











# Guatemala

WBL 2.0 legal frameworks score	WBL 2.0 supportive frameworks score	WBL 2.0 expert opinions score
<b>60.0</b>	<b>33.3</b>	<b>55.0</b>

*Women, Business and the Law 2024* (WBL 2024) identifies barriers for women’s economic empowerment in three areas: women’s legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law 2.0* indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for 26 economies due to an insufficient number of responses received from those economies during data collection. Individual responses at the economy level for 15 expert opinions questions across the ten indicators are scored by taking the median value of all responses per question. The economy level expert opinions index is equal to the simple unweighted average of the ten indicator scores.

For Guatemala, data refer to the legal frameworks, supportive frameworks, and expert opinions that are applicable to the main business city (Guatemala City). The scores for Guatemala are shown in the table below.

## Women, Business and the Law 2024 2.0 indicator scores

										
WBL 2.0 Legal frameworks score	50.0	75.0	25.0	50.0	75.0	75.0	25.0	25.0	100.0	100.0
WBL 2.0 Supportive frameworks score	75.0	66.7	0.0	0.0	66.7	66.7	25.0	0.0	33.3	0.0
WBL 2.0 Expert opinions score	12.5	75.0	50.0	25.0	93.8	56.3	0.0	62.5	100.0	75.0

In summary, the **WBL 2.0 legal frameworks score** for Guatemala (60.0 out of 100.0) is lower than the global average (64.2) and lower than the Latin America & Caribbean regional average (69.1). When it comes to laws affecting women’s property and inheritance and laws affecting the size of a woman’s pension, Guatemala obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Guatemala is on the indicator measuring laws affecting women’s decisions to work. To improve on the Workplace indicator, Guatemala may wish to consider prohibiting discrimination in employment based on gender, prohibiting discrimination in recruitment based on marital status, parental status, and age and allowing employees to request flexible work.

The **WBL 2.0 supportive frameworks score** for Guatemala (33.3 out of 100.0) is lower than the global average (39.5) and lower than the Latin America & Caribbean regional average (38.6). Guatemala does not attain a perfect score on any of the WBL 2.0 supportive frameworks indicators. There is room for improvement across all ten indicators. As an example, one of the lowest scores for Guatemala is on the indicator measuring supportive frameworks affecting women’s decisions to work.

To improve on the Workplace indicator, Guatemala may wish to consider publishing guidelines on non-discrimination based on gender in recruitment, publishing guidelines on flexible work arrangements and establishing a specialized body that receives complaints about gender discrimination in employment.

The **WBL 2.0 expert opinions score** for Guatemala (55.0 out of 100.0) is lower than the global average (65.7) and lower than the Latin America & Caribbean regional average (61.8). When it comes to expert opinions on women's property and inheritance, Guatemala obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Guatemala is on the indicator measuring expert opinions on childcare.

## WBL 2.0 legal frameworks data

QUESTION	ANSWER	LEGAL BASIS
<b>Safety</b>		
Does the law address child marriage?	No	No applicable provisions could be located
Does the law address sexual harassment?	No	No applicable provisions could be located
Does the law address domestic violence?	Yes	Ley contra el Femicidio y otras Formas de Violencia contra la Mujer, Arts. 1, 3(j)(k)(l)(m), 7-9, Cap. IV; Ley para Prevenir, Sancionar y Erradicar la Violencia Intrafamiliar, Arts. 1 y 7; Código Penal, Arts. 131, 174(2) y 483(2); Ley Contra la Violencia Sexual, Explotación y Trata de Personas, Arts. 28 y 30
Does the law address femicide?	Yes	Ley contra el Femicidio y otras Formas de Violencia contra la Mujer, Art. 6
<b>Mobility</b>		
Can a woman choose where to live in the same way as a man?	Yes	Código Civil, Art. 109
Can a woman travel internationally in the same way as a man?	Yes	Código de Migración, Arts. 91-94
Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
Do a woman and a man have equal rights to confer citizenship on their spouses and their children?	No	Constitución Política de la República de Guatemala, Art. 144. ; Ley de Nacionalidad, Arts. 43 y 45
<b>Workplace</b>		
Can a woman get a job in the same way as a man?	Yes	No restrictions could be located
Does the law explicitly prohibit discrimination in recruitment based on marital status, parental status, and age?	No	No applicable provisions could be located
Does the law prohibit discrimination in employment based on gender?	No	No applicable provisions could be located
Does the law allow employees to request flexible work?	No	No applicable provisions could be located
<b>Pay</b>		
Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
Can a woman work at night in the same way as a man?	Yes	No restrictions could be located
Can a woman work in a job deemed dangerous in the same way as a man?	No	Código de Trabajo, Art. 147
Can a woman work in an industrial job in the same way as a man?	Yes	No restrictions could be located
<b>Marriage</b>		
Is the law free of legal provisions that require a married woman to obey her husband?	Yes	Código Civil, Art. 79
Can a woman be "head of household" or "head of family" in the same way as a man?	Yes	Código Civil, Art. 109(1)
Can a woman obtain a judgment of divorce in the same way as a man?	No	Código Civil, Art. 155(5)
Does a woman have the same rights to remarry as a man?	Yes	Código Civil, Art. 89
<b>Parenthood</b>		



Is paid leave of at least 14 weeks available to mothers?	No	Código de Trabajo, Art. 152(1)
Are leave benefits for mothers paid solely by the government?	Yes	Código de Trabajo, Art. 152(b); Reglamento sobre Protección Relativa a Enfermedad y Maternidad, Arts. 25-26
Is paid leave available to fathers?	Yes	Código de Trabajo, Art. 61(O)(3)
Is dismissal of pregnant workers prohibited?	Yes	Código de Trabajo, Art. 151(c)(d)
<b>Childcare</b>		
Does the law establish the provision of center-based childcare services?	Yes	Ley de Educación Nacional - Decreto Legislativo No. 12-91, Arts. 19, 21, 23, 29, 33 y 43; Sitio Oficial del Gobierno de Guatemala - Departamento de Regulación de Centros de Cuidado Infantil Diario – DRCCID
Does the law establish any form of support for families for childcare services?	No	No applicable provisions could be located
Does the law establish any form of support for nonstate childcare providers?	No	No applicable provisions could be located
Does the law establish quality standards for the provision of center-based childcare services?	No	No applicable provisions could be located
<b>Entrepreneurship</b>		
Can a woman undertake entrepreneurial activities in the same way as a man?	Yes	No restrictions could be located
Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
Does the law prescribe a gender quota for corporate boards?	No	No applicable provisions could be located
Does the law include gender-sensitive procurement provisions for public procurement processes?	No	No applicable provisions could be located
<b>Assets</b>		
Do a woman and a man have equal administrative power and ownership rights to immovable property, including land?	Yes	Código Civil, Art. 131
Do sons and daughters have equal rights to inherit assets?	Yes	Código Civil, Art. 1078
Do male and female surviving spouses have equal rights to inherit assets?	Yes	Código Civil, Arts. 1078 y 1079
Does the law provide for the valuation of nonmonetary contributions?	Yes	Código Civil, Art. 140
<b>Pension</b>		
Are the ages at which a woman and a man can retire with full pension benefits the same?	Yes	Reglamento sobre Protección Relativa a Invalidez, Vejez y Sobrevivencia, Art. 15(a)
Are the ages at which a woman and a man can retire with partial pension benefits the same?	Yes	No applicable provisions could be located
Is the mandatory retirement age for a woman and a man the same?	Yes	No applicable provisions could be located
Are periods of absence due to childcare accounted for in pension benefits?	Yes	Reglamento sobre Protección Relativa a Invalidez, Vejez y Sobrevivencia, Art. 28; Reglamento sobre Protección Relativa a Enfermedad y Maternidad, Art. 23

## WBL 2.0 supportive frameworks data

QUESTION	ANSWER	SOURCE
<b>Safety</b>		
Has the government developed comprehensive mechanisms to address violence against women?	Yes	Modelo de Atención Integral para las Mujeres víctimas de Violencia IxKem-MAIMI; Jueces de femicidio recibieron capacitación
Are special procedures in place for cases of sexual harassment?	No	Insufficient evidence located
Is a government entity responsible for monitoring and implementing national services, plans and programs addressing violence against women?	Yes	Secretaría Presidencial de la Mujer (Seprem)

Is an annual budgetary allocation devoted to violence against women risk mitigation, prevention, and response programs?	Yes	Presupuesto de la Secretaría Presidencial de la Mujer
<b>Mobility</b>		
Are passport application processes the same for a woman and a man?	Yes	Passport application procedures
Are the application processes for official identity documents the same for a woman and a man?	Yes	ID application procedures
Does a current policy or plan explicitly consider the specific mobility needs of women in public transportation?	No	Insufficient evidence located
<b>Workplace</b>		
Does a specialized body receive complaints about gender discrimination in employment?	No	Insufficient evidence located
Has the government published guidelines on nondiscrimination based on gender in recruitment?	No	Insufficient evidence located
Has the government published guidelines on flexible work arrangements?	No	Insufficient evidence located
<b>Pay</b>		
Are pay transparency measures or enforcement mechanisms in place to address the pay gap?	No	Insufficient evidence located
Have sex-disaggregated data on employment in different industries or sectors been published?	No	Insufficient evidence located
<b>Marriage</b>		
Is there a fast-track process or procedure for family law disputes?	Yes	Ley de Tribunales de Familia, Decreto Ley 206, Art. 8
Are there specialized family courts?	Yes	Ley de Tribunales de Familia, Decreto Ley 206, Art. 1
Is legal aid available for family law disputes?	No	Insufficient evidence located
<b>Parenthood</b>		
Is it possible to apply for maternity benefits through a single government application process?	Yes	Reglamento sobre Protección Relativa a Enfermedad y Maternidad, Art. 38
Are incentives in place to encourage fathers to take paternity leave on the birth of a child?	No	Insufficient evidence located
Have sex-disaggregated data on unpaid care work been published?	Yes	Compendio Estadístico con Enfoque de Género 2023
<b>Childcare</b>		
Is there a publicly available registry or database of childcare providers?	Yes	Sitio Oficial del Gobierno de Guatemala - Secretaria de Bienestar Social
Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents?	No	Insufficient evidence located
Is there a clearly outlined application procedure to request financial support from the government for childcare services by nonstate childcare providers?	No	Insufficient evidence located
Has the government published any reports on the quality of childcare services?	No	Insufficient evidence located
<b>Entrepreneurship</b>		
Have sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses been published?	No	Insufficient evidence located
Are government-led programs supporting female entrepreneurs providing access to finance and training, coaching, or business development?	No	Insufficient evidence located
Does a current national government plan or strategy focus on women's access to financial services?	No	Insufficient evidence located
<b>Assets</b>		
Are mechanisms or incentives in place to encourage women to register immovable property (including joint titling)?	Yes	Código Civil, Art. 131
Are awareness measures in place to improve women's access to information about marital and inheritance rights?	No	Insufficient evidence located



Have anonymized sex-disaggregated data on property ownership been published? No Insufficient evidence located

**Pension**

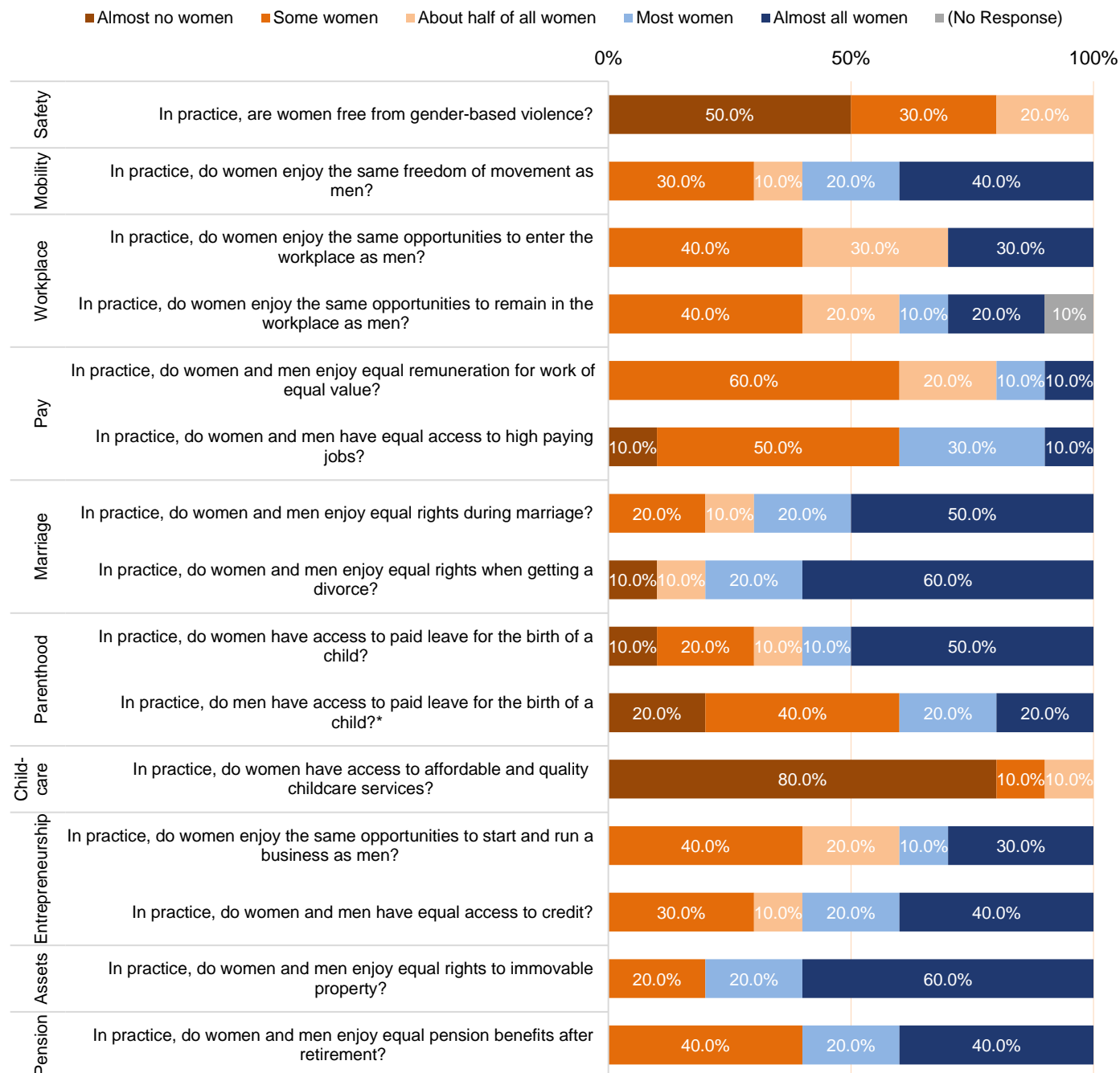
Are incentives in place to increase women's retirement benefits? No Insufficient evidence located

Is a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits? No Insufficient evidence located

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## WBL 2.0 distribution of expert opinion responses



\*Note: The response options for the second Parenthood question above are formatted as almost no men, some men, about half of all men, most men, almost all men.