

GENDER-BASED VIOLENCE COUNTRY PROFILE: GUATEMALA

INTRODUCTION

Guatemala has some of the highest levels of femicide and sexual violence in the world.¹ According to data from the UN Office on Drug and Crime, Guatemala experiences 7.6 intentional female homicides per 100,000 women annually, the 8th highest rate globally.² From 2019 to 2020, the percentage of violent deaths of women classified as femicides has increased from 27.5% to 37.8% while the total number of violent deaths fell from 704 to 496.³ Of the total violent deaths of women, 46% were perpetrated in the Department of Guatemala. According to the General Prosecutor, from 2013-2018, women, girls and adolescent girls are most likely to be reported as the victim of a violent crime. On average, 2 women are killed per day according to 2019 data from the National Institute of Forensic Sciences.⁴

Women, girls, and adolescent girls face a high probability of being a victim of violent events.⁵ In 2020, there were 1,012 recorded cases of domestic/intrafamily violence and 8,767 cases of sexual violence in Guatemala.⁶ In the same year, 30 women were murdered on average per month in the country.⁷ High-risk groups that face multiple and intersecting forms of discrimination include young and adolescent girls, indigenous women, those who have experienced adolescent pregnancies, those in early unions or marriages, women and girls living with disabilities, and LGBTQ+ groups.

Furthermore, a report from the International Commission against Impunity in Guatemala (CICIG in Spanish) shows an index of impunity of 99% in cases of violence against women and 98% for femicides.⁸ Between May 2014 and March 2017, the General Prosecutor registered 16,988 women, girls and adolescent girls reporting cases of rape, of which only 2,339 reached the courts (14%) with 1,112 sentences obtained (47%). Thus, access to justice, fights against impunity, and actions to end inequalities are at the center of the political and media agenda of the country.

Human trafficking and child marriage also remain serious issues, particularly amongst the indigenous communities.⁹ In Guatemala City alone, it is estimated that some 15,000 girls, boys and adolescents are subjected to trafficking for sexual exploitation purposes. In 2021, the government identified 439 potential trafficking victims, of which 352 identified as female, 78 identified as male, and nine LGBTQ+.¹⁰

¹ Spotlight Initiative. (2018). Country Programme Document: Guatemala.

² World Bank. (2015). Intention homicides, female (per 100,000 female).

https://data.worldbank.org/indicator/VC.IHR.PSRC.FE.P5?most_recent_value_desc=true.

³ InfoSegura. (2020). Guatemala: Violence against women throughout the life cycle. <https://infosegura.org/wp-content/uploads/2021/06/VCM-GUATEMALA-2020-ENG.pdf>.

⁴ UN Women. (2020). Gender dimensions of the COVID-19 crisis in Guatemala. <https://www2.unwomen.org/-/media/field%20office%20americas/documentos/publicaciones/2020/04/brief%20guatemala%20covid19.pdf?la=es&vs=809>.

⁵ Spotlight Initiative. (2018). Country Programme Document: Guatemala.

⁶ InfoSegura. (2020). Central America and the Dominican Republic: Violence against women throughout the life cycle.

<https://infosegura.org/wp-content/uploads/2021/06/VCM-REGIONAL-2020-ENG.pdf>.

⁷ InfoSegura. (2020). Guatemala: Violence against women throughout the life cycle. <https://infosegura.org/wp-content/uploads/2021/06/VCM-GUATEMALA-2020-ENG.pdf>.

⁸ Spotlight Initiative. (2018). Country Programme Document: Guatemala.

⁹ *ibid*

¹⁰ U.S. Department of State. (2021). Trafficking in Persons Report. <https://www.state.gov/reports/2021-trafficking-in-persons-report/guatemala/>.

Regarding child marriage, in 2015, 777 cases of child marriage under 15 years of age were registered, and 20,321 marriages involving adolescent girls and young women between 15 and 19 years of age.¹¹ The National Survey on Maternal and Child Health (ENSMI 2014-2015) estimates that early unions affect 14% of the adolescent girls and young women between 15 and 19 years of age. However, other specialized studies indicate that 28% of the adolescent girls have gotten married and 54% have had partners before reaching 18 years of age.¹² The fertility rate for adolescent girls and young women aged 15-19 is 92 annual births per one thousand women, in contrast with the Latin American average of 64. Finally, 21.2% of indigenous adolescent girls indicated they were already mothers, 4.4% were pregnant with their first child and 16.8% were pregnant at least once before, vis a vis 20.2%, 4.6% and 15.6% of their non-indigenous peers.¹³

Child marriage in Guatemala is mostly driven by tradition, poverty, discriminatory gender norms, and a lack of access to education. Financial support of a male guardian is one of the principal reasons for parents wanting to secure a girl's marriage at a young age. Child marriage is most common among the Mayan indigenous communities who largely reside in rural areas and have less access to basic services, fewer educational and economic opportunities, and higher rates of poverty compared to non-indigenous populations. Evidence shows that girls are expected and often pressured to start a family once married, sometimes leading to severe health consequences for young girls. As a result, maternal mortality rates are among the highest in the region and are three times higher among indigenous populations than non-indigenous women.¹⁴

Violence by and impunity for gang members also creates an unsafe and violent environment for women in Guatemala. Women who come into contact with gangs are subject to threats, kidnapping, extortion, rape, sexual assault, and murder. Moreover, it has been reported that rape survivors frequently did not report crimes due to a lack confidence in the justice system, social stigma, and fear of reprisal associated with gang activity.¹⁵

PREVALENCE OF GENDER-BASED VIOLENCE: PRE- AND POST-COVID

UN Women Prevalence Data on Different Forms of Violence against Women:¹⁶

Lifetime Physical and/or Sexual Intimate Partner Violence: 21.2 %

Physical and/or Sexual Intimate Partner Violence in the last 12 months: 8.5 %

Lifetime Non-Partner Sexual Violence: *Official National Statistics Not Available*

Child Marriage: 29.5 %

¹¹ In 2017, a new law that prohibits marriage before 18 years of age with no exceptions was enacted.

¹² Spotlight Initiative. (2018). Country Programme Document: Guatemala.

¹³ *ibid*

¹⁴ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

¹⁵ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

¹⁶ UN Women Global Database on Violence against Women. (n.d.). Guatemala. <https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>.

Impact of COVID-19:

In 2020, police reports for domestic violence saw a considerable increase during the period of confinement. The rise was observed as of February 2020, and by June, the number of complaints had almost doubled compared to 2019. In total, the number of documented complaints until August of 2020 indicated an increase of 26%. (This trend is contrary to what was observed in terms of homicidal violence and injuries, which saw a decrease.)¹⁷ Confinement measures due to COVID-19 and mobility limitations were a risk factor for different forms of violence against women, girls, and older adults, both distancing them from existing support networks, protection services, and complaint mechanisms and making them more vulnerable to multiple manifestations of violence against them (psychological, economic, sexual, among others).

The violence prevention campaign #NadaJustifica (“Nothing Justifies It”) was launched in 2020 in response to the high rates of violence against women.¹⁸ The campaign was launched by Government institutions, two municipalities, and five local NGOs in coordination with UNDP and USAID in Guatemala and supported by the UNDP-RBLAC InfoSegura project (which gathers data on citizen security in Central American countries). This campaign places special emphasis on informing and sensitizing the general public, key actors, and especially men who are considered in the framework of the campaign as potential agents of change, on violence against women and promoting the establishment of relationships which are healthy and free from violence. According to data from the Public Ministry, between January and September 2020, 40,320 complaints of violence against women were received, which is 6 complaints per hour. In the same period, there were 257 violent deaths of women, of these, 101 were classified as femicide, according to data from the National Civil Police.

POLICY AND LEGAL FRAMEWORK

Gender equality in the legal framework: With regards to overall gender equality in the legal framework, according to the World Bank’s “Women, Business and the Law” 2021 study, Guatemala scores 70.6 out of 100 (over 8 indicators). The country does well when it comes to constraints on freedom of movement and gender differences in property and inheritance. However, Guatemala could consider reforms to improve 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's starting and running a business, and laws affecting the size of a woman's pension.¹⁹

The following data points illustrate various other gender aspects in Guatemala’s legal framework:²⁰ a) In 2017, the minimum legal age for marriage was increased to 18 for both males and female from 16 and 14 respectively. However, the prevalence of child marriage remains high, with nearly one in three girls are married off before the age of 18 (as compared to one in five in the LAC region), and there is no specific legal provision which prohibits forced marriage; b) The Civil Code establishes that either spouse can initiate divorce. Nonetheless, certain articles related to divorce still differentiate between women and men; for example, women will have the right to alimony only if they observe “good conduct” and remain

¹⁷ Diálogos. (2020). *Violencia en Tiempos de Pandemia*. <https://dialogos.org.gt/sites/default/files/2020-10/Violencia%20en%20tiempos%20de%20pandemia%20Fin.pdf>.

¹⁸ “#NadaJustifica violence against women, Guatemala presents Campaign for the Prevention of Violence against women.” (2020). *InfoSegura*. <https://infosegura.org/2020/11/13/nadajustifica-la-violencia-contra-las-mujeres-guatemala-presenta-campana-de-prevencion-de-violencia-contra-la-mujer/>.

¹⁹ World Bank (2021). *Women, Business and the Law 2021: Guatemala*. <https://wbl.worldbank.org/content/dam/documents/wbl/2021/snapshots/Guatemala.pdf>.

²⁰ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

unmarried; c) The law criminalizes rape (including spousal rape); d) Abortion can be legally performed only if the mother's life is in danger. A woman who causes her abortion, or consents to another person to cause it, is punishable with imprisonment from one to three years; e) With regards to civil liberties and political voice, women and men have the same legal rights to vote and stand for election. Nonetheless, the non-participation rate among uneducated women is extremely high (64% urban, 70% rural), and women continue to be underrepresented politically, though Guatemala has tried unsuccessfully to introduce gender quotas.

International treaties on GBV: Guatemala is a member of several international treaties that guarantee equality, non-discrimination, and freedom from violence for women, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women "Convention of Belem Do Para," the Beijing Declaration and Platform for Action, and the Convention on the Rights of the Child (CRC).

Since 2014, Guatemala has made important progress in the recognition of gender equality in the constitution, with important recent progress in the legal frameworks and public policies to address VAWG. Key examples include: legislation that prohibits marriage before 18 years of age with no exceptions (2017); the establishment of the Institute for the Attention and Protection of Victims of Violence (2016); and the establishment of the Specific Cabinet for Women (Gabinete Específico de la Mujer [GEM]) which aims to coordinate, articulate, and promote inter-institutional actions for the implementation of public policies, plans, programs focused on in the integral development of Guatemalan women (2014).

National response to GBV: Legislative and policy responses to protect women against violence include:²¹

- **Law against Femicide and Violence against Women (2008).** The law recognizes domestic violence as a punishable crime, and the definition of domestic violence covers psychological, physical and economic violence.
- **Law against Sexual Violence, Exploitation and Trafficking in Persons (2009)** reforms the Criminal Code and aims to prevent, suppress, punish, and eliminate sexual violence, exploitation, and trafficking-in-persons and to ensure that survivors receive care, protection, and compensation for harm.
- **National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI 2004-2014).** In Guatemala, according to official sources, the Secretariat for Women in the Presidency (SEPREM acronym in Spanish) is undertaking inter-institutional coordination efforts in the formulation of the new PLANOVI, covering the period 2015 – 2025.²²
- **National Policy for the Promotion and Comprehensive Development of Women (PNPDIM 2008 – 2023)** called for combatting all forms of discrimination and violence against women and set specific goals with allocated budgets.

The legal framework is complemented by several government entities working on combatting and preventing violence against women:²³ the National Coordination Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI); Secretariat against Sexual Violence, Exploitation and

²¹ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

²² UNDP. (2017). From commitment to action: Policies to end violence against women in Latin America and the Caribbean. <https://www.undp.org/latin-america/publications/commitment-action-policies-end-violence-against-women-latin-america-and-caribbean>.

²³ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

Trafficking in Persons (SVET); the Office for the Defense of Indigenous Women (DEMI); Program for the Prevention and Eradication of Domestic Violence (PROPEVI) which provides initiatives to prevent, treat and eradicate domestic violence; Coordinator for the Prevention of Domestic Violence and Violence Against Women (CONAPREVI) which serves as the domestic violence interagency coordinator and includes several civil society organizations; the Presidential Secretariat for Women (SEPREM); the Ombudsman's office for the defense of women; Institute of Public Criminal Defense, which provides free legal, medical, and psychological assistance to survivors of domestic violence; Gender Units in each of the Ministries; Vice-President's Special Cabinet for Women (GEM). Furthermore, the government also established lower and courts for femicide offences and other forms of violence against women in 11 of Guatemala's departments and 26 first instance courts specializing in femicide cases. To that end, judicial facilities were rearranged to allow hearings using oral proceedings and the possibility of video conferences to avoid direct contact between aggressors and their victims.

GBV RESPONSE MECHANISMS AND SERVICES

The following services are available to survivors of violence in Guatemala (full list in Appendix 1):²⁴

- **The National Coordinator for the Prevention of Intrafamily Violence and Against Women (CONAPREVI)** is an institutional mechanism for coordinating, advising, and promoting public policies for the prevention, punishment, and eradication of intrafamily violence and violence against women. Within its functions, it advises, informs, and trains public officials. It is also responsible for monitoring the Comprehensive Support Centers for Women Survivors of Violence (CAIMUS) and providing support and advice to the organizations that administer them. It has also provided support in the elaboration of protocols of attention and access to the justice, health, and education sector. With regards to intrafamily violence and violence against women, it has the National Plan for the prevention and eradication of violence: Intrafamily Violence and Violence against Women (PLANOVI) 2004-2014.
- **The Program for the Prevention and Eradication of Intrafamily Violence (PROPEVI)**, attached to the Presidential Secretariat for Women (SEPREM), has a school for parents and a 24/7 intrafamily violence hotline. Services are also available for children and adolescents with disabilities and victims of sexual and commercial exploitation.

According to a 2016 report from the US Department of State, police had minimal training or capacity to investigate sexual crimes or assist survivors of such crimes and that impunity for perpetrators remained very high. Police often fail to respond to requests for assistance related to domestic violence, and women's rights advocates reported that few officers received training on how to deal with domestic violence cases or to assist survivors. Research shows that police, prosecutors, and judges often do not take cases of violence against women seriously because they believe that men have the right to use violence against their partners to control them.²⁵

The establishment of specialized investigation and criminal prosecution units aims to address violence against women and stop impunity. Nonetheless, these courts still have limited coverage.²⁶ Furthermore, despite the comprehensive legal framework and specialized courts, many prosecutors do not consider

²⁴ UN Women Global Database on Violence against Women. (n.d.). Guatemala. <https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>.

²⁵ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

²⁶ UN Women. (n.d.). "Guatemala." <https://lac.unwomen.org/en/donde-estamos/guatemala>.

domestic violence as a serious matter that warrants attention. There is also a pattern of prosecutors and judges urging conciliation of conflicts, rather than seeking to protect survivors of domestic violence. In addition, Article 106 of the Penal Code allows the victim to pardon the perpetrator, including cases of rape and other sexual crime, making victims vulnerable to pressure not to file complaints.²⁷

During COVID-19, there was an expansion of an interactive platform “CuentaNos” which provides critical information on services. The International Rescue Committee (IRC) operates a multi-platform information hub “CuentaNos” with two-way messaging, where users in Guatemala (as well as Honduras and El Salvador) can seek information and service providers for essential services such as health and education. The IRC expanded the functionality of this existing web-based resource to address increases in intimate partner violence (IPV) and other needs related to COVID-19. The platform includes a database of IPV protection service providers and allows users to contact IRC moderators via WhatsApp for support concerning IPV and other issues. CuentaNos data as of May 2020 reveals drastic increases in searches and requests for help due to gender-based violence since the onset of the pandemic.²⁸

Examples of Notable Interventions to Address GBV

Translation of campaigns on prevention of violence against women into indigenous languages and joint Mechanisms for the Advancement of Women within indigenous communities and the justice sector. Due to the multi-ethnic composition of the country, the campaigns and public policies that introduce prevention measures adopted an ethnic and intercultural approach that allowed for the recognition of the four dominant ethnicities in Guatemala: Xinca, Garífuna, Mestiza, and Maya. All the campaigns were translated into appropriate languages for each group; for example, the Presidential Secretariat for Women (SEPREM) produced a video that addressed the rights of victims which was translated in the three Mayan languages—Kakchiquel, Mam and K’ekchí—and provided the projection equipment and video to the local district prosecutors to ensure its distribution.²⁹

²⁷ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>.

²⁸ IRC. (2020, June 9). IRC data shows an increase in reports of gender-based violence across Latin America. <https://reliefweb.int/report/el-salvador/irc-data-shows-increase-reports-gender-based-violence-across-latin-america>.

²⁹ UNDP. (2017). From commitment to action: Policies to end violence against women in Latin America and the Caribbean. <https://www.undp.org/latin-america/publications/commitment-action-policies-end-violence-against-women-latin-america-and-caribbean>.

APPENDIX 1 – GBV AND ECONOMIC GROWTH

In addition to the serious human impacts, gender-based violence negatively impacts business productivity and reputation, restricting profitability and ultimately impacting economic growth. GBV can affect women's full and equal participation in the workforce, and the costs of GBV are high, with estimates totaling \$1.5 trillion, the equivalent of 2% of global GDP.³⁰ For example, an IFC study in Papua New Guinea, where gender-based violence is widespread, estimated that staff members lose an average of 11 workdays per year as a result of gender-based violence.³¹ As summarized here,

*'From a business case perspective, gender-based violence in the workplace causes pain and suffering which can result in victims' absence from work or leaving their job, ill-health, disability or even death. It can impact on work performance, motivation, staff loyalty, the quality of work and timely production, as well as on the working environment. (Cruz & Klinger, 2011). It can lead to workplace conflict, a failure to retain workers and high turnover of employees, especially where there is nearby competition. The employer faces costs including the cost of sick days, lower productivity and poor concentration and the costs of recruitment and re-training if a person leaves their job.'*³²

Additionally, businesses have an opportunity to help shift social norms and end violence against women and children, by embedding gender equality across workplace cultures, policies, and practices.

On the other hand, research indicates that profitability improves when working conditions improve.³³ To help generate these changes, new legal frameworks require more action and accountability from businesses; in 2019, the International Labour Organisation (ILO) Violence and Harassment Convention sets out the first globally recognized standards for addressing violence and harassment, requiring companies to respond to gender-based violence in a more-comprehensive way than before. Businesses can address GBV by promoting safe and inclusive workplaces, ensuring a spirit of openness and trust, and developing transparent means of reporting.

The relationship between poverty and VAWG is bidirectional: poverty is a key risk factor for VAWG, and VAWG increases women and girls' poverty.³⁴ Women and girls who are poorer typically have greater dependency in relationships with men and less decision-making power in households, which exacerbates their risk of intimate partner violence (IPV) and makes it harder for them to leave abusive relationships. Poverty also increases other risk factors for IPV including ill-health and reduced educational opportunities and worsens household stress. Thus, interventions that include a substantive economic component have

³⁰ Business Fights Poverty. (2019). How business can tackle gender-based violence in the world of work: A toolkit for action. <https://businessfightspovetry.org/report/how-can-business-tackle-gender-based-violence-in-the-world-of-work-a-toolkit-for-action/>.

³¹ Allan, A. (2019, Sept. 16). How businesses can take the lead in combatting gender-based violence. *Stanford Social Innovation Review*. https://ssir.org/articles/entry/how_businesses_can_take_the_lead_in_combatting_gender_based_violence#

³² International Training Centre. (n.d.). The business benefits of addressing gender-based violence. https://gbv.itcilo.org/index.php/briefing/show_paragraph/id/78.html.

³³ International Training Centre. (n.d.). The business benefits of addressing gender-based violence. https://gbv.itcilo.org/index.php/briefing/show_paragraph/id/78.html.

³⁴ Kerr-Wilson, A.; Gibbs, A.; McAslan Fraser E.; Ramsoomar, L.; Parke, A.; Khuwaja, HMA.; and Rachel Jewkes (2020). A rigorous global evidence review of interventions to prevent violence against women and girls, What Works to prevent violence among women and girls global Programme, Pretoria, South Africa. <https://www.whatworks.co.za/resources/evidence-reviews/item/693-a-rigorous-global-evidence-review-of-interventions-to-prevent-violence-against-women-and-girls>.

been used in efforts to prevent VAWG, and include 1) economic transfers, 2) microfinance, and 3) combined economic and social empowerment interventions.

Rigorous evaluations of VAWG interventions across the globe concludes that economic transfer programs, as well as combined economic and social empowerment programs targeting woman are effective interventions at preventing VAWG, when well designed and executed.³⁵ Other effective interventions include: parenting programmes to prevent IPV and child maltreatment; community activism to shift harmful gender attitudes, role and social norms; school-based interventions to prevent dating or sexual violence; school-based interventions for peer violence; interventions that work with individuals and/or couples to reduce their alcohol and/or substance abuse (with or without other prevention elements); couples' interventions (focused on transforming gender relations within the couple, or addressing alcohol and violence in relationships; interventions with female sex workers to reduce violence by clients, police or strangers (i.e., nonintimate partners) through empowerment/collectivisation or alcohol and substance use reduction.³⁶

³⁵ Kerr-Wilson, A.; Gibbs, A.; McAslan Fraser E.; Ramsoomar, L.; Parke, A.; Khuwaja, HMA.; and Rachel Jewkes (2020). A rigorous global evidence review of interventions to prevent violence against women and girls, What Works to prevent violence among women and girls global Programme, Pretoria, South Africa. <https://www.whatworks.co.za/resources/evidence-reviews/item/693-a-rigorous-global-evidence-review-of-interventions-to-prevent-violence-against-women-and-girls>.

³⁶ *ibid*

APPENDIX 2 – UN WOMEN: MEASURES AGAINST VIOLENCE AGAINST WOMEN (GUATEMALA)³⁷



Guatemala.xlsx

³⁷ UN Women Global Database on Violence against Women. (n.d.). Guatemala. <https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>.

GLOSSARY

Gender	Roles that are determined socially, behaviours, activities, and attributes that a society considers appropriate for men and women. These roles are contextual and influenced by a society's culture and traditions, as well as by prevailing religious beliefs.
Gender-Based Violence (GBV)	Any act of violence that results in, or the nature of which causes, physical, sexual, or psychological harm or suffering to someone because of his or her sex. This including threats through similar acts, coercion, or arbitrary deprivation of liberty, whether in public or private life (UN, 1993).
Sex	Refers to the biological and physiological characteristics which differentiate men and women.
Sexual Exploitation	Any real or attempted abuse of a position of vulnerability, power differential, or relationship of confidence for a sexual purpose, including, but not limited to, taking financial, social, or political advantage of another through sexual means.
Sexual Abuse	Real or threatened physical intrusion of a sexual nature, whether it be by force or under unequal or coercive conditions.
Sexual Harassment	Unwelcomed sexual advances, demand for sexual favors, or any other verbal or physical behavior of a sexual nature. In the work place, submission to these advances or behaviors may made either implicitly or explicitly a condition of continued employment, promotion, or other decisions affecting a person's employment.

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