



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial and second periodic reports of States parties

GUATEMALA

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INTRODUCTION

1. As a signatory of, and therefore a State Party to, the "Convention on the Elimination of All Forms of Discrimination against Women", the Government of Guatemala hereby submits its initial report to the United Nations Secretary-General for examination by the Committee. It is the outcome of the participation of governmental and non-governmental organizations involved in the advancement of women and individuals specializing in the areas covered. The work was coordinated by Ms. Raquel Blandón de Cerezo and carried out in compliance with the standards and guidelines issued by the Committee on the Elimination of Discrimination against Women in its document CEDAW/C/7 dated 11 August 1983.

2. The first part of the report contains general information on Guatemala, its history, the general status of women and the legal instruments available to the State to help it put the Convention into effect.

3. A task of this kind is hampered by many difficulties, including the fact that studies of this type are only a recent innovation in Guatemala. Consequently, in order to prepare this report it was necessary to assemble all possible details of a qualitative or quantitative nature on the status women with reference to the various basic structural areas, such as population, employment, education, health, legislation and participation in politics.

4. The statistics are based on the latest population and dwellings census (1981) as well as on surveys conducted by the National Statistics Institute (INE), publications by the Latin American Demographic Centre (CELADE) and qualitative studies by governmental and non-governmental organizations.

5. Mention should be made of the difficulty and, sometimes, impossibility of obtaining statistics on specific subject areas dealt with in the Convention.

6. This task has also been a positive exercise in thought, analysis and self-appraisal with regard to the position of women in Guatemala in 1983, and the changes made to date and it has, above all, stimulated action to design strategies and targets, both in the government sector and in the other sectors that assisted in this task, which will no doubt help to improve the situation encountered in the short and medium term.

7. The report was drafted with the dynamic participation of 28 agencies: Ministry of Agriculture, Livestock and Food; Ministry of National Defence; Ministry of Economic Affairs; Ministry of Energy and Mining; Ministry of Education; Ministry of Internal Affairs; Ministry of Public Health and Social Welfare; Ministry of Urban and Rural Development; Ministry of Labour and Social Security; National Cooperatives Institute; Special Commission for Assistance and Care for Repatriated Persons (CEAR); Guatemalan Mercantile Register; Secretariat for Social Well-being of the Office of the President of the Republic; National Statistics Institute; Supreme Electoral Tribunal; Court of Constitutionality; National Office for Women's Affairs; Guatemalan Social Security Institute; Municipality of Guatemala; San Carlos de Guatemala

University; Civic Alliance of Women's Associations; National Women's Council; Dolores Bedoya de Molina Foundation; Chamber of Commercial, Industrial and Financial Associations (CACIF); Rafael Landivar University; Foundation for the Advancement of Women; National Central Union Party (Christian Democratic Party) and the Institutional Democratic Party. These contributed by sending representatives to the plenary meetings convened by the report coordinator to establish working guidelines and to collect and discuss the relevant material. There were four such meetings: Wednesday 14 November, Thursday 29 November, Friday 28 December and Saturday 29 December 1990.

8. It is worth mentioning that Guatemala currently enjoys greater openness and freedom as a result of the democratization process started on 14 January 1986. This permits and makes necessary consideration of subjects that used to be neglected, particularly the question of women, and, enjoying the support of the United Nations agencies represented in Guatemala, we hope to achieve the goal of the elimination of all forms of discrimination against women in the foreseeable future.

PART I

1. GENERAL VIEW OF THE COUNTRY

9. The Republic of Guatemala is situated at the northern end of Central America. It is bordered by Mexico to the north and west, by Belize, Honduras and El Salvador to the east and by the Pacific Ocean to the south. The area of the country is 108,889 km². The geography has uneven features, with high mountains, including 33 volcanoes, wooded plains and tropical forests. The mean annual temperature is 20 degrees centigrade. The climatic variety is beneficial and allows for agricultural production throughout the year. The country's geographical position, topographical features and varied climate provide for a diversity of landscapes, ecosystems, species, genetic resources and natural wealth. The department of Petén, with a range of ecosystems, occupies a third of the country. It is the largest tropical forest area in Guatemala and Central America and possesses an abundance of local species.

10. The country is situated in a region that is considered to be one of the five areas of greatest biological diversity on the planet, in which a large proportion of animal and plant species originated. Each day it becomes a matter of greater urgency to protect the forests in that the rivers, which used to be clean and suitable for human consumption, are now polluted or unusable as a result of the irreparable deterioration that constantly threatens mankind and its economic activities.

Historical background

11. There are three clear-cut periods in the history of Guatemala.

(a) Pre-Columbian period

12. This period runs from the emergence of the primitive American tribes up to the time when they evolved into the flourishing Maya civilization, with its profound mysticism, its advanced political organization and its incredible mastery of the sciences and arts, as well as architecture, sculpture, mathematics and astronomy.

13. Towards the end of this period, in the middle of the fifteenth century, the Mayas were split into four large groups: Cakchiqueles, Tzutuhiles, Mames and Quichés.

(b) Colonial period

14. This period spans the time between the conquest of the territory by the Spaniard Captain Pedro de Alvarado, who came from Mexico in 1524, and the independence of Central America in 1821. During this period, Guatemala was the capital of the Captaincy-General of Central America, embracing the Republics of El Salvador, Honduras, Nicaragua and Costa Rica and the present-day territories of Soconuzco, Chiapas and Belize, making it one of the most important centres of the New World. It was the site of the first Central American university, San Carlos de Guatemala University, and the first archbishopric in the region. It was also the focus of economic activity and continental trade with the rest of the world.

(c) Period of independence

15. This dates from the independence of the Captaincy-General on 15 September 1821 up to the present day. During this period, Guatemala was the headquarters of the First National Constituent Assembly of the Federal Republic of the United Provinces of Central America (1833), a unionist initiative that was cut short, although an attempt was made to resurrect it 60 years later by the main leader of the 1871 Revolution, General Justo Rufino Barrios.

16. After independence, Guatemala's political life was dominated by the conservatives and liberals until the middle of the twentieth century.

17. The basic features of Guatemala as we know it today were established during successive governments up to the Revolution of October 1944. The history of Guatemala has been marked by the consolidation of the capitalist system and its penetration of the world market; the modernization of the administration; the armed forces and the services; the creation of a centralized State and the formation of a social structure with its known inequalities, for instance in the control of the means of production; the distribution and redistribution of income, access to opportunities; the dual production structure, unbalanced tenure of land and external dependence; dominance of the individual over the common good and the concentration of public investment in the capital city and export areas.

18. Between 1944 and 1954 there were political, economic and social reforms to modernize the production structure and tailor it to the new conditions prevailing on the world market and to promote the upsurge of the masses and their organizations in the political life of the country. The counter-revolution in 1954 brought to Guatemala a period of instability and violence, thereby engendering serious social disintegration, polarization of opinion and fratricidal war.

19. During the next 30 years, the country alternated between popularly-elected and de facto government. The break in the democratic process in 1954 unleashed most of the current problems, including the aggravated structural difficulties mentioned earlier, widespread repression, unemployment and increased poverty, bringing about the economic and social crisis afflicting the population today.

2. DEMOGRAPHIC INFORMATION

20. Population projections for the years 1980-2000 by the General Secretariat for Economic Planning and the National Statistics Institute in June 1985 indicated a total population of 7,523,939 for 1983 - 50.6 per cent men and 49.4 per cent women, hence a male predominance factor of 102.4.

21. According to the 1981 census, the mean population density was 69 inhabitants per square kilometre (table 1), with big differences between regions and, above all, between the metropolitan area (145 inhabitants/km²) and the region of Petén (3 inhabitants/km²).

22. In 1983, the relative population distribution in terms of main age groups and sex was as follows: age 0-14 years, 50.9 per cent male and 49.1 per cent

female; 15-59 years, 50.4 per cent male and 49.6 per cent female; 60 years and over, 49.1 per cent male and 50.9 per cent female. Only in the final age group is there a slight female predominance (table 2).

23. The breakdown by sex in urban and rural areas given by the same source for the year in question indicates that 35.5 per cent of men and 33.9 per cent of women live in urban areas, while 68.5 per cent of men and 66.1 per cent of women live in rural areas (table 3).

24. The annual rate of population growth in the same year was 2,858. The gross birth rate was 42.68 per thousand: males 20.84 per thousand and females 19.94 per thousand. The gross mortality rate was 10.46 per thousand: males 5.21 per thousand and females 4.52 per thousand. The life expectancy at birth was 59 years for the population as a whole, with women living four years longer (men 57 years, women 61 years). The 1981 fertility rate was 6.12 live births per woman.

25. The Guatemalan population is very varied since it is made up of 23 ethnic groups, with a predominance of groups of Mayan origin, followed, in descending order, by the so-called non-indigenous groups and the garífuna or Black Caribbean group. Consequently, some 28 languages and over 300 dialects are spoken in Guatemala. The official language is Spanish.

3. DATE ON WHICH THE CONVENTION BECAME EFFECTIVE AND COMPLIANCE WITH IT

26. On 8 June 1981 the Permanent Representative of Guatemala to the United Nations signed the "Convention on the Elimination of All Forms of Discrimination against Women", adopted by the General Assembly of the United Nations on 18 December 1979. Since the Convention is basically designed to promote rights of a humanitarian nature, on 21 July 1982 approval was given to Decree-Law 40-82, whereby the Ministry for Foreign Affairs deposited the appropriate instrument of ratification with the United Nations Secretary-General.

27. Government Accord 106-82 ratified the Convention on 6 September 1982, thereby making it a Law of the Republic, with the historic undertaking that the 30 articles which promulgate, in a legally binding manner, the emancipation of women would be faithfully complied with in all areas of national life.

28. Pursuant to this mandate, laws have been passed to protect women and a number of measures have been adopted to promote their active participation in the overall development of the country.

29. The subject of women's rights has received fresh impetus from its inclusion in such topics as development, peace and international cooperation in the effort to improve the social status of women.

30. Legal and social action to implement the Convention is set out in the Fundamental Government Statute (1982, 31 May 1985), the Political Constitution of the Republic of Guatemala (31 May 1985 to date), the Labour Code, the Social Security System, the Law governing the Civil Service and the Penal Code.

31. The institutions or authorities responsible for compliance with the principle of equality of men and women include:

- Family courts;
- General Labour Inspectorate;
- National Office for Women's Affairs;
- Guatemalan Social Security Institute.

32. Women who feel themselves victims of discrimination may have recourse to the following legal instruments:

- Civil and Mercantile Code, issued on 14 September 1963;
- Law governing family courts (Decree-Law 206 of 7 May 1964);
- Law governing administrative disputes (Decree 1887 of 28 September 1936);
- Penal Code (Decree 52-73 of 5 July 1973);
- Law governing the jurisdictional conflict tribunal (Decree 64-76 of 3 November 1976 of the Congress of the Republic);
- Labour Code (Decree 1446 of 29 April 1961 of the Congress of the Republic);
- Juvenile Code (Decree 78-79 of 28 November 1979);
- Constitutional law governing the Court and Office of the Comptroller (Decree 1126 of 21 November 1956 of the Congress of the Republic).

In addition, the jurisdictional function of these legal instruments is effected through the following courts:

1. Supreme Court of Justice, the highest court in the Republic, composed of a President and nine judges, with a civil chamber and a criminal chamber.
2. Court of Appeal, with 11 divisions.
3. Labour and Social Welfare Court ("Corte"), with two divisions.
4. Family Appeals Court.
5. Currency Control Tribunal of Second Instance.
6. Juvenile Court.
7. Administrative Disputes Tribunal.
8. Civil and Criminal Courts of First Instance.
9. Labour and Social Welfare Court ("Juzgado").

10. Family Court.
11. Juvenile Court ("Juzgado").
12. Transit Court.
13. Court of Currency Control ("Juzgado").
14. Court for Coactive Economic Affairs.

33. In Guatemala, men and women who are of age (18 years) possess equal rights. This is laid down in the Fundamental Government Statute.

4. GENERAL STATE OF THE ECONOMY

34. The monetary unit is the "quetzal", introduced in 1925.

35. The gross geographical product in 1983, according to the statistical bulletin issued by the Bank of Guatemala, was two thousand nine hundred and thirty nine million six hundred and four thousand quetzals (Q 2,939,604,000.00), derived mainly from agriculture, trade, the manufacturing industry and services. This means a per capita income level of three hundred and ninety quetzals and seventy centavos (Q 390.70).

5. DESCRIPTION OF THE LEGAL AND PUBLIC SYSTEM

36. The legal system in Guatemala is founded on the precepts embodied in the Fundamental Government Statute of 1982 with reference to the nation and its foundations and sovereignty.

37. The country is politically and administratively divided up into 22 departments and 322 municipalities.

38. The authority of the National Government is centralized, with autonomy at municipal level being retained.

6. RELIGION

39. The Fundamental Government Statute guarantees freedom of worship: 86.7 per cent of the population belong to the Catholic faith and only 13.3 per cent belong to Christian and non-Christian denominations of various kinds.

7. GOVERNMENTAL AND NON-GOVERNMENTAL AGENCIES TO PROMOTE THE ADVANCEMENT OF WOMEN

1. National Office of Women's Affairs.
2. National Council of Guatemalan Women.
3. Dolores Bedoya de Molina Foundation.
4. Coordinating Unit for Women's Organizations in Guatemala.
5. Association to Promote Family Well-being.
6. Association for the Full Development of Women and the Family.
7. Civic Alliance of Women's Associations.

8. Technical Training and Productivity Institute.
9. Ministry of Agriculture, Livestock and Food.
10. Ministry of Education.
11. Ministry of Public Health and Social Welfare.
12. Ministry of Labour and Social Security.
13. Secretariat for Social Well-being of the Office of the President of the Republic.
14. Junkabal Women's Vocational Training Centre.
15. Women's Higher Studies Institute.
16. Foundation for the Advancement of Women.
17. Alliance for Juvenile Community Development.
18. Central American Development Advisory Centre.
19. Family Integration Centre.
20. Federated Workers' Section.
21. Christian Council of Development Agencies.
22. Kato-Ki Integrated Savings and Credit Cooperative.
23. National Cooperatives Institute.
24. Guatemalan Rural Reconstruction Movement (see annex 1).

8. CHANNELS, RECOURSE OR MEANS AVAILABLE TO WOMEN VICTIMS OF DISCRIMINATION

40. The Ministry of Labour and Social Security, through the General Labour Inspectorate, has a claims section for women who have been dismissed on the grounds of breast-feeding or pregnancy or during the compulsory paid leave period laid down both in the Fundamental Government Statute (Chapter IX) and in the Labour Code and "Social Security Law". If this office finds that a woman worker has been dismissed on any of these grounds, it immediately orders her reinstatement or payment of any benefits that she has been denied (Legal Annex).
41. This refers the woman concerned to the appropriate Courts dealing with labour and social security matters.
42. The position of women in Guatemalan legislation has evolved slowly but surely since the 1960s, with a slight improvement as a consequence of, among other things, the replacement of the Penal Code (1975) and the promulgation of the Labour Code (1978).

PART II

ARTICLES 1 TO 4

43. Legal and regulatory measures to eliminate discrimination against women and to guarantee their full development and advancement.

ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Legal definition of discrimination against women

44. In Guatemala there are no statutes or laws to define discrimination against women. None the less, by ratifying the Convention, Guatemala implicitly accepted the concept of discrimination embodied in Article 1 thereof. Consequently, in Guatemala discrimination is understood as follows: "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field". 1/

45. Article 23.1 of the Fundamental Government Statute lays down the prohibition of discrimination on the basis of sex (Legal Annex).

ARTICLE 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

1/ Article 1, Convention on the Elimination of All Forms of Discrimination against Women.

46. Guatemala is a multi-ethnic, multi-cultural and multilingual country with traditional cultural patterns that reinforce the subordination of women on the social, cultural, economic and political planes. Extended Guatemalan families in the country and nuclear families in the city are governed by a patriarchal system in which decisions are taken by men (husband, father or eldest son), who are considered the heads of the household, a role assumed by women only in their absence.

47. In Guatemalan society the man is expected to be the breadwinner, the legal representative, the repository of authority; the one who must "correct" the children, while the mother is relegated to their care and upbringing, to household tasks, and to "waiting on" or looking after her husband or partner. These roles often have to be performed in addition to engaging in some profitable activity which generates earnings that are always regarded as "complementary".

48. For their childhood, little boys and girls are guided towards work considered "masculine" or "feminine"; for example, boys play at working outside the home as carpenters, mechanics, farmers or pilots, and in all those jobs that are considered "tough" or that require physical strength. Girls, on the other hand, are taught to interest themselves in cooking, weaving, sewing, washing, ironing, or cleaning the house and, especially, caring for the children and helping the mother, as a responsibility and duty more than just a game.

49. Care of the children is strictly considered the responsibility of the mother, grandmother, and/or sister; and in the event of divorce, separation or dissolution of the marriage, custody of the children is generally awarded to the mother.

50. The aforementioned patterns vary slightly with the socio-economic stratum, which generally also determines the social class to which the women belong and which in addition is related to their level of education and knowledge.

51. Notwithstanding what has been said, the woman is the chief social agent in the majority of spheres of action. An empirical profile of a Guatemalan woman may cover the following characteristics.

52. She is responsible for family health and hygiene and for the supervision of the formal and informal upbringing of the children in the home; she organizes and maintains living and sanitary conditions and a supply of water for domestic use. She produces nutritional supplements for the family, including animal proteins (cattle, sheep and goats) and sources of vitamins (fruit and vegetables); she is the one in charge of the purchase, preparation, stocking and distribution of food within the home. In addition, she manages the family income, ensuring that payment in kind and in cash is used in such a way as to maximize the material well-being of the family.

53. She takes responsibility for generating additional income or for producing consumer goods when her partner's income does not cover the minimum family requirements.

54. In the case of an irresponsible father, the entire responsibility for the support of the children devolves upon her, reflected in particular by a considerable increase in her hours of work.

55. Her work is poorly paid or not paid at all and is generally of low productivity owing to lack of access to capital.

56. It is falsely assumed that the man is the one who makes the principal economic contributions to the family, for which reason he is the owner and beneficiary of all payments and services.

57. The educational level of the woman is low, which reflects on the effectiveness of her efforts to maintain and improve the health, feeding, housing and other living conditions of her family.

58. In the paid work that she does, her salary is inferior to a man's and her instability in the sense of a job is greater.

59. The man has traditionally been considered the "head of the household" (Legal Annex).

ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

60. The approach of Guatemalan society to this social problem is to accept it as a necessary evil or to treat it with indifference as long as it occurs outside, and does not affect the family directly, since prostitutes are a cause for shame and rejection. There is a tendency to blame prostitution on the women themselves, it being considered that they take to it of their own volition, and not because of the socio-economic and cultural environment. For men, however, the use of such services is felt to be justified and necessary. Their approach is towards preventive health education designed to avoid sexually-transmitted diseases endangering the health.

61. Prostitution predominates in the marginal urban areas, and is found in populated focal points like the capital and other big cities. Because of the nature of the problem and the lack of sociological and other studies, there is little in-depth knowledge about prostitution and in any case it is visible only to a limited extent.

62. Under the Penal Code, procuring and pimping are offences against decency.

63. It should be noted that adequate punishment for such offences is not imposed either on men or women, which means that they can be committed without major difficulty and the law is not observed (Legal Annex).

64. The offence of trafficking in women is punished by prison and fines, and so is traffic in men. It should be noted that there is equality in the protection of a woman's honour as well as that of a man (Legal Annex).

65. Under the criminal law, minors are protected against prostitution. Anyone who instigates, facilitates or encourages prostitution is punishable by a prison term of between two and six years. The sentence is increased by one third when the victim is a minor (Legal Annex).

66. In Guatemala, permits are not granted to prostitutes, but prostitutes are given a medical inspection card for health protection. Prostitution is not regulated by law.

ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and, in particular, shall ensure to women, on equal terms with men the right:

- (a) To vote in all elections and public referenda and to be eligible for election;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

67. The history of the basic law started with the promulgation of the Constitution of the Republic in 1945, under which a woman who knew how to read and write was considered to be a citizen. The previous Constitution, promulgated in 1931, did not give women the status of citizens. Citizenship and the right to vote in elections was granted by the Revolution of October 1944. There was discrimination against illiterate women on the grounds that they could easily be influenced by their fathers, brothers or husbands. The position of women was comparable with that of illiterate men who voted orally and at the first stage they had to prove they knew how to read and write.

68. The second legal foundation was the Constitution of 1956 in which women as citizens were granted the option of voting. The non-obligatory nature of the right was specified in the electoral law.

Political rights

69. These include the right of citizenship, and the right to vote, to stand for public office and to join political organizations.

70. As a general rule, it must be pointed out that the substantive law in force contains no provisions that discriminate against women, in the exercise of political rights, that would prevent them from playing an active part in a public authority, provided they meet the requirements laid down. Nevertheless, participation by women in political affairs is slight, compared with men, and this is attributable to their lack of civic education, the absence of democratic tradition, socio-cultural factors, such as the predominant role of women in the private sphere in Guatemalan society, and the impact of the economic crisis which compels women to accord priority to their subsistence and that of their families.

71. The right to nationality is the legal nexus between the individual and the State and invests the individual with the status of citizen, thus enabling

him to exercise political rights, such as the right to elect or be elected, and to join organizations of various types. This right may theoretically be exercised by men and women without distinction.

72. The absence of discrimination against women in the areas mentioned implies their formal equality under the law which allows them to exercise their inherent rights - citizenship, suffrage and incorporation in all areas of domestic affairs, such as the right to apply for jobs, posts or public functions and to belong to political parties. However, reality is very different from what is established or permitted by law.

73. The establishment of the Supreme Electoral Tribunal (under Decree-Law 30-83, the Constitutional Law governing the Supreme Electoral Tribunal; Decree-Law 31-83, the Law governing the registration of citizens; and Decree-Law 32-83, the Law governing political organizations) as a permanent and independent body with jurisdiction throughout the Republic and not subordinate to any other State body or authority, was published on 24 March 1983.

74. The Supreme Electoral Tribunal is responsible for organizing, administering and monitoring the electoral process and the results of such, as well as the compliance, by itself and others, with all laws and provisions stemming from the Government guaranteeing the legitimate right of citizens to political participation and organization (Legal Annex).

75. The Supreme Law of Guatemala establishes political rights and duties for citizens:

In their actual manifestation, political parties and civic committees do not leave the same amount of room for women as they do for men and grant women only limited participation in electoral activities. Women are assigned the most basic duties and functions in supporting activities, such as propaganda, bill posting, leafletting and preparation of meals during election campaigns, and it is extremely difficult for women to aspire to working on party political commissions or executive committees. The legal provisions of the current Constitution and the law governing elections and political parties do not discriminate against women. These civic and political rights include the right to elect and be elected but whereas women may be involved in the actual electing, they are in practice very rarely elected (Legal Annex).

76. In 1983, the part played by women in political and public life was very small since, as already mentioned, the role of women was considered secondary, though possibly going so far as to include a post on a political council.

ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

77. In 1983, participation by women at the international level was minimal and not significant, since they only took part in a very small number of

seminars, congresses and training courses in different areas. This is because custom and tradition make it hard for Guatemalan women to leave their homes temporarily in order to attend international events.

ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

78. Nationality is determined by the Fundamental Government Statute (Legal Annex).

79. The Convention on the Nationality of Married Women, published in the Official Bulletin on 16 July 1969, was ratified on 27 June 1969. Article 1 stipulates that "each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife".

80. The law on nationality lays down that the naturalization in another country of Guatemalans domiciled in Guatemala shall not be recognized, except for the naturalization of a wife through marriage, provided this is not solely the effect of foreign legislation.

81. A foreign woman married to a Guatemalan may opt for Guatemalan nationality during the marriage formalities, if these take place in Guatemala, but the other formalities must be completed by the Ministry of Foreign Affairs if naturalization is to be recognized.

82. "Acquisition or recovery of nationality after marriage permits the declaratory naturalization of the other partner."

83. A woman married to an alien retains her nationality unless she adopts that of her spouse. She also retains it if she acquires her spouse's nationality merely by the effect of foreign legislation.

84. The loss of nationality by a Guatemalan does not affect those who may have acquired Guatemalan nationality by marriage or natural or adoptive filiation.

85. Guatemalan naturalization may be revoked by marriage in the event that the marital union is legally declared null and void or without substance, the naturalized spouse acted in bad faith when the marriage was celebrated or it is found that divorce proceedings had already been instituted when the naturalization petition was submitted, provided that a final judgement is issued dissolving the marriage and apportioning guilt to the naturalized spouse.

ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

86. Chapter VIII of the Fundamental Government Statute guarantees freedom of education and teaching procedures.

87. Cultural centres enjoy exemption from all taxes and tariffs.

88. In Guatemala education is compulsory since all inhabitants have the right and obligation to receive initial education - pre-school, primary and basic - within the age limits established. The State provides education free of charge and also promotes and awards scholarships.

89. With reference to higher education, the State University is independent and possesses the exclusive right to administer, organize and develop State

higher education and university-level vocational education and to apply all means to promote research into all areas of human life, while assisting in the study and solution of national problems.

90. The education system in Guatemala is made up as follows:

- First level** Initial education, from four to six years
 Pre-primary education, from five to seven years
- Second level** Primary education, from seven to 14 years
 Cycles: grades 1 to 3
 grades 4 to 6
- Third level** Secondary school education, from 14 to 18 years
 Cycles: 1 to 3, basic general education
 Diversified education
 Cycles: grades 4 to 6
 including studies leading to:
1. Bachelor (Bachiller) of Science and Arts
 2. Bachelor of Industrial Studies and specialized qualification
 3. Certificate (Maestro) of Pre-Primary Education
 4. Certificate (Maestro) of Urban Primary Education
 5. Certificate (Maestro) of Rural Primary Education
 6. Certificate (Maestro) of Domestic Education
 7. Certificate (Maestro) of Physical Education
 8. Certificate (Maestro) of Musical Education
 9. Qualification in accounting
 10. Secretarial and office work diploma
 11. Bilingual secretarial diploma
 12. Qualification in administration
 13. Bachelor of Marketing Techniques
 14. Qualification in marketing techniques and advertising
 15. Bachelor of Industrial Studies and specialized qualification
 16. Qualification in industrial studies
 17. Bachelor (Bachillerato) of General Mechanical Engineering
 18. Bachelor (Bachillerato) of Construction Engineering
 19. Bachelor (Bachillerato) of Tourism
 20. Bachelor (Bachillerato) of Communication Sciences

21. Bachelor (Bachillerato) of Municipal Administration
22. Bachelor (Bachillerato) of Computer Studies
23. Bachelor (Bachillerato) of Science and Occupational Guidance
24. Qualification in agro-industrial administration
25. Qualification in community development
26. Qualification in police studies
27. Qualification in commercial administration
28. Qualification in administrative management
29. Executive secretarial diploma
30. Bilingual executive secretarial diploma
31. Qualification in communication sciences
32. Qualification in business administration
33. Bilingual secretarial diploma specializing in marketing techniques and advertising
34. Qualification in accounting and commercial computer applications
35. Qualification in agriculture
36. Qualification in optometry
37. Bachelor of Bilingual Technical Studies
38. Bachelor of Cosmetology
39. Bilingual secretarial diploma with scientific studies
40. Bachelor of Industrial Administration and specialized qualification
41. Bachelor of Renewable Natural Resources
42. Qualification in public relations in business
43. Bachelor of Hotel and Domestic Studies
44. Qualification in farming and livestock production systems
45. Secretarial diploma with legal studies
46. Qualification in computer studies
47. Qualification in dental hygiene
48. Bachelor of Technical Drawing and Construction Engineering
49. Bachelor of Science and Humanities
50. Commercial secretarial diploma with computer studies
51. Bilingual secretarial diploma with computer studies
52. Bachelor of Electrical Engineering
53. Bachelor of Science and Arts and bilingual secretarial diploma
54. Bachelor of Agricultural Mechanical Engineering.

91. The segregated schools for boys and girls at primary and secondary-school levels have the same standard of studies, examinations, teaching staff, curricula and equipment.

92. In Guatemala there are equal study opportunities for both sexes and thus freedom to choose depending on the individual's possibilities and interests.

93. Cultural stereotypes inhibit girls from pursuing traditionally "masculine" studies.

94. The examination of educational opportunities for women in Guatemala reflects the current situation of the country.

95. In general, the Guatemalan people show low scholastic progress because of the appreciable discrepancy in the extent and quality of education, coupled with socio-economic difficulties. There is also a complex and mixed population, in which 23 languages coexist and in which the majority of the indigenous population remains on the margin of education.

96. In the socio-economic context, education too is characterized by the unfair distribution of opportunities for access to and continuing enjoyment of education, both in schools and outside, associated with the disparity of school admission and social and ethnic origin, which helps to explain the high illiteracy level amid the young and adult population.

97. Women in Guatemala do not have the same access as men to education regarding family life, meaning that traditional cultural stereotypes prevent them playing an active role in their own development.

98. There is still a widely-held feeling in favour of male domination and belief that women's only role in life is motherhood.

99. In 1983, 56.57 per cent of the population was literate: 63.07 per cent of men and 50.18 per cent of women.

100. The relative distribution of the literate population in terms of the main age groups in 1983 was: 15-24 years, 63.95 per cent of men and 46.18 per cent of women; 25-44 years, 36.87 per cent of men and 21.13 per cent of women; 45 years and over, 35.87 per cent of men and 17.84 per cent of women (diagrams 4 to 8).

101. Furthermore, there is only one school of physical education, for both sexes, in which there is no discrimination as regards participation in sports. There was a woman referee, but there are exceptions in some sports that are not played by women, such as football.

102. The Guatemalan Ministry of Education awards scholarships to students in basic and diversified education in the various lines of study, with a monthly allocation of Q 25.00 per student for 10 months of the year (school cycle).

103. The Ministry of Education does not have official programmes to deal with family life or family planning. In the private sector, the Association to Promote Family Well-being (APROFAM), the Family Research Centre (CIF) and the Guatemalan Sex Education Association (AGES) do have special programmes for families. From an institutional standpoint, any woman, regardless of social background, has access to family planning inasmuch as bodies such as those

mentioned do not refuse their services to women and, moreover, even encourage them to improve their family life through proper planning and responsible maternity.

104. In higher education, the San Carlos de Guatemala University is an independent institution with its own legal status. It is the only State university and thus has exclusive responsibility for administering, organizing and developing further education and university-level vocational training run by the State, as well as for spreading culture in all its forms. In every way it can it promotes research into all areas of human knowledge and cooperates in the study and resolution of domestic problems.

105. There are significantly fewer women than men in posts involving administration, teaching or trade unions.

106. No occupations are prohibited for women on the basis of legal grounds.

107. The following fields of study are normally considered to be eminently suitable for women: social work, education, history, psychology and, first and foremost, the humanities, as well as intermediate vocations such as speech therapy, secondary school teaching, nursing, etc.

108. There is freedom of admission to the University but due to economic problems or to stereotyped ideas in the family and in women's minds, fewer women than men enter the University.

109. In 1982, women accounted for 34 per cent of the 1,842 graduates from the State University.

PERCENTAGE WOMEN GRADUATES

MEDICINE

1982 23.8%

ENGINEERING

1982 6.3%

LAW

1982 21.0%

CHEMISTRY AND PHARMACY

1982 66.1%

AGRONOMY

1982 1.42%

PERCENTAGE OF SCHOLARSHIPS GRANTED TO WOMEN BY SAN CARLOS UNIVERSITY

1982 37.00%

(see diagram).

110. The main reason why women students drop out is marriage.

111. The obstacles to full participation by women are traditional stereotypes and their domestic obligations as the major providers of care for the home and children (see diagram).

PERCENTAGE OF WOMEN UNIVERSITY PROFESSORS

1982 17.00%

(see diagram).

112. Both women and men are entitled to receive equal remuneration for equal work or for work of the same value, both in the State University and in private universities.

113. The age or period of service giving entitlement to a retirement pension is the same for men and women in the State University.

114. Women may benefit from their husbands' pension schemes and vice versa.

115. Promotion occurs more often for men, so that they make up the bulk of the University, and the number of male teachers far outstrips the number of female teachers, many university courses of study being traditionally held to be male preserves.

116. Prenatal and post-natal leave is granted only to women.

117. Women are entitled to maternity leave without loss of employment, seniority or social benefits. Such allowances are paid proportionately by the University and the Guatemalan Social Security Institute. If these rights are infringed in any way, the woman concerned may complain to the Guatemalan Social Security Institute and/or the Labour and Social Security Tribunals against the Institute or the University in order to claim payment of maternity benefits or to be reinstated in her job if she has been dismissed. On top of this, there is a fine for failure to provide work or social security.

118. Women at the State University may join the various associations organized by the University with the same rights as men. The degree of membership is increasing.

ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

119. Equal pay for equal work under equal conditions is stipulated by the Fundamental Government Statute. It protects women workers and ensures equality between married and unmarried individuals. It guarantees the protection of the wife of a worker if he dies, a right which she retains if she stays unmarried (Legal Annex).

120. None the less, in employment it is rare for a woman working under equal conditions to receive equal pay with men for the same job.

121. The Labour Code prohibits differentiation with regard to employment between married and unmarried women on the basis of marital status and

dismissal of a woman worker merely on the grounds of pregnancy or need for breast-feeding. Any dismissal of a woman worker must be communicated in advance to the General Labour Inspectorate and a pregnant woman is obliged to do work requiring considerable physical effort during the three months preceding the birth [sic].

122. The Labour Code provides the woman and child with legal recourse as embodied in protective legislation. In order to avoid health risks, some activities that are deemed unhealthy or hazardous, including night work, are prohibited. This runs counter to the fundamental right granted by the Constitution and hinders effective participation by women in the economic and social life of the country.

123. As far as remuneration is concerned, in practice the conventions adopted by the ILO regarding the prohibition of night work, heavy work and unhealthy work have led to discrimination against women in job opportunities and tended to force them into under-paid jobs.

124. ILO Convention 100 on equality of remuneration for men and women for work of equal value is covered by article 102 of the Labour Code as equal pay for "work done under equal conditions, with equal efficiency and after equal service" but, since women do not usually perform under equal conditions or after equal service - mainly because of their reproductive function - this principle does not apply.

125. The calculation of the working day (time during which the worker is at the employer's disposal) does not differentiate between men and women. However, the conditions governing domestic service and work at home, usually done by women, mean that women are clearly disadvantaged as regards the working day, benefits, wages and protection in the event of accident, illness or maternity. The result of all this is more harmful than protective and the working day is longer.

126. Maternity welfare is provided during the period of pregnancy, and there is a compulsory rest period of one month before and 45 days after birth, with entitlement to wages from the social security system, a benefit that is not given to sectors employing mainly women, such as domestic service, nor applied to women working in the informal sector, which accounts for a large proportion of the female labour force. Dismissal on the grounds of maternity is covered, but the fines levied on employers are so low that they usually prefer to pay rather than reinstate the woman worker.

127. To promote and protect breast-feeding, the law grants women a special period of rest to suckle their children. This is a one-hour period during the working day which the mother may split into two 30-minute or four 15-minute pauses, as she wishes, until the child is 10 months old. In practice, this right has been eroded on account of the lack of suitable facilities in the workplace and/or the distance of the workplace from the mother's domicile. The time is insufficient and frequently made use of at the beginning or end of the day.

128. The law provides for support services for the children of working mothers in enterprises employing more than 30 workers. This has tended to limit the recruitment of female workers in order to avoid complying with the obligation (Legal Annex).

129. Given the importance of agricultural work in Guatemala, there is a positive distinction of significance in the Labour Code which stipulates that women and juveniles whose work is connected with farming or stockbreeding must be regarded as workers bound by a work contract with an employer, even though the work concerned may only provide assistance to, or supplement the work performed by, the rural head of the family. The purpose of this law is to help prevent the exploitation of women and children in agricultural work by removing it from the sphere of family work and granting the women and children some independence in handling their wages, although in fact the wages are used to meet the needs of the family unit (Legal Annex).

130. The right to land, credit and housing is not restricted in formal legislation, but it is limited in practice by custom and by underlying values encouraged by previous legislation in which the head of the family had to be the owner of the plot of land or the dwelling - and the head of the family has traditionally been a man.

131. The question of credit is closely connected with the factors mentioned, since lack of collateral, illiteracy and the general low level of awareness make it hard for women to gain access to credit.

132. Articles 3 and 70 of the Civil Service Law (Decree 1748 of the Congress of the Republic) govern employment in the public sector.

133. The Labour Code and the Civil Service Law grant working men and women equal service, incapacity, retirement and holiday benefits.

134. State employees, whether men, women or family members, enjoy the benefits laid down in the non-active civil servants law for: (1) retirement; (2) disability; (3) death.

135. Pensions are granted:

1. On retirement
2. In the event of disability
3. To widows
4. To orphans
5. In favour of parents
6. In favour of brothers [sisters], grandchildren or nephews [nieces] who are under-age or legally incapable and dependent on the individual concerned at the time of death.

136. Retirement pensions are granted:

1. On voluntary retirement
 - (a) To a man or woman worker who has a minimum of 20 years of service regardless of age;
 - (b) To an individual over 50 years of age with a minimum of 10 years of service.

2. On compulsory retirement

To workers who have reached the age of 65 years and have a minimum of 10 years of service, during which period they have contributed to the system.

The death of the beneficiary of a disability pension gives entitlement to reversionary pension in the following order:

- (a) The legal partner, surviving spouse, under-age or legally incapable children ...

A widow's pension may be paid to the surviving spouse or de facto partner in accordance with the law.

On the death of a State employee, regardless of age, provided that there has been a minimum of 10 years of service and contribution to the system for the same period, entitlement shall revert to the legally-acknowledged children up to the age of 18 years and children declared legally incapable.

The amount of the widow's or orphan's pension shall be equivalent to 100 per cent of the worker's retirement pension.

If there are under-age children or children declared legally incapable, they shall receive 50 per cent of the pension and the other 50 per cent shall be distributed in equal portions among the worker's other children.

137. The following employment conventions have been ratified: employment of women in underground work in mines of all kinds (19 February 1960).

138. Night work of women employed in industry (22 January 1952). Equal remuneration for men and women workers for work of equal value (22 June 1966).

139. The link between education and the effective incorporation of the population in the development process has a negative impact on the degree of participation by women in the activities of the country.

140. The Guatemalan people in general start work at an early age because of the precarious family situation. For women this is even more significant since, although they generally start work later than men, their jobs tend to be less well paid because of their lower educational level.

141. In the relative distribution of the economically-active population in 1983, women accounted for 36.5 per cent in the 15-24 age range, 39.6 per cent in the 25-44 age range and 23.9 per cent in the over-45 age range. This indicates that, in the top age band, the participation of women in the country's production activities is slight (see Diagram 9).

142. The high degree of participation by women in the non-active sector is typical of an under-developed economy, where emphasis is placed on domestic work and, because of the narrowness of the job market, women's services and work tend to be disguised as non-activity.

143. Examination of the specific participation rates for each sex indicates that they are always higher for men than women. This reflects the greater degree of participation in economic activities by men.

144. As far as women are concerned, there is a predominance of salaried workers, which could indicate greater access by women to modern sectors of the economy. However, we must not forget that domestic service, which accounts for a large part of the female labour force, is classified as salaried employment.

145. If we look at the occupational breakdown for each sex, agriculture employs virtually two thirds of the economically-active male population, whereas the employment of women is more varied, with 25 per cent involved in selling, a similar percentage in personnel services and smaller numbers in handicrafts and unskilled occupations.

146. Women make up the economically-inactive population, principally as housewives, an activity that is not considered productive for the nation, or as domestic workers, an activity that is considered to be under employment, with a smaller number of students; in contrast to the male population this last category accounts for three quarters.

147. In the very small percentage of the population living on its own income or pensions there are fewer women than men, probably due to the fact that, in the majority of cases, women are not considered to be dependent on the State since their work of running the home is not deemed productive and they have less access to the formal sector. Women's work on the informal market, whether inside or outside the home, is usually underpaid, possibly because it is thought to involve activities of lower complexity or technological content.

ARTICLE 12

1. **States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**
2. **Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

148. The Health Code, which has public application and general observance, lays down that inhabitants of the Republic, particularly women during pregnancy, childbirth and the post-natal period (up to eight weeks after childbirth), are entitled to free medical care.

149. Moreover, the State's health programme for mothers, infants and family members is designed to promote and implement family guidance programmes stressing the welfare and security of the family as a cornerstone of society.

150. The Health Code sets out the measures to be adopted, programmes to be put into action and responsibility in the area of health education.

151. Health problems in Guatemala fundamentally reflect the environmental, geographical and climatological conditions under which the people live. The most representative indicators of the health situation in the Republic, with respect both to the population and to the environment, give a fairly objective indication (1981 data):

General mortality	10.46 x 1,000 inhabitants
Infant mortality	79.8 x 1,000 inhabitants
Maternal mortality	1.2 x 1,000 live births
Life expectancy	59 years
Birth rate	42.2 x 1,000 inhabitants
Population growth	2.85 per cent
Population with a drinking water supply	49.8 per cent: urban 90 per cent, rural 24 per cent
With sanitation	33.6 per cent: urban 47 per cent, rural 25 per cent

152. Alongside these indicators, diseases of the digestive and respiratory tracts, which are virtually all preventable, are still the two principal causes of death. Young people under 15 years of age account for 50 per cent of all deaths each year.

153. The fundamental reason behind the inadequacy of the health system in Guatemala is the lack of budgetary funds and, consequently, limited health coverage in a situation where social security is hardly applicable.

154. The limited health-care system means that the indicators relating to the provision of services are also low. In 1981, the ratio of hospital beds to the total population was 1.6 beds per thousand inhabitants and 12 per cent of those beds were in the private sector. Moreover, 61 per cent of those beds were in the capital. Areas with under 2,000 inhabitants had one health care establishment for an average of 12,475 people and such establishments were almost exclusively small health centres (with an average of 2,800 man-hours) with no capacity for admitting patients.

155. In 1981, the national average was 4.7 doctors per 10,000 people. The corresponding figure for nurses was 3.0 per 10,000 people. This presupposes that only 28 per cent of those who died had received prior medical attention and that only 35 per cent of births took place in hospitals.

156. These deficiencies affect women in common with the rest of the population. None the less, women are thought to suffer more than men, above all for the following reasons: workers in the formal sector of the economy are obliged to join the Guatemala Social Security Institute and family coverage extends to the wife or partner only during pregnancy and childbirth and to the worker's children only up to two years of age. The main causes of

maternal mortality are urinary, intestinal and pulmonary problems during gestation, together with post-natal complications, all connected with inadequate monitoring during pregnancy and the lack of care at childbirth.

157. Life expectancy at birth is 57 years for men and 61 years for women. Fertility as a process responsible for maintaining the population is a role primarily assigned to women and the overall fertility rate is calculated as the average number of children per woman during the childbearing period: 6.12 in Guatemala.

158. The health of women in Guatemala has improved slowly over the last 30 years; this does not mean to say that the situation is no longer serious in the general health context outlined by the indicators for both sexes, which are the most critical in Latin America. The situation relates to average national figures and the different features of Guatemala's socio-economic situation, the area of residence and ethnic grouping must be borne in mind.

ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

159. No bank loans, mortgages and other forms of financial credit are granted to women. This situation led to the formation, in 1981 of the first non-governmental organization, the Foundation for the Advancement of Women. The organization has a credit assistance programme and grants about eight loans a year.

ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;

- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

160. The special programmes for rural women established in 1983 include the National Council for Women's Affairs, the primary object of which was to promote the educational, cultural, social and economic development of Guatemalan women, especially those in rural areas, through short courses of training, instruction in handicrafts and counselling which enabled them to supplement the family income.

161. A comparison of the number of rural women with that of town dwellers in 1983 shows 33.9 per cent living in urban areas and 66.1 per cent in rural areas.

162. Two per cent of women in rural areas are engaged in agricultural work, in other words receive payment, but ordinarily in rural areas women work in agriculture without remuneration, i.e. as unpaid family workers.

163. The profile of the rural woman is influenced by various factors, including geographical, ethnic and cultural conditions, and access to health, education and other services.

164. According to the 1981 census, 14.3 per cent of heads of household were women and, of this group, in more than half the cases the cause was widowhood, a phenomenon explainable by the violence that has ruled the country, above all the western altiplano, leaving as a result many homes without a father. The same census recorded a total of 50,600 indigenous women heads of household, 55 per cent of whom were widows.

165. As regards school attendance, attention is drawn to the high incidence of female illiteracy, 48 per cent on the average at the national level, 67 per cent among rural women over 15 years of age, and 75 per cent among the indigenous women. Low school attendance is accompanied by a high drop-out rate, generally because women prefer to keep their children at home where they

are needed to help carry wood and water and to perform other farm work. In addition, the older girls emigrate in order to work as day labourers, and the boys also leave at an early age.

166. As far as health is concerned, the chief cause of maternal mortality (12 per 10,000 live births) is the absence or insufficiency of supervision during pregnancy and of care during childbirth, leading to problems of infection and obstetric complications, given that about 78 per cent of births take place at home, assisted generally by traditional midwives or by the women themselves, sometimes with the help of husband or close relatives.

167. In some indigenous communities, child care starts at pregnancy, during which the mother perform certain ritual obligations in order to ensure that from birth the child is identified with the family and the ethnic community. During the early years, children are not usually separated from their mothers, but between seven and 10 years of age they are differentiated according to sex, and boys go with the father and daughters stay with the mother in order to learn their respective social roles.

168. Family and ethno-cultural customs of this type have an effect on the development of women in general, since bearing many children in precarious living conditions not only imposes a burden with biophysiological consequences but also entails an educational responsibility that is of primary importance to the indigenous community.

169. The low protein and calorie intakes of women is accentuated during pregnancy, since they eat less in order to avoid producing large babies, which would mean a difficult birth and prevent them from carrying out their domestic and agricultural work. All this means that mortality rates from malnutrition among women of all ages and in specific groups are very high. In general, at the family level, 70 per cent of the calorie intake in the diet consists of maize in all forms of preparation and 6 per cent of beans, with animal products accounting for only 2.6 per cent.

170. The participation rate for women in the economically active agricultural population is 40.4 per cent and rural women have taken on increasing responsibility as food producers in order to provide for the economic and social needs of the farm production unit during the men's temporary absence.

171. Women belonging to landless families whether or not the family includes a man, derive their main income from agricultural activities, working as day labourers on the lowland and coastal farms. Agricultural work on family smallholdings is generally performed with very simple tools, the only one in many cases being a large hoe. On the large estates, the working conditions discriminate against women. They usually receive less pay than the men, in spite of the fact that the contractors themselves recognize that young women perform better than men at certain stages such as sowing, selection and/or packing of the products, as the case may be.

172. Women have complete responsibility for the raising of small livestock, whether poultry (chickens, hens and geese) or rabbits, pigs and goats, either separately or in combination, according to the geographical region in which they live. This activity generates a very variable and irregular contribution to self-sufficiency but principally, and in many cases, to the family economy. In sheep-breeding areas, women work as shepherdesses with the help of their children.

173. In addition to the economic activities already mentioned, women are also involved in coffee-growing (preparation of the land, weeding, pruning and in the nurseries) the sowing and cultivation of vegetables, in the production of handicrafts using vegetable fibres such as maguey and other materials; they make their own clothes and traditional garments, and also engage in the retailing of fruit, vegetables and cottage industry products. In many cases, women bring the men's breakfast and/or lunch to where they are working, as well as having to clean the house and wash the clothes, look after the children, and fetch water and firewood. Taking all that into consideration, women normally work a 15 to 18 hour day, particularly when the demand for farm labour is at a peak, when her day starts at 3 or 4 in the morning.

174. The promotion of women's participation in community activities, and particularly in women's groups, has been welcomed, particularly among those responsible for running the home; they are joining co-operatives and organized groups in increasing numbers and starting to become involved in leadership programmes in their communities.

ARTICLE 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

175. There is no discrimination against Guatemalan women before the law (de jure) since men and women are accorded the same treatment.

176. Women have the same rights as men to free legal aid, on account of their poverty. These services are provided by Guatemalan universities through community legal centres.

177. Women have the same legal capacity as men with regard to litigation, provided that they are able to exercise their rights freely.

178. Female lawyers can represent their clients in the competent courts. Women can also appear as witnesses from the age of 16, their evidence being admitted as proof.

179. Women have the legal capacity to act on their own behalf in any legal transaction.

180. In Guatemala women may manage property alone and in the case of a married couple, the law accords equal rights with regard to the management of property.

181. Women have the same rights as men, when they reach the age of 18, to act as executors or stewards of estates.

182. They have the right to choose their place of residence, although in rural areas, where masculine influences predominate, this right may be restricted.

183. It is worthy of note that in 1981, there were 3,000 business women entered in the the national Commercial Register for rural areas, representing one third of the total entries for men (10,000). In urban areas, on the other hand, the number of women registered was 7,217, totalling 4,939 fewer than men (Legal Annex).

ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. **The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.**

184. Family relations in Guatemala, as regards the guardianship, wardship, trusteeship and adoption of children, the ownership of property, its disposition and enjoyment, etc. are governed by the Guatemalan Civil Code (Decree-Law No. 106).

185. The basis of marriage is the equality of rights and responsibilities between the spouses, marriage being a "social institution whereby a man and a woman enter into lawful union".

186. Betrothal does not give rise to an obligation to marry, merely to the right to seek restitution of gifts exchanged as a pledge of marriage.

187. Marriage may be contracted by a man and a woman who have reached the age of majority. However, "a male who has reached the age of 16 years and a female who has reached the age of 14 years" may also marry with the consent of their parents, or of any person who has custody of them in place of the parents or, if there are no parents, with the consent of their legal guardians. Where the consent of the parents cannot be obtained, legal authority for the marriage may be granted, on application, by a court of first instance of the minor's place of residence.

188. A woman is not permitted to marry under the following circumstances: where she is a minor of 14, unless she has conceived before reaching that age and the persons having custody or guardianship of her have given their consent; until 300 days have elapsed since her previous marriage or cohabiting partnership was dissolved, or since her marriage was annulled, unless she has given birth within that period or the spouses have been separated, or one of them has been absent for a specific period. If the marriage was annulled by reason of the husband's inability to consummate it, the woman may remarry without any waiting period.

189. Marriages are recorded in a special register kept by the municipal authorities. A deed of marriage is drawn up by a notary, and must be witnessed. Within 15 working days of the marriage ceremony, the Minister of the Church records the marriage in a register in a format approved by the Ministry of the Interior. The mayor who authorizes the marriage supplies the appropriate registry office with a copy of the marriage deed, certified as appropriate by a notary and the minister of the Church.

190. The woman's rights and responsibilities in marriage are as follows:

1. The surname of the married woman: women "have the right to add the surname of their spouse to their own surname and to keep it, unless the marriage is dissolved by a decree of nullity or by divorce".
2. The husband owes his wife protection and assistance, and must provide her with all the means necessary to maintain the household, in accordance with his financial resources. The woman has a special right and duty to nurture and care for her children during their minority, and to take charge of domestic affairs.

3. The woman must contribute on an equitable basis to the maintenance of the household, if she has property of her own or if she engages in any employment, occupation, public office or business. However, if the husband is unable to work and has no property of his own, all expenses will be met by the woman from her own income.
4. The woman will always have a priority claim on the husband's wage, salary or income, up to the amount necessary to maintain herself and under-age children. The husband has the same right wherever the woman is under an obligation to meet all or part of the family expenses.
5. The woman may be employed or ply a trade, occupation, public office or business, where she is able to do so without endangering the interests and the care of her children, or other needs of her household.
6. The husband may object to the woman engaging in activities outside the home, as long as he provides adequate means of maintaining the household and there are valid grounds for his objection.
7. The woman will act as the legal representative of the spouses whenever the husband ceases to do so for any reason, and especially if he is placed under a legal ban for wilfully abandoning the matrimonial home, if he is officially reported absent from home, or if he is sentenced to a term of imprisonment.

In Guatemala polygamy is against the law.

191. Although the husband is normally the legal representative of the spouses, both spouses enjoy equal authority and respect within the home.

192. The state of matrimony may be altered by separation and may be dissolved by divorce. The grounds for both proceedings are the same.

193. As soon as a petition is filed for separation or divorce, the wife and children receive the protection of their persons and property from the public authorities, which may determine any urgent measures to be taken. The children remain with the spouse to whom interim custody is awarded by the court (usually the mother). Pending a final decision, the spouse in question will receive maintenance payments subject to continued good conduct and if no further marriage is contracted.

194. When the father and mother are neither married nor cohabiting, the children remain in the custody of the mother, except when the mother agrees to the father having custody, or where they are placed in a boarding school.

195. Adoption is when the husband and wife agree to consider the adopted minor as their own son or daughter.

196. It is important to emphasize that married women have the right to add their own family name to that of the husband; although the fact of adding the preposition "de" (of) gives a psychological impression of belonging.

197. Married women are restricted in representing the marriage and in administration of marital assets, roles which are assigned by law to the husband, and this constitutes a relative incapacity.

198. Parental authority is a right which is virtually forbidden to women, since it is assigned to the father. Women only come to exercise this right when the father is imprisoned or legally barred from such.

199. In marriage, representation of the conjugal partnership falls to the husband, and only to the woman in cases where the husband is unable to exercise it.

200. Regarding the system for the administration of assets in the marriage, it is left to the contracting parties to choose between two separate systems and agree in the marriage contract on which one to follow during the marriage, whether separation of assets, community of assets or joint property.

201. The legal context allows the husband to object to the wife engaging in activities outside the home, thus barring her from the right and freedom to work. The legal context restricts her right to personal fulfilment in areas outside her function as mother and housewife and restricts her personal liberty.

202. Voluntary recognition by the father of a child born out of wedlock does not require the consent of the mother and impairs her rights to parental authority over the minor child; this means the consent of the father is required to take the child out of the country, which often becomes blackmail or a means of domination, vengeance or pressure on the mother by the father of the child.

203. A judicial declaration of paternity in cases of rape, rape of juveniles and abduction is dependent on the conduct of the mother, based on what the law terms "notoriously disorderly conduct", an express form of discrimination against women and the product of conception resulting from forced intercourse.

204. In legal guardianship of minors, there is an order which gives priority to the paternal line (paternal grandfather and grandmother) over the female line (maternal grandfather and grandmother); this enables women, and their parents, to avoid exercising guardianship or care of minors, which implies the incapacity of women, regardless of age, to make their parents guardians.

205. The family legal system is enacted through the Law governing Family Courts (Decree-Law No. 206 of 7 May 1974), which deals specifically with matters of food, paternity, filiation, de facto union, parental authority, guardianship, adoption, protection of persons, recognition of pregnancy and childbirth, divorce, separation, annulment of marriage, cessation of de facto union and family patrimony.

206. However, its processes are slow and cumbersome, hindering assistance to women, more particularly with regard to maintenance; there is always the possibility of evasion, particularly when the respondent does not work in the formal labour sector and therefore his salary cannot be determined.

207. The Guatemalan Criminal Code sets out the offences against family law and marriage, stipulating that a married woman who sleeps with a man who is not

her husband or who sleeps with her, knowing she is married, even when the marriage is subsequently annulled, commits adultery. Adultery is punished by a prison term of 6 months to 2 years. Article 232 of the Criminal Code lays down the offence of concubinage: "A husband who keeps a concubine in the matrimonial home shall be punished by a prison term from 4 months to 1 year". The two acts are not only defined differently: adultery for the woman and concubinage for the man, but also as a result attract different sentences. This legal provision discriminates against women, since the offence of adultery applied to women is punished by a sentence from six months to two years, while for men the offence of concubinage is punished by a term from four months to one year (Legal Annex).

208. In this area, the inequality of treatment of women by the law is shown more clearly, since the Criminal Code has not undergone in recent years the amendments needed to delete offences which should not be defined as such.

209. Adultery defined as an "offence against honour" protects the legal right of filiation and "the interests of the family", but makes a clear distinction concerning the gravity of the act, depending on whether it involves the man or the woman, providing a tougher sentence for the woman; the proof and the procedure are different in the two cases, so that in practice it is only applied to women.

210. Offences "against life" in which women are most affected are defined as abortion, which is defined as criminal conduct by which the death of the foetus is caused deliberately, within the mother's womb or by its premature expulsion. Medical abortion to avoid danger to the health or death of the mother, or due to deformities of the foetus, is not punishable. This is not envisaged when it is the result of rape.

211. With regard to the offence of rape, the punishment is graded according to the age of the victim and the relationship of authority which may exist between the victim and the offender. Reference is made to the "honourable woman", requiring that the offender has used seduction, promise of marriage or deceit and the woman is a virgin; this emphasizes the value of "honour", defining it as an offence against honour rather than against personal integrity, as would be correct.

212. Maltreatment of women and children and domestic violence are not defined as offences against the person and in practice are lumped together with injuries, coercion and threats, causing serious difficulties with regard to proof and other procedural problems.

213. The percentage of Guatemalan women who are heads of households according to the 1981 Census by the National Statistical Institute was 14.4 per cent.

STATISTICAL TABLES

TABLE 1

Principal demographic indicators
for Guatemala in 1983

DESCRIPTION AND INDICATORS	TOTAL	PERCENTAGES
1. POPULATION DENSITY	69 persons/km ²	
2. TOTAL POPULATION	7,523,939	100.0
Men	3,805,879	50.6
Women	3,718,060	49.4
3. POPULATION BY AGE GROUP		
0-14	3,454,088	45.9
15-59	3,713,503	49.4
60 and over	356,348	4.7
4. TOTAL POPULATION INDICATORS		
Masculinity index		102.4
Dependency ratio		95.1
Annual rate of population growth		2.858
5. GROSS BIRTH RATE	(per thousand)	42.68
Gross rate of male births	(per thousand)	20.84*
Gross rate of female births	(per thousand)	19.94*
(* estimated)		
6. GROSS MORTALITY RATE	(per thousand)	10.46
Gross male mortality rate	(per thousand)	5.21*
Gross female mortality rate	(per thousand)	4.52
(* estimated)		
7. LIFE EXPECTANCY AT BIRTH		
Total	59 years	
Men	57 years	
Women	61 years	
8. AVERAGE BIRTHS PER WOMAN	6.12 children	

Source: Departmental Population Projections 1980-2000, INE-SEGEPLAN.

TABLE 2

Percentage of population by sex
and major age group, 1983

AGE GROUP	POPULATION			PERCENTAGE		
	TOTAL	MEN	WOMEN	TOTAL	MEN	WOMEN
Total	7,523,939	3,805,879	3,718,060	100.0	50.6	49.4
0-14	3,454,088	1,758,839	1,695,249	100.0	50.9	49.1
15-59	3,713,503	1,872,164	1,841,339	100.0	50.4	49.6
60 and over	356,348	174,876	181,472	100.0	49.1	50.9

Source: Departmental Population Projections 1980-2000, SEGEPLAN-INE, Guatemala, June 1985.

TABLE 3

Percentage of population by urban and rural area, 1981

SEX	POPULATION			PERCENTAGE		
	TOTAL	URBAN	RURAL	TOTAL	URBAN	RURAL
Both	6,054,227	1,980,533	4,073,694	100.0	32.7	67.3
Men	3,015,826	949,676	2,066,150	100.0	31.5	68.5
Women	3,038,401	1,030,857	2,007,544	100.0	33.9	66.1

Source: Population census 1981.

TABLE 4
Literacy rates by sex, 1981

POPULATION	
Total	4,609,080
Men	2,284,687
Women	2,324,393
LITERATE	
Total	2,607,421
Men	1,441,032
Women	1,166,389
RATES	
Total	56.57
Men	63.07
Women	50.18

TABLE 5
Literacy rates by sex and age group, 1981

	TOTAL	AGE GROUPS		
		15-24	25-44	45 and over
<u>Population</u>				
Total	2,494,093	769,344	1,207,534	517,215
Men	1,254,891	379,056	603,031	272,804
Women	1,239,202	390,288	604,503	294,411
<u>Literate</u>				
Total	914,146	422,616	350,073	141,457
Men	562,574	242,390	222,239	97,855
Women	351,572	180,226	127,744	43,602
<u>Rates</u>				
Total	36.65	54.93	29.00	27.35
Men	44.83	63.95	36.87	35.87
Women	28.37	46.18	21.13	17.84

Source: Ninth National Population Census, Volume I, INE, Guatemala 1985.

TABLE 6

1983

ADMINISTRATIVE STAFF IN THE BASIC LEVEL	
Total Republic	3,469
Management only	234
Management/Teaching	441
Technical non-management	1,495
Worker	1,099
ADMINISTRATIVE STAFF IN THE HIGHER LEVEL	
Total Republic	2,027
Management only	231
Management/Teaching	176
Technical non-management	903
Worker	717
ADMINISTRATIVE STAFF IN PRIMARY SCHOOLS	
Total Republic	8,841
Management only	1,047
Management/Teaching	6,315
Technical non-management	373
Worker	1,106

TABLE 7

Teacher ratios in basic and higher secondary education

1983 is the last year for which data
are available broken down by sex

BASIC LEVEL	TOTAL	RATIOS
<u>Total Republic</u>	8,527	100.0
Men	5,459	64.0
Women	3,068	36.0
<u>Total state</u>	2,488	
Men	1,513	
Women	975	
<u>Total cooperative</u>	1,722	
Men	1,178	
Women	844	
HIGHER LEVEL	TOTAL	RATIOS
<u>Total Republic</u>	5,023	100.0
Men	3,278	65.3
Women	1,745	34.7
<u>Total state</u>	1,374	
Men	871	
Women	503	
<u>Total private</u>	3,649	
Men	2,407	
Women	1,242	

TABLE 8

Pupils enrolled in basic level, 1983

	TOTAL	MEN	WOMEN
Total Republic	124,144	68,414	55,730
Private	44,464	22,975	21,489
Cooperative	18,235	10,934	7,301

Pupils enrolled in higher level, 1983

	TOTAL	MEN	WOMEN
Total Republic	65,971	34,992	30,979
State	32,612	18,465	14,147
Private	33,359	16,527	16,832

TABLE 9

Economically active employed female population
by age group, 1981

AGE GROUPS	POPULATION	PERCENTAGE
Total	243,091	11.7
15-24	90,995	14.6
25-44	99,415	14.8
45 and over	40,242	9.9

Source: Ninth Population Census, Volume I, INE. Guatemala, 1985.

ANNEX 1

List of governmental and non-governmental institutions, associations and groups which promote the advancement of women

1. National Office for Women's Affairs (ONAM)

As part of the Ministry of Labour and Social Security since 1981, this Office is undergoing restructuring, but this has not yet been completed. It holds seminars and makes studies of the position of women in Guatemala. It has an information and communications programme and a documentation centre. It is responsible for guiding policy on women.

It is regarded as the national machinery for implementing the Convention on the Elimination of All Forms of Discrimination against Women. It consists of an assembly of delegates and alternates from each of the Ministries of Internal Affairs, decentralized institutions, private sector, women's organizations and universities. It is not at a very high governmental level, which hinders the pursuit of its policies through budgetary, infrastructural and technical problems which have restricted its impact. It still does not have national coverage and what little promotion of women is done is with the support of international organizations (PAHO, UNICEF, UNIFEM, UNDP).

2. Civic Alliance of Women's Associations

The Alliance serves some 800 women in rural and urban areas belonging to 14 associations which implement civil and political education programmes to inform women of their civil rights so that they can exercise them, and of the value and role of women in society. It provides training for the advancement of leaders, so that they can participate actively in the organization and political life of their communities, with courses in leadership, community development, political constitution and comprehensive human development.

3. National Council of Guatemalan Women

Serves some 300 women in rural and marginal urban areas with scant resources, and holds training courses in traditional areas.

4. Dolores Bedoya de Molina Foundation

Mainly runs civic education and training courses. It encourages Central American women's meetings on equality, peace and solidarity.

Serves some five hundred women directly through popular education programmes, production projects, conferences, seminars, and information workshops, mainly on the Convention to Eliminate All Forms of Discrimination against Women.

5. Women's Group for Advancement (GRUFEPROMEAM)

This organization was founded in 1986 to support the Trade Union and Popular Action Unit (UASP) by two women who got together to deal with women's health and education problems, believing there was lack of a militant women's organization.

It has a membership of more than 200 women, mostly workers, single mothers and heads of household. Its main activities are education, organization, participation in trade union movements, and the heightening of an awareness of national reality and the discrimination suffered by women workers because of their sex.

6. Coordinating Unit for Women's Associations in Guatemala (UCEFGUA)

This undertakes research activities in order to gain better knowledge of women's problems in Guatemala.

7. Guatemalan Women's Party and Support Block

This recently established party was legalized in 1989. It has 800 members of both sexes, consisting of women in managerial positions, who proposed a man as presidential candidate in the 1990 elections.

8. National Coordinator for Guatemalan Widows (CONAVIGUA)

This was established in 1988 by widows' representatives from various villages, districts, hamlets and towns in the country. It is part of the Trade Union and Popular Action Unit (UASP), with a membership of foreign and indigenous women from rural and urban areas. They undertake protest marches, organize press releases and hold press conferences on their situation and on abuses of human rights.

9. Mutual Support Group (GAM)

This is a solidarity group which reports on human rights violations. It was established in 1984 and its activities are financed by donations from international groups. It also has programmes for services such as health clinics, scholarships for child study and literacy projects.

10. XXIst Century Association of Guatemalan Women

A recently established organization which has attracted public attention through the national dialogue meetings in the context of Esquipulas II. It plans a series of measures to restore gender rights and proposals to eliminate discrimination of women and advance the status of women in terms of health, education and employment.

11. "Living Earth" Women's Group

An autonomous group of 10 women born of the left-wing political movement working for the political feminist trend.

12. Guatemalan Women's Group (GGM)

Established with the objective of making women aware that they are essentially human beings, with the capacity to develop and assume their role as transformers of society. It holds round tables on subjects related to the status of women and meetings for women working in training projects aimed at women of different social sectors, and looks into the design of such projects for the advancement of women.

13. Association for the Comprehensive Advancement of Women and the Family

14. Technical Institute for Training and Productivity (INTECAP)

The Institute is responsible for basic and advanced instruction of workers engaged in vocational training, advanced training and technical training courses.

15. Ministry of Agriculture, Livestock and General Provision of Agricultural Services

Implements programmes for poor rural women through housewives, projects for integrating women into rural development, development in health and nutrition, training in manual labour, cutting and dress-making, crafts and food preparation. It trains and assists women in implementing production projects involving agriculture and livestock.

16. Ministry for Special Purposes, Office of the President of the Republic: assistance programmes for widows and minor orphans who are victims of violence

Looks after the needs of destitute widows and under-age orphans who have been victims of violence. It runs programmes and projects involving housing and basic services to reintegrate widows into the development of the country.

17. Ministry of Urban and Rural Development (MINDES)

Promotes the comprehensive development of poor and marginalized women. It encourages the consolidation of production or income-generating projects and provides instruction and vocational training.

18. Ministry of Education

Provides programmes and projects for women through the Department of Student Welfare and Special Education, the Department of Family Education and the Department of Rural Social and Educational Development. It provides study grants for secondary school students, organizes mothers' groups (integrated instruction), provides social and production instruction for young country women, initiates production or income-generating projects, runs courses on health and nutrition, offers subsistence and psychological care, and has a National Programme of Nuclear Family Education.

19. Ministry of Public Health and Social Assistance: Department of Mother and Child; Department of Health Services

Has extension programmes on mother and child care, community participation, mothercare and family planning, involvement and training of traditional midwives as well as nutrition for mother and child.

20. Ministry of Labour and Social Security: Department of Social Welfare - National Programmes for Social Welfare in Marginal Areas

Runs a training programme for women in marginal urban areas (cutting, dressmaking).

21. Social Welfare Secretariat of the Office of the President of the Republic

Offers advancement at the social welfare level by coordinating governmental and private community activities. Vocational training projects, pre-school welfare centres, professional training, extra-curricular education, courses in health and nutrition for the mother and child group.

22. Private Office of the First Lady of the Nation

Undertakes programmes for women of limited means and coordinates the activities of governmental and non-governmental entities.

Provides food aid, social welfare and cultural development activities, runs programmes for widows, single and deserted mothers in marginal areas; popular health education for mothers of limited means.

23. National Programme for Urban Micro-enterprises

Provides training and unsecured credit to micro-enterprises (20 per cent of those helped are women) through the Micro-enterprise Multiplier System.

Non-governmental organizations

24. Vocational Training Centre for Women: Junkabal

Serves women from marginal urban zones by running training projects (in traditional jobs, basically domestic service) and provides social and psychological assistance and formal education for girls and female adolescents. It helps an average of 1,000 women per month.

25. Institute of Higher Education for Women (IFES)

Aimed at middle and upper class women, it offers comprehensive training, university courses and guidance to private institutions such as Junkabal, Zunil and State institutions with training programmes for women, hotel schools, and free courses in gardening, cooking and others. It provides grants and financial support for studies. It helps an average of 1,800 women per month and has 400 women university students per year as members.

26. Women's Development Foundation (FDM)

Its objective is to involve women in the production process by generating small production units (small and micro-enterprises). It promotes the organization of women in enterprises and provides training and counselling in technical and administrative feasibility studies. It supplies funds and operates in 14 departments implementing over 40 projects of the handicraft, care and production type with indigenous women.

27. Alliance for Community Youth Development

Implements programmes involving agriculture, small enterprises, training, literacy and preventive medicine. It offers technical assistance, initiates programmes, provides financing and sponsors arts and sports groups.

28. Central American Development Guidance Centre

Mainly works in rural areas, providing guidance and financial support for integrated development programmes in 14 departments of the country.

29. Association of Guatemalan Development and Service Institutions

This is an association of private development institutions with projects for women which provide technical and financial assistance, administrative development, feasibility studies, project negotiation and evaluation and impact studies.

30. Family Welfare Association

A private organization with national coverage which benefits women of limited economic means and women interested in participating in family planning programmes.

31. Family Integration Centre

This organization provides social training in aspects of health, nutrition, child care and personal hygiene. It has workshops for the production of cloth and distributes food for the World Food Programme to families of limited means. The women it serves are widows in rural areas.

32. Federated Workers Centre (CTF)

Has a project for training women in the production and sales of the cottage industry.

33. Christian Council of Development Agencies

A private body linking development agencies working in 16 departments of the country through affiliated agencies. It undertakes agricultural, health, education and housing projects. It provides technical guidance for agencies which undertake projects for women, in training for social and production activities, health-related assistance and services, and those of a social nature.

34. Kato-Ki integrated Savings and Credit Cooperative

An organization working in rural areas, serving indigenous farmers and workers of whom 10 percent are women, with 45 projects designed for women. It provides technical advice and training, as well as financial assistance.

35. Guatemalan Foundation

A foundation offering advice and information and providing credits through the Banco de los Trabajadores (Workers' Bank). It serves semi-urban young micro-entrepreneurs (30 per cent women) and groups in urban areas. It has an entrepreneurial promoters' programme at the initial stage and another for artisans (50 per cent women).

36. National Institute of Cooperatives

Offers training in cooperative organization, guidance and consultancy to pre-cooperative groups and cooperatives already formed. For women, the training includes, in addition to cooperative organization, leadership, administration and accounting. It also provides guidance and advice in administration and marketing.

37. Consumer Protection League

Housewives interested in knowing their rights as consumers in order to protect themselves against the high prices of the basic shopping basket. Its greatest achievement has been the creation of what are known as "Ferias del Agricultor" (Farmers' Fairs) where there is direct buying from the small farmer. It has 3,500 members, mostly women, heads of households, rural and from marginal areas. It also undertakes training activities.

38. Guatemalan Rural Reconstruction Movement

Has national coverage, particularly in rural areas, providing training in traditional jobs and medical services, particularly for mothers and children, and finances committees of farmers' organizations. The 1,200 women helped are all in rural areas and of limited economic means.

LEGAL ANNEX

1983

PART I

8. Machinery, resources or measures available to women who are victims of discrimination:

Article 48. Fundamental Government Statute

Work is a social obligation and everyone has the right to work. Vagrancy is a punishable offence. The country's labour regulations must be organized in accordance with principles of social justice.

Article 49. Fundamental Government Statute

To promote sources of labour and foster the creation of all kinds of productive activity, the State shall afford adequate protection to capital and private enterprise, shall increase credit institutions and make use of all available means to combat unemployment.

Article 50. Fundamental Government Statute

Laws governing relations between capital and labour shall be conciliatory, shall take account of all relevant social and economic factors and shall protect workers. In respect of agricultural workers the law shall particularly take account of their needs and the areas where the work is done. Labour disputes shall be subject to private law. The law shall establish the appropriate provisions and bodies responsible for administering them.

Article 51. Fundamental Government Statute

The following are principles of social justice which serve as a basis for labour legislation:

1. Any service or work which must by law or by a sentence be supplied free of cost shall be fairly remunerated;
2. Equality of wages for equal work performed under equal conditions, efficiency and seniority;
3. The right freely to choose employment and under satisfactory economic conditions which ensure proper living standards for the worker and his family;
4. Periodic setting of the minimum salary through prior consultation with workers and employers; and establishment of rules and procedures for enforcing it taking account of the types of work, regional features, the need to encourage productivity and the subsistence needs of the worker, in a material, moral and cultural sense, so that he may fulfil his family duties;

5. The normal working day for day work must not exceed eight hours work per day, nor 48 hours per week. The normal working day for night work must not exceed six hours per day, nor 36 hours per week. The normal working day for a combination of day and night work must not exceed seven hours per day, nor 42 hours per week.

All work done outside the normal working day is considered overtime and remunerated accordingly.

The law shall determine such specified exceptional circumstances where the provisions relating to working days do not apply.

Those who by law, custom or agreement with employers work less than 48 hours per week shall be entitled to receive a full week's wage. Actual work means all the time when the worker is subject to the orders of and at the disposition of the employer.

6. Right of the worker to one day of paid rest each normal working week or for each period of six consecutive working days. Holidays recognized by law shall also be remunerated.
7. Right of the worker to paid annual holidays after each year of service. Such holidays must be taken and the employer shall not compensate this right in any other manner, except when the employment has already been terminated.
8. Protection of working women and regulation of the conditions under which they must work.

There must be no distinction made between married and single women with regard to work. The law shall regulate maternity welfare for the working mother, who must not be required to do any work which requires an effort such as to endanger her condition. The working mother shall enjoy compulsory fully paid leave for 30 days preceding childbirth and 45 days afterwards. During the period of nursing, she shall be entitled to two periods of special rest during the day. The pre- and post-natal leave shall be extended, according to the mother's physical condition, upon medical prescription.

9. Children under fourteen years of age shall not be employed in any form of work, except as provided by the law.

It is prohibited to employ minors in work which is incompatible with their physical capacity or which endangers their moral development. Workers over the age of 60 shall be treated according to their age.

10. Establishment of economic and social security for workers.
11. Obligation of the employer to pay an indemnity of one month's salary for each year of continuous service in the case of unfair or indirect dismissal of a worker, in so far as the law does not provide other systems giving him greater benefits. For the purposes of calculating continuous service the date when the working relationship began will be taken into account, whenever that might be.

12. Right of workers and employers freely to form unions solely for the purpose of protecting their economic rights and social advancement. The unions and their leaders, in their capacity as such, shall not participate in party politics.

Only Guatemalans as defined in Article 9 of the Consitution shall participate in the organization, management and advising of labour unions. Exception is made in the case of governmental technical assistance and provisions of international treaties or inter-union agreements authorized by the Governing Military Council.

13. Right to strike and to stoppage in accordance with the law and as a last resort after all attempts at conciliation have failed. These rights may only be exercised for reasons of a socio-economic order.

The law shall establish cases and situations when strikes and stoppages shall not be permitted.

14. Preference to Guatemalan workers in equal conditions and in the percentages laid down by law. In equal circumstances no Guatemalan worker may earn less than a foreigner.

15. Establishment of mandatory rules for employers and workers in individual and collective contracts of employment.

16. Obligation to pay the worker in legal tender. However a rural worker may receive, if he so wishes, food products equal to up to 30 per cent of his wages. In such cases the employer shall supply them at a price not greater than their cost.

17. The employer must provide an allowance equivalent to one month's wages or salary for each year worked to the spouse or partner, minor or disabled children of a worker who dies while in his service. This allowance shall be paid in monthly instalments in an amount not less than the final monthly wage or salary received by the worker.

The widow shall have this entitlement so long as she remains unmarried. If death occurs for a reason which is fully covered by the Social Security scheme, then the obligation of the employer ceases. In cases where this scheme does not fully cover the allowance, the employer shall pay the difference.

18. Obligation of the employer to pay in the first fortnight of December each year, a bonus not less than 100 per cent of the monthly wage, or that which had already been established if higher, to workers who have worked without interruption for a year, prior to the date of payment of the bonus. If the period worked does not amount to a year, the bonus will be paid in proportion to the period worked and, in the case of dismissal, for whatever reason, the part of the bonus relating to the current year will be paid.

Cases where it is financially impossible to pay such allowances will be regulated by the law.

For rural workers, this provision will be applied in accordance with the law.

Article 52. Fundamental Government Statute

The State shall ensure that workers' housing is adequate and meets the necessary sanitary standards. It shall promote housing construction and the establishment of workers' settlements.

Article 53. Fundamental Government Statute

The rights contained in this Chapter constitute binding minimum guarantees for workers which may be enhanced by individual or collective contracts or in the form laid down by the law. Consequently, conditions which imply diminution or distortion of the rights granted the worker in this Statute, the law, regulation or other labour enactments, even when contained in a labour contract or other document, shall be ipso jure null and void and shall not be binding on the worker.

Article 54. Fundamental Government Statute

Workers and employers in enterprises and entities of any kind providing public services shall not declare strikes or stoppages.

Article 151. Employment Code

It is forbidden to: (a) distinguish between married and unmarried women on the basis of their marital status in connection with their employment; (b) dismiss women workers solely on the grounds of their pregnancy or need to breast-feed. Any dismissal of such women shall be notified beforehand to the Employment Inspectorate; and (c) require pregnant women to do work which requires considerable physical effort during the three months prior to confinement.

Article 152. Employment Code

Every pregnant woman worker shall enjoy paid leave of 30 days prior to and 45 days after delivery. This leave is governed by the following rules: (a) the woman concerned may only leave work on presentation of a medical certificate stating that the delivery will probably occur within five weeks from the day of issue or counted back from the approximate indicated date of confinement. Any doctor who discharges a function paid by the State or its institutions is bound to issue this certificate free of charge, on presentation of which the employer must give a receipt for the purposes of subparagraphs (b) and (c) of this article; (b) the woman who has been granted leave is entitled to be paid her salary by her employer, unless she is enrolled for benefits of the Guatemalan Social Security Institute, in which case the regulations must be applied following the post-natal leave or, if the relevant period is extended in accordance with the last provision of the following subparagraph, in the same post or one with equivalent remuneration compatible with her aptitudes, abilities and competence; (c) in the case of unintentional interruption of pregnancy or premature still birth, the paid leave provided in subparagraph (a) of this article shall be reduced by half. In the case where the woman concerned remains absent from work for a

time greater than granted, due to illness certified by a doctor to have been caused by pregnancy or delivery, which prevents her from working, she retains her entitlement to the allowances set out in subparagraph (b) above, for the entire period required for her recovery, provided this does not exceed three months from the time she stopped work; (d) days off and weekly holidays and holidays coinciding with periods of leave provided by this article shall be paid in the manner indicated in Chapter Four of Title Three, but the employer is absolved, during the time he makes such payments, from paying the amounts provided in subparagraph (b) above; and (e) the payment of salary for leave prior to and following delivery is intended to enable the worker to rest and shall be suspended if the Guatemalan Social Security Institute or the Employment Inspectorate, on the request of the employer, establish that the woman concerned has been undertaking other paid work.

Article 153. Employment Code

Every mother during the time she is breast-feeding may have half an hour twice a day at her place of work or, if she prefers, a break of 15 minutes every three hours for feeding her child. Such breaks are paid.

Article 154. Employment Code

The salary which must be paid during the periods of leave provided in the preceding two articles must be calculated as follows: (a) when work is paid by the unit of time, the value of the allowances set out in article 152 shall be fixed on the basis of the average normal wage and overtime paid during the last six months or fraction of a shorter time, if the woman has not completed such a term, counted in both cases from the moment when she ceased work; and the value of the allowances set out in article 153 must be calculated including as effective work time the respective periods of leave; and (b) when the work is paid in another manner, the value of the allowances set out in article 152 must be fixed on the basis of the average salary paid during the last 90 days or fraction of a shorter time, if the woman has not completed such a term, counted in both cases from the moment when she ceased work; and the value of the allowances set out in article 153 must be determined by dividing the salary paid in the respective payment period by the number of hours effectively worked and then establishing the corresponding equivalence.

PART II

Article 23.1. Fundamental Government Statute

The dignity of the person and the rights devolving therefrom are the basis of the individual guarantees recognized by the Constitution. Given that human rights are the fundamental basis of the internal organization of the nation and its international relations, they are an absolute value, safeguarded in the first place by the Constitution, and thus the State authorities, all the civil and military hierarchy, headed by the Governing Military Council, must act within its jurisdiction, scrupulously and assiduously with all legitimate means at their disposal to ensure its strict fulfilment and the most effective maintenance of the individual guarantees and rights set out here below:

- (1) The life and physical integrity of the person and his moral and intellectual personality is protected and guaranteed above all else and unconditionally. Any kind of discrimination on the grounds of race, colour, sex, religion, birth, economic and social position or political opinions is prohibited

ARTICLE 5

Article 109. Civil Code

(Conjugal representation). The husband is responsible for representing the marriage, but both spouses shall have equal authority and consideration in the home, and shall regulate all matters relating to the education and upbringing of their children and the household budget.

Article 115. Civil Code

(Representation of the wife). Conjugal representation shall be assumed by the wife when for any reason the husband ceases to do so, especially in the following cases: (1) the husband is barred from so doing; (2) if the husband voluntarily abandons the home or if he is declared missing; and (3) if the husband is sent to prison, and for as long as the sentence lasts.

Article 147. Civil Code

(Violence). Annulment on grounds of coercion may be sought by the spouse who is the victim within 60 days from the date when the violence, threat or intimidation last occurred. In the case of marriage between an abductor and the abducted woman, the time period shall run from the time when the woman has regained full liberty.

Article 166. Civil Code

(Care of children). The parents may agree on which of them shall have care of the children; but the judge, for serious and valid reasons, may decide otherwise, taking into account the children's welfare. The judge may also decide on the custody and care of minors based on studies and reports by social workers or specialist child welfare agencies. In any case, he shall ensure that the parents can communicate freely with them.

Article 254. Civil Code

(Representation of a minor or disabled person). Parental authority includes the right to represent legally the minor or disabled person in all acts in civil life; administer his assets and enjoy his services, bearing in mind his age and circumstances.

Article 261. Civil Code

(Unmarried or separated mother). When the father and mother are not married or not united de facto, the children shall be in the custody of the mother, unless she agrees that they be transferred to the custody of the father or placed in a boarding school.

If the separation of the parents leads to dissolution of the marriage, the provisions of article 166 shall apply.

In any case, anyone who removes the child by force from the custody of the person legally charged with such custody shall be liable under the law; the authority shall provide assistance in procuring the return of the child in order to restore parental authority to the person specifically exercising that authority.

ARTICLE 6

Article 191. Criminal Code

Procuring: Anyone who, with intent to profit or to satisfy the wishes of others, procures, facilitates or encourages prostitution, without distinction of sex, shall be fined from 500 to 2,000 quetzals.

Anyone who, for his own benefit, carries on the activities to which the preceding paragraph refers shall be fined from 300 to 1,000 quetzals.

Article 193. Criminal Code

Pimping: Any one who, though not included in the preceding articles of this chapter, lives, in whole or in part, at the expense of a person or persons engaged in prostitution or the profits of this trade, shall be punished by a fine of from 500 to 3,000 quetzals.

Article 194. Criminal Code

Traffic in persons: Any one who, in any way, procures, facilitates or encourages the entry or exit of women into or from the country for the purpose of engaging in prostitution shall be punished by a prison sentence of one to three years and a fine of 500 to 3,000 quetzals.

The same penalty will be imposed upon anyone who engages in the activities referred to in the preceding paragraph with males.

The penalty will be increased by two thirds in the event of any of the circumstances to which article 189 of this Code refers.

Article 188. Criminal Code

Corruption of minors: Anyone who, in any way, procures, facilitates or encourages prostitution or sexual corruption of minors, even though the victim consents to participate in sexual acts or see them performed, shall be punished by a prison sentence of from six months to one year.

ARTICLE 7

Article 136 of the Political Constitution of the Republic

Political duties and rights. The following are political duties and rights of citizens:

- (a) To register themselves in the Register of Citizens;
- (b) To elect and be elected;

(c) To watch over the freedom and effectiveness of the suffrage and the honesty of the electoral process;

(d) To stand for public office;

(e) To participate in political activities; and

(f) To defend the principle of alternation and non-reelection in the exercise of the Presidency of the Republic.

Article 147. Political Constitution of the Republic

Citizenship: Guatemalans over the age of 18 are citizens. Citizens shall be subject to no restrictions other than those prescribed by the Constitution and the law.

ARTICLE 9

Article 9. Fundamental Government Statute

Guatemalan subjects are:

- (1) Persons born in the territory or in the ships and aircraft of Guatemala, children with Guatemalan father or mother, unknown parents or parents whose nationality is unknown;
- (2) Persons born in Guatemala who are children of foreign parents if one of them had his domicile in Guatemala. Persons born in Guatemala who are children of migrant foreigners if, on reaching the age of majority, they establish their domicile in Guatemala and express their wish to be Guatemalan;
- (3) Persons born outside the territory of Guatemala who are the children of parents who are Guatemalan subjects, in any of the following circumstances:
 - (a) If they establish their domicile in the country;
 - (b) If under the laws of their birth place they do not acquire the foreign nationality;
 - (c) If they had the right to choose and opted for Guatemalan nationality;
- (4) Persons born outside the territory of Guatemala who are children of father or mother who are Guatemalan subjects or who would have had such status if they had established their domicile in the country and who opt for Guatemalan nationality; and those included in subparagraphs (b) and (c) of paragraph (3) of this article;
- (5) Persons abroad, who are children of Guatemalan father or mother who are outside the national territory because they are in the nation's service.

Adopting Guatemalan nationality means renouncing any other, except for a Central American nationality, a condition which must be expressly affirmed.

Article 10. Fundamental Government Statute

Persons shall also be considered Guatemalan subjects who are nationals by birth of the other republics of the Central American Federation if they acquire a domicile in Guatemala and express to the competent authority their desire to be Guatemalan. In this case they may retain their nationality of birth.

The provision of the foregoing paragraph is without prejudice to the provisions of bilateral or multilateral Central American treaties or conventions.

Article 11. Fundamental Government Statute

Naturalized Guatemalans are:

- (1) Foreigners who have obtained a naturalization card in accordance with the law;
- (2) Foreigners who, having acquired a domicile and resided in the country for the time prescribed by law, acquire a naturalization card;
- (3) The foreign wife of a Guatemalan who adopts Guatemalan nationality, or who under the law of her country loses her nationality by her marriage;
- (4) The foreign husband of a Guatemalan woman, with two or more years of residence, if he chooses Guatemalan nationality and provided his conjugal home is established in Guatemala;
- (5) Foreigners of minor age, adopted by a Guatemalan, who shall have the right to choose their nationality of birth within the first year of their majority;
- (6) Minor children of a naturalized Guatemalan born abroad who shall have the right of choice set out in the preceding paragraph on attaining the age of majority;
- (7) Spaniards and Latin Americans by birth who acquire a domicile in the country and express to the competent authority their desire to be Guatemalan.

Naturalized Guatemalans shall be subject to no restrictions other than those deriving from this Statute and those applicable under the law.

Article 12. Fundamental Government Statute

Persons granted Guatemalan naturalization must expressly renounce any other nationality and swear an oath of loyalty to Guatemala and acceptance of its laws.

Article 13. Fundamental Government Statute

Guatemalan nationality is lost:

- (1) By voluntary naturalization in a foreign country, unless that country is in Central America;
- (2) When naturalized Guatemalans live for three or more consecutive years outside Central American territory, except in cases of force majeure and as provided by law and international treaties;
- (3) When naturalized Guatemalans commit treason; deny their status as Guatemalans in any legal document or public instrument; or voluntarily use a foreign passport;
- (4) By renunciation of naturalization made in accordance with the law. Legal recourse is available against such a resolution.

Article 14. Fundamental Government Statute

Guatemalan nationality is regained:

- (1) When a natural Guatemalan who has lost his nationality by naturalization in a foreign country establishes his domicile in Guatemala, unless it was acquired through marriage;
- (2) By establishing domicile in Guatemala and expressing the wish to be Guatemalan in the case of a person with the right to choose between two nationalities who had previously opted for a nationality other than Guatemalan;
- (3) By dissolution of marriage when the naturalization in a foreign country was a consequence of the marriage bond, provided that the person concerned expresses the wish to regain Guatemalan nationality; and even with such expression of wish, if the foreign nationality is lost as a result of the dissolution of the marriage.

Article 15. Fundamental Government Statute

The following are obligations of Guatemalans:

- (1) To serve and defend the country;
- (2) To comply and ensure compliance with the laws of the nation;
- (3) To work for the civic, cultural, moral, economic and social development of the nation;
- (4) To contribute to public expenditure in the manner prescribed by law;
- (5) To respect the authorities;
- (6) To perform military service in accordance with the law.

Article 16. Fundamental Government Statute

All proceedings related to matters of nationality shall be governed by law.

Article 17. Fundamental Government Statute

Those born after 23 March 1982 until the date of entry into force of this Statute and during the time it is in force having or able to have Guatemalan nationality are subject to the provisions of this Chapter Three.

Article 18. Fundamental Government Statute

Guatemalan men and women over the age of 18 years are citizens.

Article 19. Fundamental Government Statute

Citizenship is suspended:

- (1) In the case of a prison sentence imposed for an offence punishable by imprisonment not subject to bail;
- (2) In the case of unconditional sentence imposed in criminal proceedings;
- (3) By judicial decree.

Article 20. Fundamental Government Statute

Suspension of citizenship ceases:

- (1) By unconditional judicial decree which renders void the prison sentence;
- (2) On completion of the sentence imposed when rehabilitation would not be necessary;
- (3) By amnesty or general reprieve.

Article 21. Fundamental Government Statute

Citizenship is lost:

- (1) By loss of Guatemalan citizenship;
- (2) By voluntarily serving States at war with Guatemala or their allies, provided that such services implies treason.

Article 22. Fundamental Government Statute

Citizenship is regained:

- (1) After two years from the recovery of Guatemalan nationality had elapsed;

- (2) By government agreement or judicial decision in cases determined by the law.

Article 4. Nationality Law

Naturalization in another country of Guatemalans resident in Guatemala is not recognized, except naturalization of the woman by marriage and provided that it is not exclusively as a result of foreign legislation.

Article 43. Nationality Law

The foreign woman marrying a Guatemalan may choose Guatemalan nationality in the marriage ceremony, when it takes place in Guatemala, but other formalities must be completed at the Ministry of Foreign Affairs, in order for the naturalization to be recognized.

Article 56. Nationality Law

Guatemalan naturalization shall be revoked:

- (1) When the naturalized person takes part in activities against the internal or external security of the State, against public order or against social institutions, whether or not criminal proceedings have been instituted;
- (2) If the naturalized person invokes foreign sovereignty against Guatemala;
- (3) When the naturalized person refuses without justification to serve or defend Guatemala, or systematically contravenes the duties inherent in sovereignty;
- (4) When it transpires that the naturalized person had an unacceptable pre-history, except when more than five years have passed since naturalization and he has been of good conduct during that time;
- (5) Naturalization by marriage:
 - (a) By nullity or non-consummation of the bond, legally pronounced, if the naturalized spouse acted in bad faith in contracting the marriage; and
 - (b) When it is established that at the date of submission of the request for naturalization there was already a petition for divorce subject to the pronouncement of the decree absolute of the dissolution of the marriage and the naturalized spouse was the guilty party;
- (6) Naturalized persons under paragraphs 5 and 6 of article 7 of the Constitution, if they do not comply with article 5 of this Law within the period of three months therein prescribed;
- (7) In the event of fraud in the matter of nationality, in accordance with Chapter VIII of this law.

ARTICLE 11

Article 51. Fundamental Government Statute

The following are principles of social justice on which labour legislation is based: ...

- (8) Protection of working women and regulation of the conditions under which they provide services.

No distinction must be made between married and single women in the matter of employment. The law shall regulate maternity protection for working women, who must not be required to do any work which requires physical force which would place her pregnancy at risk. Working mothers shall enjoy compulsory fully paid leave for the 30 days prior to delivery and 45 days following. During breast-feeding, working mothers shall be entitled to two periods of special time off during the day. Pre- and post-natal leave shall be extended, depending on her physical condition, on medical prescription ...

- (17) The employer is obliged to grant the spouse or partner, minor or disabled children of a worker who dies while in service an amount equivalent to one month's wage or salary for each year worked. This grant shall be made in monthly instalments and the amount shall be not less than the last wage or salary received by the worker.

The widow shall have that entitlement for as long as she remains unmarried. If death occurs for causes wholly covered by the Social Security regime, the obligation of the employer ceases. Where the system does not wholly cover the grant, the employer shall be responsible for the difference ...

Article 155. Labour Code

Every employer employing more than 30 female employees must provide a suitable place where mothers can safely feed their children under the age of three years and leave them during working hours, in the care of a suitably qualified person paid by him. Such provision must be done in a simple manner within the economic means of the employer, as determined to be fair by the Inspectorate General for Employment.

Article 139. Labour Code

Any agricultural or livestock farming work carried on by women or minors in the absence of the employer results in their designation as rural workers, even though such work is defined as work of assistance additional to the work carried out by the rural farmer head of household. Consequently, such rural workers are deemed to be bound to the express employer by a contract of employment.

ARTICLE 15

Article 44. Civil and Commercial Code

All persons having free exercise of their rights have the capacity to engage in litigation.

Persons not having free exercise of their rights cannot act in law, but may be so represented, assisted or authorized in accordance with the rules governing their capacity.

Legal persons shall engage in litigation through their representatives in accordance with the law, their statutes or constitution.

Unions, associations or committees which do not have a legal personality may be represented by their presidents, directors or persons who act publicly for them.

The State shall act through the Ministry of Internal Affairs.

Article 89. Civil and Commercial Code

Persons who lack resources to engage in litigation, by virtue of poverty, may litigate without cost, in accordance with the following provisions.

Article 143. Civil and Commercial Code

Any person over the age of 16 years may be admitted as a witness.

Article 1254. Civil Code

All persons have legal capacity to make a statement of will in legal proceedings, except those who are expressly declared by the law as lacking such capacity.

Article 131. Civil Code

(Administration). The husband is the administrator of the conjugal patrimony, in the regime of absolute community or that of joint property, but his acts must not exceed the limits of a regular administration.

The alienation or binding of immovable property of the community must be made with the consent of both spouses if the act is to be valid.

Article 132. Civil Code

(Opposition of the wife). The wife may oppose any act of the husband which prejudices the administered interests and she may also have his administration stopped and seek separation of assets when his known negligence, incapacity or imprudent administration threatens to ruin the common patrimony or does not provide adequate maintenance for the family.

In both cases, the judge of first instance, with full justification of the facts, shall decide on the outcome.

Article 133. Civil Code

(Administration by the wife). The administration of the conjugal patrimony is transferred to the wife in the cases envisaged in article 115, with the same capacities, limits and responsibilities as laid down in the preceding articles.

Article 1049. Civil Code

No person is obliged to accept the duty of executor, but cannot renounce it once having accepted, without good cause, as determined by a judge.

ARTICLE 16

Article 78. Civil Code

(Marriage, social institution). Marriage is a social institution in which a man and woman join together legally, with the intention of living together permanently, procreating, feeding and educating their children and mutually helping each other.

Article 79. Civil Code

Marriage is based on equality of rights and obligations of both spouses, and to that end they must fulfil all requirements and complete all formalities required by this Code for its validity.

Article 80. Civil Code

(Engagement). Engagement does not result in an obligation to contract marriage, but gives rise to a demand to return gifts made and given with a promise of marriage not fulfilled.

Article 81. Civil Code

(Capacity to contract marriage). Majority of age determines free capacity to contract marriage. Notwithstanding, a man over 16 years and a woman over 14 years may contract marriage subject to the authorization provided in the following articles.

Article 82. Civil Code

Authorization must be given jointly by the father and mother, or by the one who exercises sole parental authority.

Authorization to a minor adopted child shall be given by the adopting father or mother.

If there are no parents, authorization shall be given by the guardian.

Article 83. Civil Code

(Judicial authorization). If the joint authorization of the father and mother cannot be obtained, for reasons of absence, ill health or other cause, the authorization of one of the parents shall suffice; and if neither of them can do so, authorization shall be given by the judge of first instance in the domicile of the minor.

Article 84. Civil Code

In cases of disagreement between the parents, or refusal by the person called to give authorization, the judge may grant authorization when the reasons for the refusal were not reasonable.

Article 89. Civil Code

(Article 6 of Decree-Law No. 218). Marriage may not be authorized in the case of: (1) a minor less than 18 years of age without the express consent of parents or guardian; (2) a male under 16 years or a female under 14 years except when the female is already pregnant and the persons exercising parental authority or guardian consent; (3) a woman before the passage of three hundred days from the dissolution of a previous marriage, (30) or of a de facto union, or from when the marriage is annulled unless there has been a birth within this period or one of the spouses has been physically separated from the other or absent for the stated period. If the annulment of the marriage was declared on the grounds of the husband's impotence, the woman may remarry without any delay; (4) the guardian or protutor or their descendants with the person under their guardianship or protutorship; (5) the guardian or protutor or their descendants with a person who was formerly under their guardianship or protutorship until after approval and settlement of the accounts of their administration; (31) (6) a person with children under his parental authority and who has not made a legal inventory of their assets nor guaranteed their administration, except when the administration is transferred to another person; and (7) the adopter with the adopted person for as long as the adoption continues.

Article 101. Civil Code

(Marriage Register). The marriage shall be entered in a special book to be kept by municipal authorities.

Notaries shall record marriages in a notarial act which must be witnessed, and ministers of religion shall do likewise in registers duly authorized by the Ministry of Internal Affairs.

Article 108. Civil Code

(Family name of married women). Through marriage, the wife has the right to add her own name to that of the husband and to keep it always, unless the marriage is dissolved by annulment or divorce.

Article 109. Civil Code

(Conjugal representation). The husband is responsible for representing the marriage, but both spouses shall have equal authority and consideration in the home; they shall establish their place of residence by common accord and shall likewise settle all matters relating to the education and upbringing of their children and the household budget.

Article 110. Civil Code

(Protection of women). The husband owes protection and assistance to his wife and is obliged to provide her with the means to maintain the home in accordance with his economic means.

The wife has the special right and duty to look after and care for her children during their minority and manage the household affairs.

Article 111. Civil Code

(Duty of the wife to maintain the home). The wife shall also contribute equitably to the maintenance of the home, if she has her own assets or undertakes any employment, profession, office or trade; but if the husband is unable to work and lacks his own assets, the wife shall cover all expenses from the income she receives.

Article 112. Civil Code

(Rights of the wife over income of the husband). The wife shall always have a preferential right over the salary or income of the husband, to the amount required to feed her and her minor children.

The same right applies to the husband in cases where the wife has the duty to contribute wholly or partly to the family expenditure.

Article 113. Civil Code

(Wife employed away from home). The wife may take up employment, practice a profession, business, office or trade, when that does not prejudice the interests and care of the children or other household affairs.

Article 114. Civil Code

The husband may oppose his wife engaging in activities outside the home, provided that he supplies the means for its maintenance and his opposition is based on valid grounds. The judge shall give a clear ruling on the matter.

Article 115. Civil Code

(Representation of the wife). Conjugal representation shall be assumed by the wife when for any reason the husband ceases to do so, especially in the following cases: (1) the husband is declared prohibited from so doing; (2) if the husband voluntarily abandons the home or if he is declared to be absent; and (3) if the husband is sent to prison, and for as long as the sentence lasts.

Article 131. Civil Code

(Administration). The husband is the administrator of the conjugal patrimony, under the regime of absolute community or that of the regime of joint property, except that his acts must not exceed the limits of regular administration.

The alienation or binding of immovable property of the community must be enacted only with the consent of both spouses for the act to be valid.

Article 153. Civil Code

The marriage is modified by separation and dissolved by divorce.

Article 155. Civil Code

(Grounds). The following are common grounds for obtaining separation or divorce: (1) infidelity of either of the spouses, serious injuries or

offences against honour, in general conduct which makes life in common unbearable; (3) Attempt by one of the spouses on the life of the other or on the children; (4) Separation or voluntary desertion of the conjugal home or unmotivated absence of more than a year; (5) The fact that the wife gives birth during the marriage to a child conceived before its celebration provided that the husband did not know of the pregnancy before the marriage; (6) incitement of the wife to prostitution by the husband or corruption of the children; (7) The fundamental refusal of one of the spouses to fulfil with respect to the other or to their children, the duty to assist and feed by which they are legally bound; (8) dissipation of the family estate; (9) Habitual gambling, drunkenness or undue and constant use of drugs, when such would threaten to ruin the family or constitute a constant motive for conjugal dissension; (10) accusation of a crime or malicious accusation by one spouse against the other; (11) conviction by law of one of the spouses, with an unconditional sentence, for an offence against property or any other common crime which is punishable by more than five years imprisonment; (12) serious, incurable and contagious illness prejudicial to the other spouse or children; (13) absolute or relative impotence to procreate, provided it is incurable and subsequent to the marriage; (14) incurable mental illness of one of the spouses sufficient to justify certification; and (15) also, a ground for divorce is the unconditional declaration of separation of persons.

Article 162. Civil Code

(Protection of wife and children). From the moment when the petition for separation or divorce is filed, the wife and children remain under the protection of the authorities for the safety of their persons and property, and urgent measures required will be ordered. The children shall remain provisionally in the custody of the spouse whom the judge determines, until the matter is definitively settled, unless there are serious grounds for placing them in the charge of a provisional guardian.

Article 234. Civil Code

(Joint adoption by husband and wife). The husband and wife may adopt when the two are agreed in considering the adopted minor as their son or daughter. Apart from this case, no one may be adopted by more than one person.

Article 255. Civil Code

When parental authority is exercised jointly by mother and father during the marriage or de facto union, the father shall represent the minor or disabled person in the administration of assets.

Article 221. Civil Code

(Cases when paternity may be declared). Paternity may be judicially declared: (1) when there are letters, writings or documents recognizing paternity; (2) when the claimant is known as the son or daughter of the presumed father; (3) in cases of rape, rape of a minor or abduction, when the time of the offence coincides with the time of conception; and (4) when the presumed father has lived conjugally with the mother during the period of conception.

Article 226. Civil Code

(Inadmissibility of action). The actions allowed in the preceding article and the declaratory to which paragraphs 3 and 4 of article 221 refer are not admissible in the following cases: (1) if at the time of conception the mother was leading a notoriously disorderly life or had carnal relations with a person other than the presumed father; and (2) if at the time of conception it was manifestly impossible for the defendant to have had sexual intercourse with the mother.

Article 299. Civil Code

(Legitimacy). The legitimate guardianship of minors is in the following order: (1) paternal grandfather; (2) maternal grandfather; (3) paternal grandmother; (4) maternal grandmother; and (5) brothers and sisters, regardless of sex, with preference to those descended from both lines and of these, those who have reached the age of majority and capacity.

The maternal line shall be preferred to the paternal for the guardianship of children born out of wedlock. However, where there are good grounds for varying the order of precedence, the judge may appoint as guardian the relative who best meets the conditions of knowledge and familiarity with the minor, solvency, suitability and preparation which provides a guarantee of the satisfactory discharge of that responsibility.

Article 317. Civil Code

(Excusal). The following may be excused guardianship or protutorship: (1) those who are charged with another guardianship or protutorship; (2) those over 60 years of age; (3) those who have three or more children under their parental authority; (4) women; (5) those who because of limited means cannot shoulder the burden without detriment to their subsistence; (6) those suffering from continuing illness which prevents them from carrying out the duties of their charge; and (7) those who have to be absent from the country for more than a year.

Article 232. Criminal Code

(Adultery). A married woman commits adultery when she lies with a man who is not her husband and who lies with her knowing she is married, even though the marriage is subsequently annulled. If the act is practised repeatedly in the conjugal home, with publicity or scandal, the penalty shall be increased by one third.

Adultery shall be punished by a prison term of from six months to two years.

Article 235. Criminal Code

(Concubinage). The husband who keeps a concubine within the conjugal house shall be punished by a prison term of from four months to one year.

The concubine shall be punished by a fine of from 50 to 500 quetzals.

The provisions of articles 233 and 234 are applicable to the case covered by this article.

Article 133. Criminal Code

Definition: abortion is the death of the product of conception at any time during pregnancy.

Article 137. Criminal Code

Therapeutic abortion: abortion practised by a doctor, with the consent of the woman, following an opinion in favour by at least one other doctor, is not punishable; provided it was carried out without the direct intention to procure the death of the product of conception but only to avoid a duly established risk to the life of the mother, after exhausting all other scientific and technical means.

Article 144. Criminal Code

The offence of injury is committed by anyone who, without intending to kill, causes physical or mental harm.

Article 145. Criminal Code

Specific injury: anyone who deliberately castrates or sterilizes, blinds or mutilates another person shall be punished by a prison term from five to 12 years.

Article 146. Criminal Code

Grievous injury: anyone who cause grievous injury to another shall be punished by a prison term from three to 10 years.

Grievous injury is that resulting in any of the following:

- (1) Certainly or probably incurable mental or physical illness;
- (2) Permanent disability to work;
- (3) Loss of a major limb or use of speech;
- (4) Loss of an organ or a sense;
- (5) Inability to engender or conceive.

Article 147. Criminal Code

Serious injury: anyone who causes serious injury to another shall be punished with a prison term from two to eight years.

Serious injury is that resulting in any of the following:

- (1) Permanent weakening of the function of an organ, major limb or sense;
- (2) Permanent abnormality of speech;

(3) Inability to work for more than a month;

(4) Permanent deformation of the face.

Article 214. Criminal Code

Coercion: Anyone who, without legitimate authority, by violence, intimidation or any other way coerces another and forces him to do or not do something not prohibited by the law, effect or consent what he does not wish or tolerate another person so doing, whether justly or not, shall be punished by a prison term from six months to two years.

Article 215. Criminal Code

Threats: Any person who threatens to cause harm to another person or his relatives, within the degrees set by law, affecting his person, honour or property, whether or not it constitutes an offence, shall be punished by a prison term from six months to three years.