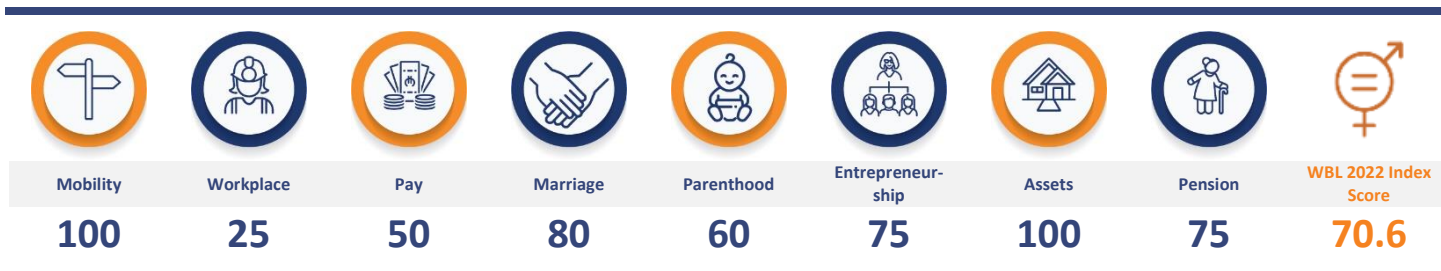


Guatemala

Women, Business and the Law 2022 (WBL2022) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Guatemala City). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Guatemala scores 70.6 out of 100**. The overall score for Guatemala is lower than the regional average observed across Latin America and the Caribbean (80.4). Within the Latin America and the Caribbean region, the maximum score observed is 95 (Peru).

Guatemala - Scores for Women, Business and the Law 2022



Relative Strengths

When it comes to constraints on freedom of movement, and gender differences in property and inheritance, Guatemala gets a perfect score.

Areas for Improvement

However, when it comes to laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women starting and running a business, and laws affecting the size of a woman's pension, Guatemala could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Guatemala is on the indicator measuring laws affecting women's decisions to work (the WBL2022 Workplace indicator). To improve on the Workplace indicator, Guatemala may wish to consider prohibiting discrimination in employment based on gender, enacting legislation protecting women from sexual harassment in employment, and adopting criminal or civil penalties for sexual harassment in employment.

Recent Reforms

No reforms were observed during the past year (October 2nd, 2020 – October 1st, 2021).



Further data details for Guatemala are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/guatemala/2022>



| | QUESTION | ANSWER | LEGAL BASIS |
|------------------|--|--------|--|
| Mobility | Can a woman choose where to live in the same way as a man? | Yes | Código Civil, Art. 109 |
| | Can a woman travel outside her home in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman apply for a passport in the same way as a man? | Yes | Código de Migración, Arts. 91-94; Passport application procedures |
| | Can a woman travel outside the country in the same way as a man? | Yes | No restrictions could be located |
| Workplace | Can a woman get a job in the same way as a man? | Yes | No restrictions could be located |
| | Does the law prohibit discrimination in employment based on gender? | No | No applicable provisions could be located |
| | Is there legislation on sexual harassment in employment? | No | No applicable provisions could be located |
| | Are there criminal penalties or civil remedies for sexual harassment in employment? | No | <i>Criminal:</i> No applicable provisions could be located <i>Civil:</i> No applicable provisions could be located |
| Pay | 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 |
| Marriage | Is there no legal provision that requires a married woman to obey her husband? | Yes | Código Civil, Art. 79 |
| | Can a woman be head of household in the same way as a man? | Yes | Código Civil, Art. 109(1) |
| | Is there legislation specifically addressing domestic violence? | Yes | Ley para prevenir, sancionar y erradicar la violencia intrafamiliar; Ley contra el Femicidio y otras Formas de Violencia contra la Mujer, Arts. 1 y 3(b) |
| | Can a woman obtain a judgment of divorce in the same way as a man? | No | Código Civil, Art. 155(5) |
| Parenthood | Does a woman have the same rights to remarry as a man? | Yes | Código Civil, Art. 89 |
| | Is paid leave of at least 14 weeks available to mothers? | No | Código del Trabajo, Art. 152 |
| | Does the government pay 100% of maternity leave benefits? | Yes | Código del 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 |
| | Is there paid parental leave? | No | No applicable provisions could be located |
| | Is dismissal of pregnant workers prohibited? | Yes | Código de Trabajo, Art. 151(c) |
| Entrepreneurship | Does the law prohibit discrimination in access to credit based on gender? | No | No applicable provisions could be located |
| | Can a woman sign a contract in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman register a business in the same way as a man? | Yes | No restrictions could be located |
| | Can a woman open a bank account in the same way as a man? | Yes | No restrictions could be located |
| Assets | Do men and women have equal ownership rights to immovable property? | Yes | Código Civil, Art. 131 |
| | Do sons and daughters have equal rights to inherit assets from their parents? | Yes | Código Civil, Art. 1078 |
| | Do female and male surviving spouses have equal rights to inherit assets? | Yes | Código Civil, Arts. 1078 y 1079 |
| | Does the law grant spouses equal administrative authority over assets during marriage? | Yes | Código Civil, Art. 131 |
| | Does the law provide for the valuation of nonmonetary contributions? | Yes | Código Civil, Art. 140 |
| | Is the age at which men and women can retire with full pension benefits the same? | Yes | Women: Acuerdo 1257 de Junta Directiva del Instituto Guatemalteco de Seguridad Social, Art. 5. Men: Acuerdo 1257 de Junta Directiva del Instituto Guatemalteco de Seguridad Social, Art. 5 |
| Pension | Is the age at which men and women can retire with partial pension benefits the same? | Yes | Women: No applicable provisions could be located. Men: No applicable provisions could be located |
| | Is the mandatory retirement age for men and women the same? | Yes | Women: No applicable provisions could be located. Men: No applicable provisions could be located |
| | Are periods of absence due to childcare accounted for in pension benefits? | No | No applicable provisions could be located |