

# **GUATEMALA: Discriminatory law puts at risk the lives and rights of thousands of women, girls and LGBTI people**

Amnesty International (05.09.2018) – <https://bit.ly/2PHn5Wm> – Guatemala's Congress must reject proposed law 5272, also known as the "Law for the Protection of Life and Family," because it would violate the rights of thousands of women, girls and LGBTI, Amnesty International said today.

"This bill actually threatens what it claims to protect: life and families," said Erika Guevara-Rosas, Amnesty International Director for the Americas.

"We demand that the Guatemalan Congress reject this absurd bill that puts at risk the lives and the rights of women, girls and LGBTI people, and that it dedicate its resources to protecting them through laws and policies that guarantee real equality."

Among other concerning changes, the bill would modify the penal code to criminalize miscarriages, impose prison sentences on women who suffer them and impose prison sentences on anyone who "promotes or facilitates access to abortion." These regulations put at risk the lives of women and girls and their access to medical services.

Guatemalan law currently permits abortion only when pregnancies threaten the lives of women and girls. This violates their reproductive autonomy. The criminalization of abortion, miscarriages and providing information about abortion services violates the rights of women, girls and people who can become pregnant. The Guatemalan government must completely decriminalize abortion and guarantee access to legal and safe abortion as well as information about abortion services.

The bill also directly discriminates against LGBTI people by expressly prohibiting same-sex marriage and legal recognition for same sex couples, and by proposing a discriminatory and excluding definition of family.

Furthermore, the bill dangerously formulates a supposed "right" to "not accept sexual diversity or gender ideology as normal," effectively legalizing discrimination that may foment violence against LGBTI people.

The bill also violates the rights of children to have access to comprehensive sex education because it prohibits "teaching sexual conduct that differs from heterosexuality as normal."

In the context of persistent discrimination and negative reactions to gender equality and the rights of women, girls and LGBTI people, it is vital that Guatemala not promote damaging stereotypes and that the country guarantee the right of all people not to face discrimination, including for their sexual orientation or gender identity.

## ***Additional information***

The World Health Organization (WHO) as well as the UN Human Rights Committee have recognized the causal link between maternal mortality and laws that restrict or criminalize abortion. The WHO has stated that restriction of access to legal abortion does not decrease the need for abortion, and likely increases the number of women who seek illegal and unsafe abortions. This leads to higher morbidity and mortality rates and creates social inequities.

According to international treaties that Guatemala has signed, the Guatemalan government is obligated to guarantee people's rights without discrimination, including discrimination based on sexual orientation or gender identity.

In its recent observations about the Guatemalan government, the Human Rights Committee highlighted its concern about discrimination and violence motivated by victims' sexual orientation or gender identity, the criminalization of abortion and miscarriage and a lack of adequate reproductive health services. It demands that the Guatemalan government "ensure unimpeded access to sexual and reproductive health services, emergency contraceptives and comprehensive sex education for men, women, boys and girls throughout the country."

For its part, the UN Committee on the Rights of the Child expressly recommended that the Guatemalan government "ensure that sexual and reproductive health education is part of the mandatory school curriculum, and that it is developed with the

involvement of adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections.”

The bill 5272 was presented before Congress on 27 April 2017. On 28 August 2018 it was approved for a second reading. It now needs a third reading in a plenary session, which could take place in the next few days, and if it is approved there it will proceed to final article-by-article approval.

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