











Guatemala

| WBL 2.0 legal frameworks score | WBL 2.0 supportive frameworks score | WBL 2.0 expert opinions score |
|--------------------------------|-------------------------------------|-------------------------------|
| 60.0 | 33.3 | 55.0 |

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 | Safety | Mobility | Workplace | Pay | Marriage | Parenthood | Childcare | Entrepreneurship | Assets | Pension |
| Legal frameworks score | 50.0 | 75.0 | 25.0 | 50.0 | 75.0 | 75.0 | 25.0 | 25.0 | 100.0 | 100.0 |
| Supportive frameworks score | 75.0 | 66.7 | 0.0 | 0.0 | 66.7 | 66.7 | 25.0 | 0.0 | 33.3 | 0.0 |
| 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 |
|--|--------|---|
| Safety | | |
| Is there legislation on 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 |
| Is there legislation on femicide? | Yes | Ley contra el Femicidio y otras Formas de Violencia contra la Mujer, Art. 6 |
| Is there comprehensive legislation on sexual harassment? | No | No applicable provisions could be located |
| Is there legislation on child marriage? | No | No applicable provisions could be located |
| Mobility | | |
| Can a woman travel internationally in the same way as a man? | Yes | Código de Migración, Arts. 91-94 |
| 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 |
| Do women and men have equal rights to confer citizenship to their spouses and their children? | No | Constitución Política de la República de Guatemala, Art. 144. ; Ley de Nacionalidad, Arts. 43 y 45 |
| 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 |
| Does the law prohibit discrimination in recruitment based on marital status, parental status, and age? | No | No applicable provisions could be located |
| Does the law allow employees to request flexible work? | No | 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 an industrial job 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 |
| Marriage | | |
| Can a woman be "head of household" or "head of family" in the same way as a man? | Yes | Código Civil, Art. 109(1) |
| Is the law free of legal provisions that require a married woman to obey her husband? | Yes | Código Civil, Art. 79 |
| 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 |
| Parenthood | | |

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| 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 there 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) |
| Childcare | | |
| Does the law establish provision of childcare services in center-based settings? | 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 to families for childcare services? | No | No applicable provisions could be located |
| Does the law establish any form of support to non-state childcare providers? | No | No applicable provisions could be located |
| Does the law establish quality standards for the provision of childcare services in center-based settings? | No | No applicable provisions could be located |
| Entrepreneurship | | |
| 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 on 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 |
| Assets | | |
| Do men and women 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 from their parents? | 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 |
| Pension | | |
| Are the ages at which men and women can retire with full pension benefits equal? | Yes | Reglamento sobre Protección Relativa a Invalidez, Vejez y Sobrevivencia, Art. 15(a) |
| Are the ages at which men and women can retire with partial pension benefits equal? | Yes | No applicable provisions could be located |
| Is the mandatory retirement age for men and women equal? | 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 |
|--|--------|---|
| Safety | | |
| 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 there special procedures for cases of sexual harassment? | No | Insufficient evidence located |
| Is there a government entity responsible for the monitoring and implementation of national services, plans and programmes addressing violence against women? | Yes | Secretaría Presidencial de la Mujer (Seprem) |



| | | |
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| Is there an annual budgetary allocation towards violence against women risk mitigation, prevention and response programs? | Yes | Presupuesto de la Secretaría Presidencial de la Mujer |
| Mobility | | |
| Are passport application processes the same for women and men? | Yes | Passport application procedures |
| Are the application processes for official identity documents the same for women and men? | Yes | ID application procedures |
| Is there a current policy or plan that explicitly considers the specific mobility needs of women in public transportation? | No | Insufficient evidence located |
| Workplace | | |
| Has the government published guidelines on non-discrimination based on gender in recruitment? | No | Insufficient evidence located |
| Has the government published guidelines on flexible work arrangements? | No | Insufficient evidence located |
| Is there a specialized body that receives complaints about gender discrimination in employment? | No | Insufficient evidence located |
| Pay | | |
| Are there pay transparency measures or enforcement mechanisms to address the gender pay gap? | No | Insufficient evidence located |
| Is sex-disaggregated data on employment in different industries or sectors published at least on an annual basis? | No | Insufficient evidence located |
| Marriage | | |
| 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 |
| Parenthood | | |
| 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 |
| Has sex-disaggregated data on unpaid care work been published? | Yes | Compendio Estadístico con Enfoque de Género 2023 |
| Childcare | | |
| 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 non-state childcare providers? | No | Insufficient evidence located |
| Has the government published any reports on quality of childcare services within the last 3 years? | No | Insufficient evidence located |
| Entrepreneurship | | |
| Is sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses published on a regular basis? | No | Insufficient evidence located |
| Are there government-led programs that provide support to female entrepreneurs such as access to finance or regarding agency and empowerment? | No | Insufficient evidence located |
| Is there a current national government plan or strategy with a focus on women's access to financial services? | No | Insufficient evidence located |
| Assets | | |
| Are there mechanisms or incentives to encourage women to register immovable property? | Yes | Código Civil, Art. 131 |



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| Are there awareness measures in place to improve women's access to information about marital and inheritance rights? | No | Insufficient evidence located |
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| Is anonymized sex-disaggregated data on property ownership published on a regular basis? | No | Insufficient evidence located |
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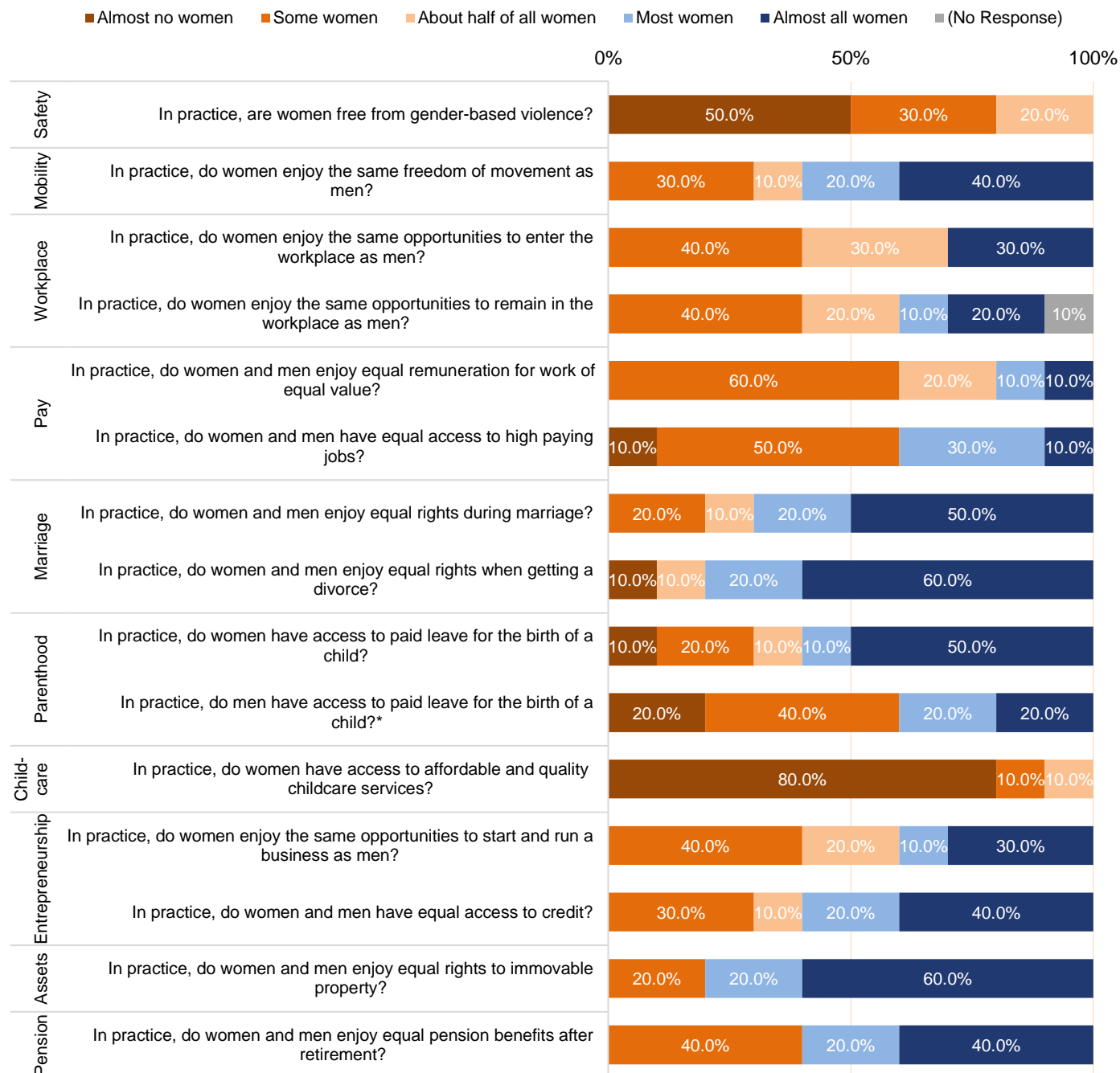
Pension

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