mujeres pudieran participar activamente, mejorar su autoestima y desarrollarse?

Se les ocurre alguna idea sobre cómo se pudiera mejorar el programa para que más hombres pudieran participar activamente, mejorar su autoestima y desarrollarse?

MUCHAS GRACIAS



# ANNEX D: BIBLIOGRAPHY OF SOURCES CONSULTED

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# ANNEX E: LIST OF STAKEHOLDERS CONSULTED

**TABLE 1. PROJECT PARTICIPANTS CONSULTED**

N°	ACTIVITY	PROJECT	PARTICIPANTS	PLACE
1	Focus Group	Clima, Naturaleza y Comunidades en Guatemala (CNCG)	Participants-Girls	Flores, Peten
2	Focus Group	Community Strengthening Project (CONVIVIMOS) - Violence Prevention (GA)	Participants-Boys and Girls	Guatemala
3	Focus Group	Escuintla en prevención contra la violencia	Participants-Girls	Escuintla
4	Focus Group	Feed the Future Guatemala Innovative Solutions for Agricultural Value Chains Project PROINNOVA	Participants-Boys and Girls	Nebaj
5	Focus Group	Feed the Future Guatemala Innovative Solutions for Agricultural Value Chains Project PROINNOVA	Participants-Girls	Sacapulas, Quiché
6	Focus Group	Proyecto MASFRIJOL/MSU	Participants-Girls	Momostenango
7	Focus Group	Puentes Project (GA +GBV) - Building Linkages Between Education and Life for Youth in Guatemala	Participants-Boys	Santa Cruz Quiché
8	Focus Group	Puentes Project (GA +GBV) - Building Linkages Between Education and Life for Youth in Guatemala	Participants-Girls	Santa Cruz Quiché
9	Focus Group	Western Highlands Program of Integrated Actions for Food Security and Nutrition (PAISANO) (GA)	Participants-Girls	Nebaj

**TABLE 2. EXTERNAL STAKEHOLDERS CONSULTED**

	ACTIVITY	ORGANIZATION	PARTICIPANT	PLACE
1	Interview	AECID- Oficina Técnica de Cooperación Embajada de España en Guatemala	Silvia Mattiuzzi	Guatemala
2	Interview	AECID- Oficina Técnica de Cooperación Embajada de España en Guatemala	Paula Gento	Guatemala
3	Interview	Alcalde Indígena de Santa Cruz Quiché	Juan Zapeta	Santa Cruz Quiché
4	Interview	Asociación de mujeres Ixmucané	Lucero y Alexander Morales	Santa Cruz Quiché
5	Interview	Asociación Kaklá	Hermenilda Magzul	Guatemala

6	Interview	CODISRA Comisión Presidencial Contra la Discriminación y el Racismo	Miriam Domínguez	Guatemala
7	Interview	Corte Suprema de Justicia	Dr. Amalia	Guatemala
8	Interview	Corte Suprema de Justicia de la Unidad Violencia en contra de la Mujer	Dora Amalia	Guatemala
9	Interview	Ministerio of Agriculture/Gender Unit	Floralma López	Guatemala
10	Interview	Ministerio Público (MP)	Fiscalía de Femicidio, Fiscalía de la Mujer y Departamento de Análisis	Guatemala
11	Interview	Ministry of Environment/Gender Unit	Sara Gómez	Guatemala
12	Interview	Modelo de Atención Integral (MAI) del Ministerio Público	Lic. Mildred Flores	Guatemala
13	Interview	Molaj-Asociación política de Mujeres Mayas	Marta Rocche	Guatemala
14	Interview	Organización de Estados Americanos	Dacia Aragón	Guatemala
15	Interview	Population Council	Angel del Valle y Angela Colom	Guatemala
16	Interview	Programa de Prevención y Erradicación de la Violencia Intrafamiliar ( PROPEVI)	Mayra López	Guatemala
17	Interview	Red de Hombres por la Salud, Educación y Nutrición (REDHOSEN)	Dr. Del Valle	Guatemala
18	Interview	Viceministerio de Seguridad Alimentaria y Nutricional (VISAN)	Vice Minister Ing. Manfred Alberto Melgar Padilla, Financial Director of the Vice Ministry, Licda Marielos de Ponce	Guatemala
19	Interview	Asociación de Mujeres AMUTED	Julia Auroa Sum Coyoi	Quetzaltenango
20	Interview	Convergencia Cívico Político de Mujeres	Carmen Cáceres López	Guatemala
21	Interview	Dirección de Salud (DAS)	Heidy Velasquez y Edwin Mo	Santa Cruz Quiché
22	Interview	Fundaciones sobrevivientes	Claudia Hernández	Guatemala
23	Interview	Oficina de atención a la víctima Policía Nacional Civil	María Angélica Flores	Guatemala
24	Interview	Organismo judicial	Coordinadora de la Unidad de Control, Seguimiento y Evaluación de los	Guatemala
25	Interview	Organismo judicial	Órganos Especializados en delitos de Femicidio y otras formas de Violencia	Guatemala
26	Interview	Organismo judicial	contra la Mujer	

27	Interview	Secretaria Presidencial de la Mujer (SEPREM)	Dora Coc	Guatemala
28	Meeting	Agencia Alemana de Cooperación Técnica (GIZ)	Henilda Chilín	Guatemala
29	Meeting	ALIANMISAR es la Alianza Nacional de Organizaciones de Mujeres Indígenas por la Salud Reproductiva, la Nutrición y la Educación	Silvia Xinico	Guatemala
30	Meeting	Embajada de Canadá	Sonia García	Guatemala
31	Meeting	Embajada de Canadá	Domenic Salotti	Guatemala
32	Meeting	Grupo Guatemalteco de Mujeres GGM	Giovanna Lemus	Guatemala
33	Meeting	Observatorio de Salud Reproductiva OSAR	Mirna Montenegro	Guatemala
34	Meeting	United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN)	Adriana Quiñones	Guatemala
35	Meeting	United Nations Population Fund (UNFPA)	Irma Yolanda Avila	Guatemala

**TABLE 3. PROJECTS CONSULTED**

	IMPLEMENTING PARTNER	PROJECT
1	Chemonics	Youth & Gender Justice
2	Checchi and Company Consulting, Inc.	Security and Justice Reform Project SJRP
3	World Vision	Community Roots Project (GA+ GBVC)
4	El Refugio de la Niñez	Protecting Victims, Providing Services and Preventing Human Trafficking in Guatemala (GBVC - TIP, women)
5	Asociación La Alianza (ALA)	Growing in Peace Project (GBVC)
6	Mercy Corps	Community Strengthening Project (CONVIVIMOS) - Violence Prevention (GA)
7	IOM	Return and Integration
8	IEPADES	Escuintla en Prevención contra la Violencia
9	Tetra Tech	Urban Municipal Governance Project
10	Counterpart International	Civil Society for Accountable Governance Project – Proyecto Participación Cívica
11	Development Alternatives, Inc.	Nexos Locales (GA)
12	Catholic Relief Services (CRS)	Communities Leading Development (CLD) - Comunidades Liderando su Desarrollo
13	JH Piego + Save the Children + PASMO	Maternal and Child Health Survival Program - GA
14	Palladium Group	Health and Education Policy Project Follow-on - GA and GBV
15	Juarez & Associates, Inc.	Lifelong Learning Project (GBV+GA)
16	World Vision International	Puentes Project (GA +GBV) - Building Linkages Between Education and Life for Youth in Guatemala
17	FHI360	Regional Workforce Development Program AVANZA
18	Save the Children	Western Highlands Program of Integrated Actions for Food Security and Nutrition (PAISANO) (GA)



<b>19</b>	FEDECOCAGUA	Feed the Future Guatemala Coffee Value Chains Project (FEDECOCAGUA)
<b>20</b>	Agrícola POPOYAN	Feed the Future Guatemala Innovative Solutions for Agricultural Value Chains Project PROINNOVA
<b>21</b>	P4I	Feed the Future Guatemala Innovative Solutions for Agricultural Value Chains Project PROINNOVA/AGRIJOVEN
<b>22</b>	Michigan State University	Proyecto MASFRIJOL/MSU
<b>23</b>	Universidad del Valle	Sustainable Economic Observatory (SEOP)
<b>24</b>	Palladium International LLC	Creating Economic Opportunities
<b>25</b>	Inter- American Dialogue	Opportunities for my Community
<b>26</b>	Rainforest Alliance	Climate, Nature, and Communities in Guatemala Program (GA)
<b>27</b>	RT International	Low Emission Development Strategy Program (LEDS)

# ANNEX F: RELEVANT LAWS AND POLICIES BY SECTOR

**Table 1. Gender Equality and Women's Empowerment Laws, Policies, and Regulations in Guatemala**

Legal Instrument	Relevant Elements Regarding Gender Equality and Women's Empowerment
<b>General Instruments</b>	
<i>Constitución Política de Guatemala/ Political Constitution of Guatemala (1986)</i>	Establishes freedom and equality as basic principles. This Constitution gave way to changes in legislation to address specific issues regarding women. Art. 4: "Men and women, whatever their marital status, have equal opportunities and responsibilities."
<i>Ley de Desarrollo Social/ Social Development Law (D. 42-2001)</i>	Includes equality and equity as guiding principles. Chapter 2): "Gender equity, understood as equality in rights for women and men, responsible maternity and paternity, reproductive and maternity health are basic principles and have to be promoted by the State". Art. 6: "The same rights protect men and women in marriage or de facto unions, single mothers and fathers."
<i>Código Civil/ Civil Code (D.L. 106)- Modifications from D.12-2017</i>	Art.83 establishes the prohibition of marriage under 18 years of age. Art. 109: "The conjugal representation corresponds in the same way to both spouses, who will have equal authority and considerations in the home; in case of divergence..., the family judge will decide to whom the representation belongs." Art.111: "Women must also contribute equally to the maintenance of the home, if she has property or performs some job, profession, or trade; but if the husband is unable to work and has no assets of his own, the woman will cover all expenses with the income received". Art. 112: "Women will always have a preferential entitlement to the salary or income of her husband, for amounts equal to that needed to support her and her minor children. The same right applies to the husband in cases where the wife has the obligation to contribute in all or in part for the expenses of the family." Art. 129: "The household or the conjugal home, corresponds exclusively to the woman except for the objects of personal use by the husband." Art. 155 establishes the common causes for obtain separation or divorce. Art. 173 recognizes the de facto unions "as long as there is a home and life in common that has been maintained for more than three years".
<b>Specific Gender Equality Legal Instruments</b>	
<i>Ley de Dignificación y Promoción Integral de la Mujer/ Law for Dignification and Comprehensive Promotion of Women (D.7-99)</i>	Aims to promote women's rights and gender equality and establishes the responsibility of the Guatemalan State in this regard. The law promotes the integral development of women and their participation in all levels of economic, political and social life under equal conditions. It also addresses the situation and condition of poor rural women, girls as victims of violence, trafficking, abduction and sexual exploitation.

<i>Ley para Prevenir, Sancionar y Erradicar la Violencia Intrafamiliar/ Law for Preventing, Sanctioning and Eradicating of Domestic Violence (D. 97-96)</i>	Establishes intra-family violence as a human rights violation, including any action or omission, direct or indirect that damages in any way a person within the family context.
<i>Ley Contra el Femicidio y otras Formas de Violencia contra las Mujeres/ Law against Femicide and Other Forms of Violence Against Women (D. 22-2008)</i>	Acknowledges the crime of femicide and defines, in a comprehensive manner, the different expressions of violence against women (physical, sexual and psychological), including economic violence, in line with international human rights standards. The law is to be applied in the private (domestic, family interpersonal relationships or of trust when the aggressor is the spouse, ex-spouse, partner or ex-partner or a relative of the victim) and public sphere. It includes social, labor, educational, religious or any other type of relationship not included in the private sphere.
<i>Ley contra la Violencia Sexual, la Explotación y el Tráfico de Personas/ Law Against Sexual Violence, Exploitation and Trafficking in Persons- (D. 9-2009)</i>	Aims to prevent, repress, punish and eradicate sexual violence, exploitation and trafficking in persons, to ensure the care and protection of its victims and the compensation for damages and losses caused. It creates the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons, under the Presidency of the Republic.
<i>Ley de Búsqueda Inmediata de Mujeres Desaparecidas/ Immediate Search for Missing Women (D. 9-2016)</i>	The law guarantees the life, liberty, security, integrity and dignity of 'disappeared' women by establishing a mechanism to locate the women as soon as they have gone missing. The rationale for locating them quickly is to prevent or address femicide or trafficking.
<i>Decreto del Clasificador Presupuestario de Género/ Gender Budgeting Classifier- (D.19-2010)</i>	The decree provides for the inclusion of a numerical code, located within the Special Expenditure Monitoring Classifier of the Public Budget, which makes it possible to identify budget allocations directly benefitting women. It also seeks to improve the visibility of public institutions' programming, budget allocations and public investments on the advancement of women and girls. This can ultimately improve gender sensitivity in public programming and budgeting. It aims to allow for the linkage and integration of policies, institutional plans and programs with the PNPDIM-PEO 2008-2023.

Source: Banyan Global - Literature Review

**Table 2. National Policies, Strategies and Action Plans**

<b>Policy</b>	<b>Relevant Elements Regarding Gender Equality and Women's Empowerment</b>
<i>Plan Nacional de Desarrollo K'atun: Nuestra Guatemala al 2032/ National Development Policy K'atun: Our Guatemala to 2032</i> -approved 2016 (CONADUR /SEGEPLAN)	The Plan is a long-term national development policy that articulates policies, plans, programs, projects and investments. It incorporates the notion of sustainability and resilience in social, economic and environmental areas; the promotion of social equity; respect for multiculturalism; the defense of human rights; and the consolidation of democracy, highlighting the importance of freedoms and citizen participation. It guarantees human rights, including the right to gender equality, and also speaks to the eradication of social exclusion, racism and discrimination.
<i>Política General de Gobierno 2016-2020 / General Government Policy 2016-2020</i>	The policy centers on reducing inequity gaps existing among different social groups such as indigenous/non-indigenous, women/men, rural/urban, and poor/rich, which determine the context of general social exclusion.
<i>Política Nacional para la Promoción y el Desarrollo Integral de las Mujeres/Integral de la National Policy for the Promotion and Integral Development of Women. - PNPDIM- (G.A 14-2012) and Equity of Opportunities Plan (PEO) 2008-2023</i>	<p>The PNPDIM came out after a widely participative process, coordinated by SEPREM, DEMI y the National Women Forum and supported by international cooperation, and achieved the integration of the priorities of the Articulated Agenda of Mayan, Garifune, Xinkas Women.</p> <p>Its general objective is “To promote the comprehensive development of Mayan, Garifuna, Xinka and Ladino women in all spheres of economic, social, political and cultural life.” The PEO has 12 policy axes, each of them with programs, subprograms, projects and activities for each public institution to implement: 1. Economic and Productive Development with Equity; 2. Natural Resources, Land and Housing; 3. Educational Equity with Cultural Relevance; 4. Equity in the Development of Integral Health with Cultural Relevance; 5. Eradication of Violence against Women; 6. Legal Equity; 7. Racism and Discrimination against Women; 8. Equity and Identity in Cultural Development; 9. Labor Equity; 10. Institutional Mechanisms; 11. Socio-Political Participation; 12. Cultural Identity of Mayan, Garífunas and Xinka Women. Each of the axes includes indicators and goals to monitor progress.</p>
<i>Política Nacional de Discapacidad/National Policy on Disability (G.A 91 – 2007)</i>	The policy's objective is “to create opportunities for the integration and participation of people with disabilities in Guatemala.” Its line of actions is centered on the eradication of legal barriers, increasing access to justice, and promoting the knowledge, appropriation and exercise of the rights and obligations of people with disabilities. It repeatedly emphasizes that women with disabilities, and even more so those who are indigenous and live in rural areas, are particularly vulnerable and subject to discrimination. However, the policy does not specify measures to address it.

Source: Banyan Global - Literature Review

**Table 3. Specific Legal Instruments for Security and Justice in Guatemala**

Normative Instrument	Relevant Elements Regarding Gender Equality and Women's Empowerment
<i>Penal Code</i> <i>D. 17-73</i>	As is the case for most Penal Codes in the region, the Guatemalan Penal Code does not address gender quality. As previously mentioned, several reforms have been proposed by the women's movement through the years, with little success. Art. 43. States that the death penalty cannot be imposed on women (a 2007 Constitutional Court resolution has since eradicated the death penalty completely). Art.46. establishes that pregnant and postpartum women prisoners should be kept in a health center in case their prison does not have the appropriate conditions to house them. Although not specifically mentioning the crime of sexual harassment, Art. 490.7 of the Penal Code provides specific prison penalties for people harassing women.
<i>Policy for the Prevention of Violence and Crime, Citizen Security and Peaceful Coexistence 2014-2023</i> (Minister of Interior, Mol).	The objective of this policy is to establish the foundation for a culture of prevention based on the conviction of perpetrators of violence and crime. It has a focus on violence against women, adolescents and youth, and armed violence; and violence on the road. Its specific objectives refer to preparing, arranging and implementing coordinated and strategic measures to guarantee the exercise of the right of women to live free of violence and discrimination. It also stipulates what takes place when there is non-compliance on addressing the causes, and reparations for such violence. It creates a third Vice-Ministry for the Prevention of Violence and Crime, which has, among its functions, to promote community organizations that take social inclusion and gender equality into consideration.
<i>National Strategy on Crime and Violence Prevention 2017-2027.</i> <sup>406</sup>	This strategy establishes key principles to prioritize attention to vulnerable groups (gender, special capacities and age) and indicates the need to effectively integrate gender and multiculturalism in all prevention policies. The strategy lists all government, NGOs and international donors that play a role in the strategy, some of which specifically mention addressing gender issues.
<i>Criminal Democratic Policy of the State of Guatemala 2015-2035.</i>	Similar to the previous strategy, this policy also focuses on citizen security. It states as its essential function, the creation of inter-institutional strategies for an articulated approach to address criminality, based on four axes: prevention, investigation, sanction and reintegration, in coordination with CSOs and other actors. It includes a gender perspective as one of its four main approaches. It mentions as specific goals/lines of action to enhance gender capacities of criminal investigators, to ensure a gender perspective in crime research, and to develop a gender sensitive reinsertion policy for prisoners. It establishes as cross-cutting themes: combatting corruption, impunity, discrimination and racism. <sup>407</sup>

Source: Banyan Global - Literature Review

<sup>406</sup> Among the public ones includes the Program on protection against sexual violence, exploitation and trafficking in persons (pag.89); from the International Cooperation mentions: Strengthening of Comprehensive Citizen Security and Transformation of Social Conflicts.

<sup>407</sup> Ministerio Publico. Política Criminal Democrática del Estado de Guatemala, May 26, 2018.

**Table 4. Gender-based Violence Legal Framework**

Normative Instrument	Relevant Elements Regarding GBV
<b>Legal Instruments</b>	
	<p>The law's main objective is the prevention of intrafamily violence as well as processing and resolution of complaints. Although this law is limited to typifying domestic violence and the granting of security measures (restraining orders), it was an important advance at the time. On the basis of the law and the Belem do Para Convention (in 1994), the National Coordinator for the Prevention of Domestic Violence and Against Women (CONAPREVI) was created, as the responsible entity for defining and implementing the National Plan for the Prevention and Eradication of Domestic Violence and against Women (2004-2014).</p>
<p><i>Accompanying Protocol (D. 22-2008).</i></p>	<p>Establishes actions by the different institutions involved in processing the crimes described in the Femicide Law. It defines specific instructions to all of these institutions in order to guarantee equal rights, liberties, opportunities and obligations to women and men according to Art. 4 of the Constitution of Guatemala, whereby no person shall be subjected to servitude nor any other condition undermining their dignity.</p>
<p><i>Reforms to the Civil Code (D.13-20017), D.L of The Chief of Government repealing all civil code articles allowing the marriage of minors.</i></p>	<p>This decree repeals all Civil Code articles allowing the marriage of minors and thereby prohibits this practice. In the preamble the International Convention on the Rights of the Child is invoked as well as the principle of gender equality. It also explicitly addresses sexual violence and early or child marriage.</p>
<b>GoG GBV Policy and Strategic Framework</b>	
<p><i>National Plan for prevention and the Eradication of Intrafamily Violence and against Women – PLANOVI- 2004-2014.</i></p>	<p>This plan promoted policies and measures to prevent and eradicate intrafamily violence, as well as to develop campaigns at the national level to increase awareness, sensitize and train on issues related to intrafamily violence. It is not known if this Plan has had a formal evaluation. The main body in charge of its implementation was the National Coordinator for The Prevention of Intrafamily Violence and Against Women CONAPREVI.</p>
<p><i>Gender Equity and Equality Policy 2016-2020</i></p>	<p>The Policy of the Executive Secretary of the National Commission for disaster reduction (CONRED). The policy includes specific measures to address and prevent violence against women in the context of disasters.</p>

Source: Banyan Global - Literature Review

**Table 5. GoG Health Legal National Framework**

<b>Legal Instrument</b>	<b>Relevant Elements Regarding Gender Equality and Women's Empowerment</b>
<i>The 1993 Constitution</i>	The 1993 Constitution establishes the obligation of the State to ensure the health and welfare of all inhabitants. It tasks the State with developing, through its institutions, actions of health prevention, promotion, recovery, rehabilitation, and coordination to provide physical, mental and social well-being. It indicates that coordination of health services is critical and that the Guatemalan Social Security Institute must participate with health institutions in a coordinated manner. <sup>408</sup>
<i>2002 Law on Decentralization – Decree Number 14-2002</i>	The law establishes a constitutional duty of the State to promote administrative economic decentralization in a progressive and regulated manner, to transfer the administrative, economic, political and social competences of the Executive Body (including in the health sector) to municipalities and other State institutions. <sup>409</sup>
<i>The 2003 Child and Adolescent Protection Law</i>	The 2003 Child and Adolescent Protection Law specifies the rights and obligations of children and youth in Guatemala, defining a child as anyone under age 13 and an adolescent anyone ages 13–18. The law guarantees adolescents the right to healthcare but requires parental consent for medical care, except in cases in which the life of the adolescent is in danger. It also contains strong protections against economic exploitation and sexual and physical abuse. <sup>410</sup>
<i>2004 Alcohol Tax Law</i>	The law establishes a tax of 6–8.5 percent on alcoholic beverages and requires that a minimum of 15 percent of revenue from the tax be allocated to family planning/reproductive health. <sup>411</sup>
<i>The 2005 Law of Universal and Equitable Access to Family Planning Methods and their Inclusion, Decree Number 87-2005</i>	The 2005 Family Planning Law ensures access to family planning services, and mandates sexuality education for adolescents. The law also creates a National Commission for Contraceptive Security (NCCS). <sup>412</sup>
<i>2010 Safe Motherhood Law (Decree Number 32-2010)</i>	The 2010 Safe Motherhood Law creates a legal framework to improve the health and quality of life of women and newborns, and to promote human development by supporting universal, timely and free access to timely, accurate and complete information and quality services before and during pregnancy, childbirth or postpartum, for the prevention and progressive eradication of maternal-neonatal mortality. This 2010 law promotes actions to reduce maternal and neonatal deaths; such actions encompass strengthening reproductive health programs, including family planning. <sup>413</sup> The law establishes a 30 percent alcohol tax earmark for

<sup>408</sup> Government of Guatemala. 1993 Constitution, 1993.

<sup>409</sup> Government of Guatemala. Ley General de Descentralización, 2002.

<sup>410</sup> Government of Guatemala. Ley de Protección a la Niñez y Adolescencia, Decreto 27-2003, 2003.

<sup>411</sup> Government of Guatemala. Ley del Impuesto sobre la Distribución de Bebidas Alcohólicas, Destiladas, Cervezas y Otras Bebidas Fermentadas, 2004.

<sup>412</sup> Government of Guatemala. Ley de Acceso Universal y Equitativo de Servicios de Planificación Familiar y su Integración en el Programa Nacional de Salud Reproductiva, 2012.

<sup>413</sup> Government of Guatemala. Ley para la Maternidad Saludable DECRETO NÚMERO 32-2010, 2010.



	government purchasing of contraceptives, with the of increasing accountability in the use of resources for family planning. <sup>414</sup>
<i>2015 Presidential Decree on Minimum age of Marriage 8-2015</i>	The 2015 Presidential Decree 8-2015 modifies the Civil Code to set the minimum age of marriage at 18 for men and women, citing child marriage as a human rights violation. The decree allows minors 16 and 17 years old to marry if they receive judicial authorization.
<b>GoG Institutional Policy and Strategic Framework</b>	
<i>National Guide for Family Planning, 2014–2020</i>	Establishes targets for contraceptive prevalence and unmet need, as well as intermediate objectives for financing and availability of contraceptive commodities, service delivery, and quality. <sup>415</sup>
<i>2016-2020 National Strategy on Chronic Malnutrition</i>	The Strategy aims to reduce the national chronic malnutrition indicator by ten percentage points in four years (2016-2020), through the intensification of evidence-based actions in seven departments in which there are high prevalence of chronic malnutrition in children under two years of age. The strategy enumerates specific targets to meet the nutritional needs of boy and girls. It also lays out strategies to address chronic malnutrition in pregnant women and mothers of children under the age of two, including a provision to provide supplements to women of childbearing age and children aged 6 months to 5 years. <sup>416</sup> In March 2016, the GoG also updated its model of Primary Health Care (PHC), adopting a multidimensional approach (person - family - community) and incorporating essential complementary aspects of the beliefs and practices of traditional indigenous medicine. The GoG has expressed a commitment to improve transparency and accountability by institutionalizing management for results in public administration and promoting social audits and other mechanisms to strengthen citizen participation. <sup>417</sup>
<i>The 2013 National Plan to Prevent Adolescent Pregnancy</i>	The 2013 National Plan to Prevent Adolescent Pregnancy (Plan Nacional de Prevención de Embarazos en Adolescentes, 2013–17) promotes a holistic approach that includes sexual education and family planning services. See Section 2.2.4.2 for more detailed information on this plan.
<i>National Youth Policy 2012-2020</i>	The 2012 – 2020 National Youth Policy promotes universal access to integrated and tailored sexual and reproductive health services for adolescents and youth. See Section 2.2.4.2 for more detailed information on this policy.
<i>2003 Adolescent and Youth Health Policy</i>	The 2003 Adolescent and Youth Health Policy (Política de Salud para la Adolescencia y la Juventud, 2003–2012) promotes an integrated and tailored approach to meeting adolescent health needs, including reproductive health and sexuality education. See Section 2.2.4.2 for a more detailed review of this policy.
<i>Comprehensive Strategy on Sexuality and Violence Prevention</i>	The strategy outlines a national plan for implementing comprehensive sex education and preventing violence in schools, including bullying and other SRGBV forms of in schools. See Section 2.2.4.2 for a more detailed review of this policy.
<i>The 2016 Prevention through Education Agreement</i>	The 2016 Prevention through Education Agreement (Carta Acuerdo “Prevenir con Educación,” 2016) specifies how the health and education ministries will coordinate actions to implement sexuality education in the schools. This 2016 agreement

<sup>414</sup> USAID and HP+. Guatemala’s Family Planning Transition Successes, Challenges, and Lessons Learned for Transitioning Countries, January 2018.

<sup>415</sup> Government of Guatemala. Guía Nacional de Planificación Familiar, 2014.

<sup>416</sup> Government of Guatemala. Estrategia Nacional para la Prevención de la Desnutrición Crónica 2016-2020, 2016.

<sup>417</sup> World Bank. Crecer Sano: Proyecto de Nutrición y Salud en Guatemala, March 2017.



	reiterates the commitment made in 2010 between the health and education ministries based on the regional Ministerial Declaration on Prevention Through Education that Guatemala signed in 2008 at the International AIDS Conference in Latin America and the Caribbean. See Section 2.2.4.2 for a more detailed review of this agreement.
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Source: Banyan Global - Literature review

**Table 6. GoG Education Legal National Framework**

<b>Normative Instrument</b>	<b>Relevant Elements Regarding Gender Equality and Women's Empowerment</b>
<b>Legal Instruments</b>	
<i>Guatemalan Constitution 1985 (as amended in 1993)</i>	Provides the foundational legal framework for education in Guatemala. The Constitution guarantees the right to education for all inhabitants without discrimination of any kind. It establishes the right to initial (early childhood education), preschool, primary, and basic education and the duty of the State to provide this education for free. There are provisions to promote diversified special and bilingual education.
<i>The National Education Law (Decree 12-91)</i>	Establishes guiding principles for the education system: (1) education is an inherent right of all people; (2) should be an instrument for constructing a socially just and democratic society oriented towards respecting human rights, including the right of the child; and (3) should be defined and realized in a multilingual, multiethnic, and multicultural environment. Establishes education modalities that are relevant to promote gender equality in the education system (special education, distance learning, and bilingual education).
<i>1996 Peace Accords</i>	The importance of investing in education is found throughout the various components of the Accords. They address the need to eradicate illiteracy, the respect and development of indigenous languages and culture, and the need to ensure full acquisition of Spanish by all in indigenous communities, investment in higher education, and technical/vocational education. It stipulates requirements of equal opportunity on education and training conditions for women and girls, and that education contributes to uprooting all types of discrimination in education content. The Accords also include a requirement to provide special rights' protection for indigenous women.
<b>GoG Institutional Policy and Strategic Framework</b>	
<i>Strategic Plan of Education 2016-2020</i>	Provides the strategic roadmap for realizing the education obligations of the State outlined in Guatemala's legal framework for education above. It includes as one of its principles <i>equity and equality</i> . The plan includes five focus areas ("axes"): (1) coverage (access); (2) quality, equity, and inclusion; (3) diverse schooling and extracurricular modalities; (4) learning spaces that are healthy and worthy; (5) transparent and participatory institutional administration. Specific indicators and actions that seek to redress gender-specific inequities and inequalities and compounded discrimination in education are absent.
<i>Strategy for the Improvement of Education Quality</i>	Outlines the key actions needed to improve education quality across preschool, primary, and secondary level. A gender perspective is not included in the strategy.
<i>Strategy for the Expansion of Preschool</i>	Outlines planned actions to increase preschool and primary coverage in response to diminishing enrollment in preschool and primary school between 2009 and

<i>and Primary Education Coverage 2017-2020</i>	2016. Although gender is not specifically considered, it is particularly relevant to address the existing gender gaps at these levels.
<i>Strategy for the Commitment to First Grade</i>	Outlines actions planned to ensure success in the first grade. It does not consider a gender analysis of possible gender-specific reasons for repetition at the primary level and gender-specific action strategies to address them.
<i>Strategy for the Redesign of National Base Curriculum for the Basic Cycle of Education</i>	Outlines the action strategy for revising the curriculum for grades 7-9 which comprise the Basic Cycle of Education of the “middle” level (secondary school level). Although it mentions making the curriculum culturally and linguistically relevant, it has no reference to ensure gender sensitivity on the curriculum.

Source: Banyan Global - Literature Review

**Table 7. National Legal Framework on Economic Growth**

<b>Normative Instrument</b>	<b>Relevant Elements Regarding Gender Equality and Women's Empowerment</b>
<b>Legal Instrument</b>	
<i>Labor Code</i>	Establishes the explicit prohibition of discrimination for any reason (Art.-137 bis), including discrimination against women (Art.151). The Penal Code, in its 2000 reform (D. 57), defines the crime of discrimination and punishes it, aggravating it if committed by a public official. Arts. 151-153 establish the immovability of the workers during pregnancy, and maternity benefits.
<i>Peace Accords- Accord over Socio-economic Aspects and Agricultural Situation</i>	Establishes equal rights for women and men in the household, workplace, and in production and social and political life, and the need to ensure equal possibilities for women to access credit, land and other productive and technological resources. <sup>418</sup>
<i>Social Development Law (D. 42-2001)</i>	<p>The purpose of this law is to “create a legal framework that allows the implementation of legal and public policy procedures to carry out the promotion, planning, coordination, execution, monitoring and evaluation of governmental and State actions, aimed at the development of the human person in the social, family, human and its environment, with emphasis on the groups of special attention.” The guiding principles for the development of the laws according to the subject matter are Equality, Equity, and Freedom.</p> <p>The framework and content of this law is rich and key to new legislature, providing and expanding the focus on subjects that had not been contemplated and populations that had not been visualized. It defines equality as “All people have the rights and freedoms proclaimed in the PCG, the Universal Declaration of Human Rights, Treaties, Programs and International Agreements ratified by Guatemala,” not only confirms the constitutional rights but also all the agreements signed. The principle of Equity, “Within the framework of multicultural makeup of the Nation, gender equity, is understood as equal rights for men and women. Parenthood, reproductive health, and motherhood are basic principles and should be promoted by the State”. The recognition of equal rights</p>

<sup>418</sup> Government of Guatemala. 2030 Agenda. Guatemala Voluntary Exam, 2017.

	for woman is fundamental, as is the first appearance of reproductive health that has opened the ways to be addressed.
<b>GoG Economic Growth Policy and Strategic Framework</b>	
<b>The 2016-2021 Economic Policy</b>	The 2016-2021 <i>Economic Policy</i> points out as the two main challenges in economic terms: 1) attention to local challenges and above all to poverty, youth that does not study or work -Ninis- and environmental degradation; and 2) take advantage of global opportunities (global market, global value chains, digital world). One of the first actions of the Policy lies in the <i>Strategy for Dynamizing the Local Economy</i> , prioritized in the municipalities of Chiquimula, Retalhuleu, Quetzaltenango, Petén, Puerto Barrios, Escuintla, Huehuetenango, Cobán and Antigua Guatemala (USAID works in the first seven municipalities). The economic policy does not have a gender perspective nor does it mention the need to promote the specific economic inclusion of women, or the reduction of gender inequality gaps in the Guatemalan economy. <b>One of its instruments, the <i>Política Nacional de Competitividad 2018-2032</i>, is also gender blind.</b>
The Agricultural Policy (G.A 372-2014)	The <i>Agricultural Policy</i> (G.A 372-2014) includes four axes: access to land, agricultural conflicts resolution, legal security, and access to productive resources, “prioritizing women.” <sup>419</sup>

Source: Banyan Global - Literature Review

**Table 8. Specific Legal Instruments for Environment in Guatemala**

Normative Instrument	Relevant Elements Regarding Gender Equality and Women's Empowerment
<b>Legal Instruments</b>	
<i>Law for the Protection and Improvement of the Environment</i> (Decree Number 68-86)	This law points to the importance of promoting the participation of the State, municipalities and communities in social, economic, scientific and technological development, avoiding pollution of the environment and fostering ecological balance, with an eye toward improving the quality of life of the Guatemalan population. The law is gender blind and does not address or mention women's specific needs and conditions, nor does it explicitly mention promoting gender equality within the environmental management.
<i>Forest Law</i> (Decree Number 101-96)	The law creates the National Institute of Forests (INAB). The objectives of the law include the improvement of living standards of communities and women through increased care for forests and the improved ability to meet the needs of women and men for firewood, housing, rural infrastructure and food supply.
<i>Law of Protected Areas</i> (G.A 759-90)	The law focuses on the conservation, rehabilitation, improvement and protection of the country's natural resources and biological diversity through the active participation of all the inhabitants of the country. It is gender blind - it does not take into consideration the specific conditions, needs and interests of women and men regarding the management of protected areas.

<sup>419</sup> MARN. *Agricultural Policy*, 2015.

<i>Incentives Law for the Development of Renewable Energy Projects (Decree Number 52-2003)</i>	The objective of the law is to promote the development of renewable energy projects and to establish fiscal, economic and administrative incentives in this domain. Similar to laws above, it does not address gender equality.
<b>GoG Climate Change and Natural Resources Management Policy and Strategic Framework</b>	
<i>National Climate Change Policy</i>	The policy's purpose is to promote the adoption of risk prevention practices, to reduce vulnerability, to improve adaptation to climate change, to contribute to the reduction of greenhouse gas emissions, and to strengthen the country's ability to influence international climate change negotiations. The literature review has revealed any considerations of gender equality in the policy.
<i>National Policy on Environmental Education</i>	The policy focuses on promoting construction of an environmental culture among the Guatemalan population, through the transmission, application of knowledge, and formation of values and attitudes that lead to the sustainable development of the country.
<i>National Policy of the Potable Water Sector (MoH 2012)</i>	The policy aims to contribute to the improvement of sustainable public management of drinking water, sanitation services and water management practices for human consumption. Its objective 2.2.5 addresses the relationship between gender and drinking water and sanitation services, indicating that the lack of water enhances gender inequality as it increases women's and girls' time burden for water collection. The time burden also correlates with the dropout rates of girls from school. In addition, it recognizes the positive impact of adequate safe sanitation measures on the well-being of women and girls, as they allow for greater privacy and security, thus reducing the possibility of violence and sexual harassment.
<i>Energy Policy 2013-2017</i>	The objective of the policy is to contribute to the development of sustainable energy with social equity and respect for the environment. The policy 5 <sup>th</sup> focus area aims to install 100,000 improved stoves aiming reduction in the use of firewood.
<i>The National Strategic Agenda for the Environment and Natural Resources</i>	The agenda endorses the active participation of woman's rights CSOs in formulating a gender perspective in environmental management policy.
<i>Institutional Policy for Gender Equality and Strategic Implementation Framework 2014 (MAGA)</i>	This institutional policy sets out objectives to create opportunities for women to participate in all value chains (agricultural production, livestock, forestry and sustainable hydrobiology), and to promote equality between men and women and integral rural development. Specifically, it focuses on "strengthening institutional capacities to respond to the specific needs of rural women, through:

	<ul style="list-style-type: none"> <li>• Developing the skills of the Ministry of Agriculture staff;</li> <li>• The creation of methodological instruments and indicators;</li> <li>• The establishment of a monitoring and evaluation system;</li> <li>• The promotion of equitable access and sufficient availability of native and traditional foods, as well as strategic reserves aimed at rural women in conditions of poverty and extreme poverty;</li> <li>• The availability of food and nutrition assistance and community food production;</li> <li>• Strengthening rural women's leadership capacities and their participation in decision-making at the social, community and political level, through the promotion of good practices for gender equality and women's empowerment;</li> <li>• Promoting productive, marketing and entrepreneurial capacities of rural women through equitable access to resources, incentives and technical assistance;</li> <li>• Facilitating the application of gender and empowerment of women criteria in the National System for Rural Extension, so that it responds appropriately to the needs of the rural population.</li> </ul>
<i>Gender, Women and Youth Unit in the Ministry of Environment: (M. A. 113-2002)</i>	This unit aims to “promote and achieve gender equity, improve the conditions, opportunities and benefits of women and men participating in environmental management and natural resources.” Its main functions are to support, advice and provide oversight over the different ministerial departments and areas on gender mainstreaming and to coordinate with national and international institutions, in order to ensure compliance with Guatemala's international commitments in gender equality and women's empowerment. In 2015 it was renewed as a substantive department reporting directly to the Minister's Dispatch.
<i>The Gender Equality Policy and the Action Plan 2003-2008 for the Environmental Management and Natural Resources</i>	The policy and action plan place an emphasis on ensuring the integration of a gender perspective within the Ministry of Environment and Natural Resources' departments and areas of intervention, and the development of studies aiming to generate knowledge regarding women's and men's participation in environmental and climate change management.
<i>The Action Plan of the Gender Unit of the Ministry of Environment and Natural Resources 2015-2020</i>	This action plan points to the importance of enhancing institutional gender capacities in the MoE, ensuring a gender perspective in the conservation and sustainable use of natural foods and services, and ensuring compliance with environmental objectives and strategies included in the PPDIM-PIOM.
<i>The National Forest Institute (INAB) and the National Council of Protected Areas (CONAP)</i>	Both the National Forest Institute (INAB) and the National Council of Protected Areas (CONAP) have recently approved their gender equality policies. <sup>420</sup>

Source: Banyan Global - Literature Review

<sup>420</sup>Telephone interview with Marleny Oliva, Director of the Gender Unit of MARN, May 30, 2018.

**Table 9. National Legal Instruments on Governance**

Normative Instrument	Relevant Elements Regarding Gender Equality and Women's Empowerment
<b>Legal Instruments</b>	
<i>Electoral and Political Parties Law -LEPP- (D. I-85).</i>	Defines the principles and organization of the Guatemalan Electoral System. For women's organizations, the articles regarding political organizations are of prime importance for they are the gateway to elected positions. So far and even in the permanent advocacy developed by the women's and feminist movement, no amendments or other laws or affirmative measures have been promulgated for ensuring the advancement of women's political participation. The Constitutional Court has issued diverse favorable opinions on reforms proposed in this regard, but so far none have passed.
<i>Municipal Code approved according to (D. 12-2002). Reform on Women's Municipal Office (D.39-2016).</i>	Recognizes and establishes an autonomous and decentralized regime for Municipal Governments. It describes the constitutional principles regarding the organization, governance, administration and operation of municipalities and other local entities. Prior to 2016, some municipal governments had put in place Municipal Offices for Women with diverse scopes, organization and quality of performance. The 2016 reforms made the Municipal Secretary compulsory. It also required that the Secretary address the specific needs of women in the municipality; and promote women's leadership and community development in a culturally relevant way. The Municipal Government must ensure that there are sufficient human and financial resources to carry out these functions. It is also responsible for coordinating with the national government (SEPREM and others) for the implementation of national gender policies and actions at the local level.
<i>The Law of the Development Councils Decree Number 11-2002 and Reforms the Regulation of the Urban and Rural Development Councils Law, Government Agreement 229-2003.</i>	<p>The National System of Development Councils establishes that "it is the main means of participation of the Mayan, Garifuna, Xinka and Mestizo populations in public management to bring about the process of democratic development planning, while accounting for the principles of national, multi-ethnic, pluricultural and multilingual unity of the Guatemalan nation." It has five levels, 1. National Council of Urban and Rural Development (CONADUR); 2. Regional Councils of Urban and Rural Development; 3. Departmental Development Councils (CODEDE); 4. Municipal Development Councils (COMUDE); and 5. Community Development Councils (COCODE). On each level, it is required to have a representative from SEPREM, one representing local women's organizations and one from indigenous organizations. Only at the COCODE's level, it is required to have at least one woman among the five council members.</p> <p>Art. 14b specifically states that women's organizations will raise and promote initiatives to benefit women, based on local needs.</p> <p>Art. 23 establish Indigenous Advisory Councils (IAC), integrated by the indigenous community authorities representatives (where there is at least one indigenous community). Its objective is to advise the COCODE and/or</p>



	COMUDE; there is no specific mention of women's participation in the IACs.
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Source: Banyan Global - Literature Review

**Table 10. National Legal Framework on Migration**

Normative Instrument	Relevant Elements Regarding Gender Equality and Women's Empowerment
<b>Legal Instrument</b>	
<i>Migration Code D. 44-2016</i>	Establishes a number of particularly relevant migrant rights, related to gender equality: the right to non-discrimination based on gender, ethnicity, and other conditions; to access to sexual and reproductive health services, especially for women and girls; to special protections for migrant victims of GBV; and the rights of migrant persons victims of human trafficking, particularly relevant to women and girls as they are the primary victims in Guatemala and in migratory transit. <sup>421</sup> It mandates the creation of a renewed "Guatemalan Migration System" and of a new Migration Policy.
<i>Law of the National Council of Attention to Migrants from Guatemalan (CONAMIGUA)</i>	Establishes the CONAMIGUA as the "government entity that coordinates, defines, supervises actions and activities of the organisms and entities of the State tending to protect, assist and provide assistance to Guatemalan migrants and their families." <sup>422</sup> The Law only includes a brief reference to members assuming behaviors and practices that respect "gender rights". According to the new Migration Code, the Executive Secretary will be a part of the new National Migration Authority (see below).
<b>GoG Economic Growth Policy and Strategic Framework</b>	
<i>Migration Policy</i>	It is unclear the extent to which the National Migration Authority (to be created as the authoritative body on migration per the Migration Code) has created policies to address gender and. However, the Migration Code does stipulate that the policy adhere to principles of human rights for all people.
<i>Policy on the Protection, Assistance, and Attention to Guatemalans Living Outside of Guatemala</i>	<i>The Policy's contribution to the newly mandated "Migration Policy"</i> is unknown, based on the information found in the present literature review. However, it provides a strong entry point for gender considerations, as it includes several important references to special protections for particularly vulnerable groups of people, including women, girls, and indigenous individuals. It even contemplates compounded discrimination, for example of indigenous women, and the need to provide special protection and assistance in these cases.
<i>National Protocol for the Reception and Assistance of Child and Adolescent Migrants</i>	This comprehensive protocol outlines the various procedures for the comprehensive and rights-based approach to receiving child and adolescent migrants who have been deported back to Guatemala. Gender is referenced as a part of the principle of no-discrimination, highlighting respect for gender and sexual diversity. The protocol demands that the staff in charge of implementing it must possess specialized training in child and adolescent human rights, gender

<sup>421</sup> OEA/CIDH. Situación de los Derechos Humanos en Guatemala, 2017.

<sup>422</sup> CONAMIGUA. Ley del Consejo Nacional de Atención al Migrante de Guatemala (CONAMIGUA), 2008.

	equality, and cultural-sensitivity. It does not, however, outline how the training and capacity will be made available.
<i>Comprehensive Regional Migration Policy</i>	<i>The Policy</i> provides no information regarding how it would address gender equality.
<i>Alliance between Northern Triangle Countries and Mexico (April 2018)</i>	This year, representatives from all three Northern Triangle Countries, including Guatemala, and Mexico agreed on an alliance to protect migrants. According to information available, no specific agreements on the integration of a gender perspective were included.
<i>Technical Working Group Usumacinta</i>	The Working Group is a joint technical effort between several states of Mexico and departments of Guatemala that share borders to improve assistance to migrants. Addressing gender-specific needs is not mentioned in the limited information available on this newly formed technical working group.

Source: Banyan Global - Literature Review

**Table 11. National Legal Framework on Youth**

Normative Instrument	Relevant Elements Regarding Gender Equality and Women's Empowerment
<b>Legal Instruments</b>	
<b>National Law on Youth 3896 Initiative</b>	The National Law on Youth 3896 Initiative was approved by congress on February 9, 2016. It guarantees: the right to a secular, scientific, human-rights based comprehensive sexual education that is taught from a gender perspective; the right to a life free from discrimination; and the right to modern anticontraceptive and family planning that is accompanied by specialized council <sup>423</sup> This is accompanied by a new tax on tobacco products and on certain productive industries finances contraception, and the replacement of the National Council on Youth (CONJUVE) with a Secretariat of Youth <sup>424</sup> , thereby making it a part of the presidential cabinet. <sup>425</sup> Strong conservative elements, however, which included the Catholic Church and other religious bodies strongly opposed the amendments related to the right to comprehensive sexual education and the right to live free from discrimination. <sup>426</sup> The opposition led to the decision to create a special commission to openly discuss the contents of the Law further despite the fact that the law had already been passed in Congress. <sup>427</sup> In March 2016, the commission came to the decision to exclude articles in the Law that include a right to comprehensive sexual education and a life free from discrimination <sup>428</sup> —both of which were originally included to provide equal rights for women, adolescent girls, and LGBTI youth. According to available information, the current status of this initiative is unknown.

<sup>423</sup> UDEFEGUA. Comunicado de Prensa: El Desarrollo Integral de la Juventud Se Garantiza con la Incorporación y Apropiación de las Enmiendas a la Iniciativa de Ley No. 3896, 2016.

<sup>424</sup> Soy502. Protestan en el Congreso por el Ley de Juventud, 2016.

<sup>425</sup> Galvez, Ingrid. Jóvenes en Guatemala Vigilando la Ley Nacional de Juventud 3896, Realizing Sexual and Reproductive Justice, 2016.

<sup>426</sup> Ibid.

<sup>427</sup> Gramajo, Jessica. Comisión Analizara Ley de la Juventud, Prensa Libre, 2016.

<sup>428</sup> Ibid



<b><i>Ibero-American Convention on the Rights of Youth &amp; Additional Protocol</i></b>	<p>This regional treaty and its additional protocol are the only international legal instruments to guarantee the right of youth specifically. Although Guatemala has signed the treaty, it has not been ratified<sup>429</sup>. Although there were no documented reasons for it not being ratified, the aforementioned challenges with the National Law on Youth indicate that the challenges may be related to articles that guarantee sexual, reproductive, and gender identity rights for youth. Notable content on gender and women's empowerment included a specific guarantee of the right to gender equality; the right to protection against sexual abuse; the right to identity and self-defined personalities that includes identity related to sex, gender, and sexual orientation; the right to an education that promotes gender equity and human rights and includes special support to ensure youth complete their secondary education; the right to sexual education that includes information on preventing unwanted pregnancies, sexually-transmitted disease, and sexual abuse and violence; the right to health care, including sexual and reproductive health; and the right to work with equal opportunities and treatment for female and male youth<sup>430</sup>. The additional protocol was signed in 2016 and includes important updates related to the current situation of youth in the region. Key additions and modifications related to the right to gender equality stipulate equal opportunities for the insertion of women and men in productive sectors of the economy; the inclusion of male and female youth in all levels of political participation and decision-making; the prevention and sanctioning of all types of GBV; and the education of all youth about gender equality<sup>431</sup>.</p>
<b><i>Other National Legal Instruments</i></b>	<p>The national legal instruments include a variety of different laws aimed at protecting the various social, cultural, economic, political, and civil rights of youth considered minors and youth who are adults. Notable legal instruments that include gender considerations related to equal rights are:</p> <ul style="list-style-type: none"> <li>• Comprehensive Protection of Children and Adolescents Law Decree 27-2003 (Pina Law)</li> <li>• The Law Against Femicide and Other Forms of Violence Against Women, Decree 22-2008</li> <li>• The Law for the Dignity and Promotion of Women Decree</li> <li>• The Law of Universal and Equitable Access to Family Planning Methods and their Inclusion in the National Sexual and Reproductive Health Program, Sexual Violence, Exploitation, and Trafficking in Persons Law Decree 9-2009</li> <li>• The Law for Health Maternity Decree 32-2010<sup>432</sup>.</li> </ul> <p>Some youth-related legal instruments without any gender considerations include the Organic Law of the Technical Institute for Training and Productivity 17-72<sup>433</sup>.</p> <p>Only one national legal instrument includes special protections for situations of compounded discrimination: The Peace Accords include special considerations for</p>

<sup>429</sup> Organismo Internacional de Juventud para Iberoamérica. Informe del Proceso de Actualización de la Convención Iberoamericana de Derechos de los Jóvenes, 2016.

<sup>430</sup> Convención Iberoamericana de Derechos de los Jóvenes, 2008.

<sup>431</sup> Organismo Internacional de Juventud para Iberoamérica. Informe del Proceso de Actualización de la Convención Iberoamericana de Derechos de los Jóvenes, 2016.

<sup>432</sup> MIDES/SEGEPLAN/CONJUVE. Política Nacional de Juventud, 2016.

<sup>433</sup> INTECAP. Ley Orgánica del Instituto Técnico de Capacitación y Productividad.

	<p>the protection of indigenous women's rights. The lack of consideration of compounded discrimination (intersectionality) is an important gap in all legal instruments related to youth. Though there is mention of the principles of gender equality in some form in most of the legal instruments, they do not address the need for special rights protections for individuals who experience multiple forms of discrimination and the consequent increased vulnerability.</p>
<b>Other International Legal Instruments</b>	<p>The relevant international legal instruments include:</p> <ul style="list-style-type: none"> <li>• The Universal Declaration of Human Rights, International Covenant on Economic, Social, Cultural Rights</li> <li>• The International Covenant on Civil and Political Rights</li> <li>• The International Convention on the Elimination of All Forms of Racial Discrimination</li> <li>• The Convention to End All Forms of Discrimination Against Women, Convention on the Right of the Child.</li> <li>• All of these conventions guarantee the right to gender equality and equity in as well as to equal rights to education for people with disabilities and individuals and populations from ethnic minorities.</li> </ul>

GoG Youth Policy and Strategic Framework	
<i>Other Sector Plans that Include Youth</i> <sup>434</sup>	<p>Various sectors include plans that integrate the rights, engagement, and/or development of youth in some way. Most include gender and women's empowerment considerations. Examples include:</p> <ul style="list-style-type: none"> <li>• The National Development Plan 2032 (Plan K'atun Nuestro Guatemala) (e.g. contemplates youth development throughout all sectors).</li> <li>• Rural Agenda 2016-2020 (e.g. secondary and tertiary level scholarships for vulnerable adolescents and youth and promotion of employment, including artisan work, among adolescents and youth, especially in rural areas).<sup>435</sup></li> <li>• Strategic Plan of Education 2016-2020 (e.g. increasing number of alternative education programs for adolescents and youth who are no longer in the formal education system)</li> <li>• The National Plan for the Prevention of Adolescent Pregnancy 2018-2022, the National Plan for the Prevention of Violence and Crime (e.g. specific focus on combatting violence against adolescents and youth and others for violence against women)</li> <li>• The National Policy on the Promotion and Integral Development of Women 2008-2023.</li> <li>• Gaps exist, however, in how these plans included the intersection of youth and gender. Examples include the Strategic Plan for the Technical Institute for Training and Productivity (INTECAP), which notes that work in the informal sector impacts female youth more than their male counterparts. However, it does not include any statistics on how many women are incorporated into the vocational sector or how the technical/vocational education sector will specifically address these gaps.<sup>436</sup> Consideration of other intersections like focusing on female, indigenous youth is also generally missing. An exception, however, is the National Policy on the Promotion and Integral Development of Women which contemplates supporting specific groups of women who face compounded discrimination like adolescent Mayan girls.</li> </ul>

<sup>434</sup> This is not an exhaustive list of sector plans but rather a sampling to illustrate how gender is considered within these plans. A dedicated analysis of these sector plans would be needed to determine the full extent to which the intersection of youth and gender is included.

<sup>435</sup> MAGA. Agenda Rural 2016-2020, 2016.

<sup>436</sup> INTECAP. Plan Estratégico del INTECAP 2016-2021, 2016.