

Table of Contents

- [*Discriminatory law puts at risk the lives and rights of thousands of women, girls and LGBTI people*](#)
- [*Child marriage persists in Guatemala despite ban, experts say*](#)

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.

Child marriage persists in Guatemala despite ban, experts say

By Anastasia Moloney

Thomson Reuters Foundation (13.08.2018) - <https://tmsnrt.rs/2Mqu9cJ> - A year after Guatemala banned child marriage, girls are getting married in rural indigenous communities that are unaware of the ban and see the practice as acceptable, experts said on Monday.

Guatemala outlawed child marriage in August 2017, making it illegal for anyone under age 18 to wed under any circumstances.

No data exists to show how many girls have married since then, but anecdotal evidence gathered by groups working with rural indigenous communities suggests the practice persists.

Nearly a third of girls in Guatemala are currently married by 18, and many girls live with partners in informal unions.

Many of Guatemala's poor Mayan indigenous communities, where child marriage is most common, remain unaware of the outright ban, experts and advocates say.

"From what we've been hearing in the communities is that not much has changed since the law was passed," said Emma Puig, head of gender equality in Latin America at the children's charity Plan International.

"The big challenge is working on changing mindsets, social norms that find it normal to see a girl under 18 living with a man who most of the time could be her grandfather," she told the Thomson Reuters Foundation.

Driven by poverty and cultural traditions in a country with one of the highest rates of child malnutrition in Latin America, indigenous girls are often married off so families have one less mouth to feed.

According to rights group Women's Justice Initiative (WJI), in the village of Chuiquel alone in western Guatemala at least 30 girls, most aged 15 and 16, have been reported to be in informal unions since the marriage ban.

WJI hosts workshops in isolated communities led by local Mayan women who spread the message about the marriage ban and educate girls about their rights.

"It's key for girls to know they have other options and can do other things than just thinking their only option is to get married and have children," said Viviana Patal, a lawyer at WJI.

"The impact of the workshops among families has been to question and re-think the importance of study and sending their daughters to school, the idea that going to school can be a tool to having a better quality of life."

While rates of child marriage have been slowly declining worldwide, each year 12 million girls are married before age 18, according to campaign group Girls Not Brides.

Latin America is the only region not to have seen a significant drop in child marriage in the past three decades, with the highest prevalence in Nicaragua, the Dominican Republic and Brazil.

Most Latin American countries ban marriage until age 18, but many make exceptions with permission of parents or a judge.

Getting boys and young men to question traditional gender roles and what it means to be a man is key to the solution, Patal said.

"Young men have social pressures too. They feel if I don't have a wife and children then I'm not a man," Patal said.

Child marriage typically deprives girls of education, keeps them in poverty and puts them at risk of domestic and sexual violence, experts say.

"Girls are trapped in a life of violence for the rest of the lives," said Alejandra Colom, Guatemala country director for the Population Council, a U.S.-based research charity.

An under-age bride's first pregnancy is in fact the product of rape but "this is rape that is condoned because it happens under a union that is accepted by the community," she said.

