

GUATEMALA

CEDAW A/49/38 (1994)

Initial Reports*

38. The Committee considered the combined initial and second periodic reports of Guatemala (CEDAW/C/GUA/1-2 and Corr.1 and Amend.1) at its 242nd and 246th meetings, on 24 and 26 January (see CEDAW/C/SR.242 and 246).

39. In introducing the report, the representative of the Government said that unfortunately, owing to financial constraints, the persons most qualified to present the report could not come to address the meeting, but that all the Committee's comments and recommendations would be analysed and taken into consideration for the elaboration of future policies and in the preparation of the subsequent report. Gender-based studies had been undertaken and certain aspects had undergone changes owing to the successive changes in administration and government policy. She gave updated information concerning the Government and demographic data. On 5 June 1993, the state of law had been restored and, with the nomination of the new President, democracy had been reinstated. According to the most recent projections, women made up 49.5 per cent of the population, of which 62 per cent lived in rural areas. She assured the members that the new President placed special emphasis on the protection of human rights.

General observations

40. Members welcomed the ratification of the Convention without reservations and the well-structured, extensive and frank report that had followed the Committee's guidelines and reflected the Government's effort to integrate women into the life of the nation. It was noted that all sectors of society were represented in the preparation of the report. However, it was felt that the report could have been more analytical and that it lacked information on the de facto situation and on policies carried out to enact related laws. It was suggested that the report did not clearly indicate whether progress had been made since the ratification of the Convention or whether the advancement of women had encountered many obstacles. The report was said to lack information on national programmes to implement the policy of non-discrimination.

41. Regret was expressed that no one from the body which had prepared the report had been able to attend the meeting. While the report stated that women were not discriminated against in the country, it was noted that the country was divided in terms of class and race and that there was discrimination against indigenous women. Experts asked whether the National Office of Women's Affairs was taking any measures to counteract that phenomenon. Members also drew attention to

* Including subsequent reports, if submitted, in those cases where the initial report of the State party had not yet been considered by the Committee.

the fact that there was no reference to the shortcomings in the Civil Code, which contained provisions that were discriminatory to women, although they had been objected to by non-governmental organizations.

42. The Guatemalan delegation's answers to the questions put by the Committee were provided by a person who, according to a member of the Permanent Mission of Guatemala to the United Nations, represented a non-governmental organization active in the area of family matters.

43. In replying to the observations of the Committee, the representative of the Government emphasized the priority attached to women's issues in the country and said that, owing to the current austerity plan, it was difficult to send Government representatives from the country to international meetings. The socio-economic and political context in which the Convention was implemented had to be taken into account in order to determine whether national laws and their application were appropriate and whether or not they should be considered discriminatory to women. She said that an appeal had been made to the Constitutional Court regarding the unconstitutionality of certain provisions contained in the Civil Code. She read out the judgement that had been consequently handed down, in which the Constitutional Court said that the Constitution protected the person and the family, guaranteed freedom, the development of the human being, liberty, equal rights and equal opportunities and responsibilities for women and men and stipulated the protection of motherhood. The judgement rejected the claim of unconstitutionality and declared fully justified the status, circumstances, functions and roles of men and women, whose discriminatory nature gave rise to the application. Upon ratification, an international treaty such as the Convention automatically became part of the Constitution and made it mandatory for the State to adopt only legal measures that were not discriminatory towards either sex. According to that ruling, none of the legal provisions contained in the Civil Code was unconstitutional, and therefore contrary to the principle of non-discrimination.

44. The members of the Committee indicated that the reading of the judgement and the views expressed by the representative of the Government increased their concern at the discrimination institutionalized in law and given expression in values and mores. In their view, it was not only a matter of a flawed report; the existing situation, in which the fundamental human rights of Guatemalan women were being violated, must be dealt with more decisively, on the basis of an updated approach in keeping with the international commitments of the Government of Guatemala.

45. Members pointed out that no information was given in the report about any family-planning policy or about steps taken to upgrade the health of women and children. It was also not clear from the report whether the machinery to implement policies to promote the status of women had been upgraded.

46. Members noted the significant responsibilities of women in Guatemala, including those for health, hygiene and family nutrition, but that women were not given the same importance as men in outside work and in politics.

47. It was observed that political violence conditioned people to tolerate violence in general,

which had an effect on attitudes towards violence against women. Political violence had to stop so that women could once again enjoy harmony and find their rightful place in society. The representative explained that the Government was currently trying to consolidate peace in order to ensure that women could enjoy well-balanced development free from violence.

48. Members expressed alarm at the ruling of the Constitutional Court, especially in a country where the content of an international treaty became part of domestic law, once the treaty had been ratified. They said that if the country wished to implement the Convention, it ought to amend some of its laws, particularly the provisions regarding family law and gender stereotypes. The presentation of the report showed that the Government did not attach much importance to women's issues and the replies given in the report only increased the Committee's concerns about the discriminatory nature of the Civil Code. There was incompatibility between the obligations undertaken by ratifying the Convention and the actual legal situation as well as its interpretation by the Constitutional Court. Members noted that this situation was completely unacceptable and suggested that the Government should seek assistance from the United Nations in correcting its legislation and in preparing its subsequent report.

Questions related to specific articles

Article 5

49. With reference to the traditional role of women in society, members expressed the need for the Government to extend more educational efforts to women. They asked which measures the Government or non-governmental organizations had taken to promote the implementation of article 5 not only in respect of changing the laws, but also in respect of doing away with socio-cultural stereotypes *vis-à-vis* women. The representative said that, in the opinion of some elements of society, the role of women was considered to be inferior to that of men, whereas in reality that was not the case. Education programmes were currently under way to teach men to acknowledge the participation of women in society and to share the responsibility for educating the children.

50. Members also asked whether any specific measures had been carried out in rural areas. When members requested more detailed information on the issue of violence, the representative said that education campaigns were currently being carried out to eradicate violence against women and that the subsequent report would contain information on the results of those campaigns and statistical data.

Article 6

51. Considering that Guatemalan society appeared to view prostitution with indifference and tended to blame prostitution on the women themselves without taking into consideration the social and economic environment, such an attitude entailed the risk of exploitation by men. Society should consider the reasons why women were in that situation. Members requested statistical data related to prostitution, including information on the age bracket and the social strata of the women involved, and asked whether health, education and rehabilitation services had been set up for those

women.

52. The representative was convinced that those evils were caused by lack of adequate education and said that the aim of the Government was to find training and new working opportunities for those women. Non-governmental organizations had elaborated specific training programmes.

Article 7

53. Satisfaction was expressed that illiterate women were no longer discriminated against in their voting rights. Members requested statistical data on the number of women who participated in elections and on the political inclinations of women and asked whether women in rural areas were restricted in exercising their voting rights.

Article 10

54. Members asked what measures had been taken to revise school books or train educators with a view to eliminating discriminatory concepts and what had been done to reduce female illiteracy. The representative said that the concept of complementarity and gender equality would be promoted through education and that the subsequent report would contain detailed information on the measures taken in that respect.

55. Members inquired whether the gender-specific schools that had been mentioned in the report still existed both in urban and in rural areas and whether economic factors had not led to a coeducational school system. The representative explained that parents had the right to choose the form of education that they preferred for their children. There was no discrimination involved.

56. Bearing in mind the cultural diversity of the country, with some 23 different languages spoken, members asked whether the educational programmes took those cultures into account.

57. Further data were requested on the gender distribution in the various fields of study.

Article 11

58. As the country had ratified Convention 100 of the International Labour Organization (ILO), members would welcome assurances that its provisions were also being implemented and requested more information on the matter.

59. While women working in the formal sector were covered by the social security system, the majority of women worked in the informal sector and in domestic service and lacked social security coverage. It was suggested that relevant policies should be modelled on those of other countries where women working in the informal sector were incorporated into the social security system. Regarding the law governing the supply of child-care services for enterprises with more than 30 workers, it was said that the number should not be limited to female workers; otherwise, employers would not hire women so as not to have to comply with the obligations.

60. Members required further clarification on the reasons for the wage discrimination against women and asked whether women were mobilizing themselves to defend their rights under the Convention. Members also asked whether the differences in wages between women and men were equally large in the formal and the informal sectors, whether women working in the informal sector were entitled to maternity leave and pensions and could join trade unions and what programmes had been established to improve the situation of women in the informal sector.

61. According to the report, fines for firing a woman for becoming pregnant were so low that employers simply paid the fine and fired the woman. It was hoped that future reports would address that situation. Members asked whether women's work in the informal sector was reflected in national economic statistics and what the working conditions of women in the garment industries were.

62. The representative said that women could organize themselves freely. The fact that there were not many groups was a result of cultural factors and showed the satisfaction that women felt with their society.

Article 12

63. Members inquired about the Government's family-planning policy and asked whether the programmes were geared only towards rural women or also directed towards women in urban areas and indigenous women.

64. The representative said that the family-planning policy was given wide publicity and was open to anybody. Every small community had family-planning services. Indigenous communities had equal access, but they considered the practices harmful to their traditions and habits. They also tended to object to using contraceptives because they thought that their use was a birth control method specifically targeted at them to exterminate their culture and people. The representative explained that family planning had negative effects on the population. Women had been strongly discriminated against in that all of the preventive methods had been directed only against them. Indigenous women were not given information about the effects of contraceptives on their bodies and sometimes the donation of food was linked to the use of contraceptives. Birth control led to the breakdown of the society and the family. It also had a negative effect on youth and increased the number of households headed by single women.

65. The representative stated that her country was composed of many ethnic groups and was characterized by a sense of solidarity, family support and understanding and that, consequently, it would be desirable if economic support for population control were directed towards education programmes, which would improve living standards and lead to a more balanced growth of the population.

66. As abortion was a punishable offence, members asked what the sentences were.

Article 14

67. Members expressed concern at the unequal distribution of land in rural areas and inquired about the existence of any indentured conditions under which women worked, whether rural women had access to child and health care and whether they could own land and have access to credit.

68. Members commented that in Guatemala sexist notions, such as the "natural" role of women in the context of procreation, were still being reinforced. If such sexist attitudes prevailed, they would have adverse effects on the future of girls who would choose only traditional feminine careers. Members inquired about consciousness-raising campaigns that should enhance the social and economic role of women rather than their role in the family. The representative stated that the notions of the role of women in the family should not be changed. A misunderstanding of equality would not benefit any society. It was more important to encourage the idea of the complementarity of men and women.

Article 16

69. Commenting on the minimum age for marriage, which was 14 for girls and 16 for boys, experts said that such a provision encouraged child marriages and should be abolished with a view to setting the same legal age for both partners. In her reply, the representative quoted the judgement made by the Constitutional Court according to which civil rights were acquired with the attainment of majority. Entrance into marriage required that the couple had reached majority. The different age requirements for boys and girls were based on physiological and biological factors and on the interests of society. Consequently, the difference in minimum age was not considered to be unconstitutional.

70. Regarding the concern expressed by members about the family law, which was discriminatory to women as it contained a rigid description of the roles of women and men, thus reinforcing existing stereotypes, the representative stated that the legislature sought to protect the family, as it was the foundation of the State.

71. Members expressed the opinion that the legal provision according to which the husband remained the head of the family and a woman needed the husband's permission to take up outside activities was contrary to the provisions of the Convention and extended the patriarchal system. It was a source of basic discrimination against women and, although the Constitution provided for the right to work, the "husband's law" seemed to be superior to the basic law. Likewise, the family law spoke only of the obligation of women to look after the children and take care of the household, without also mentioning the husbands.

72. In reply the representative referred to the ruling of the Constitutional Court which said that men and women had equal family responsibilities in protecting the children. The law that gave the husband the right to represent his spouse in no way harmed the wife, especially as the role of head of the family could be assumed by the wife if the husband was unable to do so because he had either abandoned the household or been sentenced to imprisonment. The administration of property was carried out by common agreement between the spouses. The representative said that the provisions according to which the husband had to provide assistance to the wife and the wife

had the right and duty to care for minor children were in no way discriminatory; they were only meant to protect the wife. Neither of the two spouses could avoid their responsibilities towards their children. Women were not prohibited from taking on outside activities as long as such jobs did not prevent them from taking care of their minor children and the household and were not contrary to the purpose of marriage and the obligations inherent in maternity.

73. When members asked whether women had taken court action to claim their rights, whether any amendment of the law was planned and what the reaction of women's groups to that law was, the representative said that no claims had ever been entered to oppose the husband as the representative of the family.

74. The representative said that it was necessary for women to educate their sons to respect gender equality and that the responsibility for educating the children was shared.

75. In reply to the comment by the members that the criminal code was discriminatory as it penalized women more heavily than men for committing adultery, the representative said that the Government was currently trying to amend the discriminatory provisions of the code.

Concluding comments of the Committee

Positive aspects

76. The Committee commended the Government of Guatemala for having ratified the Convention without reservations, and they expressed great interest in the initiatives undertaken to bring about legal changes with a view to achieving equality of Guatemalan men and women in the context of efforts to restore peace.

Principal subjects of concern

77. The Committee indicated that the Government's failure to cooperate in funding travel for the person in Guatemala responsible for matters relating to women showed that it attached little importance to the subject; such situations probably did not arise in connection with Guatemala's obligations under other human rights treaties.

78. In their comments the Committee members mostly indicated that despite the efforts made there was a clearly discriminatory situation in Guatemala in which extremely stereotyped social, economic, political and cultural roles were assigned to men and women; that situation resulted in subordination of Guatemalan women in virtually all the areas and at all the levels covered by the articles of the Convention. Information was requested with respect to the application filed by the Procurator's Office in Guatemala, on grounds of unconstitutionality, for rescission of a number of articles of the Civil Code.

79. Almost all the members said that Guatemalan legislation, particularly the Civil Code, must be brought into line with the Convention, and that as a matter of priority it was necessary to focus on the provisions of article 16; the Code contained highly discriminatory provisions that restricted or violated the fundamental human rights of Guatemalan women, which the State was under an

obligation to protect as a result of its accession to the Convention and other human rights instruments safeguarding the rights in question. The members voiced similar concerns with regard to the Criminal Code.

80. The Committee expressed concern at the discrepancies that existed to the detriment of women with regard to education and employment, remuneration and involvement in economic activity; they also expressed concern about what was being done to prevent and punish violence against women, and about ways of dealing with prostitution.

81. In short, the members of the Committee commented that women did not appear to be a priority for the Government, that there was far-reaching legal discrimination, and that there was no information on initiatives to combat discrimination resulting from highly stereotyped cultural patterns or on the actual situation of women among indigenous ethnic groups. In general, they regarded the report as inadequate in the light of the recommendations made by the Committee in that connection. They expressed the view that the very wording of the report was sometimes discriminatory; that showed that the Government needed to review and adjust its approach so as to improve the situation of Guatemalan women.

Suggestions and recommendations

82. The Committee indicated that the following steps should be taken to improve the presentation of future reports:

(a) Reports should give a more detailed analysis of actual situations and provide figures and indicators; they should be less descriptive and focus less on regulatory matters;

(b) Reports should provide an analysis of all articles of the Convention and demonstrate what changes had taken place in the implementation of laws and programmes;

(c) The analysis should cover rural-urban and ethnic differences, which are a matter of great importance in Guatemala.

83. As a matter of urgency, the Government of Guatemala must bring its initiatives into line with the Convention. It must make a special effort to ensure that judges and other individuals involved in the interpretation and implementation of Guatemalan legislation, including legislators themselves, are familiar with the Convention, which is an integral part of Guatemala's legislation, with a view to bringing the provisions of the Constitution concerning equality, as well as legislation, judgements and programme initiatives, into line with the Convention and other international instruments safeguarding the human rights of women.

84. The Committee wished to know more about the status and capacities of national machinery.

85. As a matter of priority, Guatemala must make the most urgent legal changes so as to guarantee equality, particularly with regard to article 16 of the Convention.

86. The Committee therefore requested the Government of Guatemala urgently to take all necessary measures and adopt policies to improve the situation of women in Guatemala in compliance with the Convention and to report on those measures in its subsequent report.

87. It was suggested that the Guatemalan Government could request technical support for the preparation of its next report.

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163. The Committee considered the combined third and fourth report and the fifth periodic reports of Guatemala (CEDAW/C/GUA/3-4 and CEDAW/C/GUA/5) at its 577th and 578th meetings, on 12 August 2002 (see CEDAW/C/SR.577 and 578).

(a) Introduction by State party

164. In introducing the periodic reports, the representative of Guatemala noted that although some obstacles undoubtedly persisted, important achievements had been made, in particular those relating to women's reproductive health, rural women in the context of the strategy for poverty reduction and rural development, and emerging political participation by women.

165. In the legal sphere, the representative said that equality between women and men was enshrined in the Constitution, as was the predominance of international treaties and conventions over domestic law; in that connection, she noted the ratification of the Optional Protocol to the Convention in 2001 and the adoption of the following laws: Act on the Prevention, Punishment and Eradication of Domestic Violence, Act on Dignity and Integral Promotion of Women, Policy relating to the Advancement and Development of Guatemalan Women and Equity Plan 2001-2006, Act and Policy on Social Development and Population, Act on Urban and Rural Development Councils and Municipal Code.

166. Although women's oppression had been given greater visibility in the legal sphere, the representative of Guatemala noted that lack of knowledge of legislation and the weak judicial system in the country were ongoing obstacles in this connection. In that context, she listed various proposals for reforming the Labour, Civil and Penal Codes, which included measures for the protection of mothers and women subjected to sexual harassment, the characterization of violence against women as an offence and the expansion of the penalties set forth for traffic in persons, encouragement of and recruitment for prostitution, discrimination, and especially, the proposal for reforming the Elections and Political Parties Act, which establishes a system of quotas.

167. With regard to institutional mechanisms, the representative of Guatemala referred to the Presidential Secretary for Women and People's Advocate for Indigenous Women of the Presidential Commission on Human Rights, and to specific monitoring bodies at both the political and legal/administrative levels, and, especially, the establishment of the Office of the National Coordinator for the Prevention of Domestic Violence, responsible for coordinating work on preventing violence at the governmental level and in society at large. However, she noted that lack of trained human resources in specialized areas and weak coordination of national mechanisms were important difficulties that needed to be addressed.

168. In the area of education, the representative of Guatemala indicated that the State guaranteed equal opportunities in the granting of scholarships and educational aid. She also noted the adoption of the Act on the Dignity and Advancement of Women, which incorporated the specific rights of

women into the curriculum, scholarships for women and specific measures for women who drop their studies, and the establishment of the Subcommission on Gender of the Advisory Commission on Educational Reform in 2001. Other significant changes in that area were the increase in educational coverage for girls, the implementation of various types of affirmative action and the proposal for elaboration of a post-literacy programme on reproductive health.

169. In the area of health, the representative referred to the progress achieved in implementing various programmes, among which she cited the Programme on Reproductive Health, which included the Comprehensive Health Programme for Children and Adolescents with special attention to Indigenous Women, the Programme on Post-Abortion and HIV/AIDS Care at the hospital level, the rules for addressing domestic violence in the framework of an integrated health system and the establishment of the Responsible Fatherhood Network. She added that, although the fertility rate was tending to drop, health care for women was still fragmented and there was a lack of coordination in addressing the problems of violence against women and health.

170. The representative of Guatemala also noted that, in the labour sphere, current legislation guaranteed equal conditions of work for women and men, including the extension of postpartum maternity leave, prohibition of the dismissal of pregnant or breastfeeding women and access to non-traditional employment. The representative noted as significant changes the training of women workers in their rights and complaint mechanisms and the tripartite inter-institutional coordination body for the promotion and defence of women's labour rights, which was an important forum for dialogue between society at large and the State.

171. With regard to rural women, the representative of Guatemala noted in particular the Act and Policy on Social Development and Population and the Act on Urban and Rural Development Councils, which were an attempt to ensure participation by women in the formulation of development policies, access by women to productive assets, provision of basic infrastructure services in the poorest areas and the implementation and promotion of the Programme on Reproductive Health. Important changes in that area were: affirmative action for the education of girls in rural areas, the rising trend in access to credit and the quantitative and qualitative progress achieved by women in participatory processes.

(b) Concluding comments of the Committee

172. The Committee commends the State party for its combined third and fourth, and fifth periodic reports. It also commends the State party for the written replies to the questions of the Committee's pre-session working group. The Committee notes, however, that the reports were not drafted in accordance with the Committee's guidelines for the preparation of periodic reports.

173. The Committee congratulates the State party on the high-level delegation, headed by the Presidential Secretary for Women and including officials from various branches of the Government. The Committee appreciates the oral presentation of the delegation and the open and informative dialogue that took place between the delegation and the members of the Committee which sought to clarify the current situation of women in Guatemala and provided additional information on the implementation of the Convention. The Committee commends the State party

for its political will to implement the Convention in difficult circumstances of post-conflict reconstruction and shortage of resources.

Positive aspects

174. The Committee commends the State party for its ratification of the Optional Protocol to the Convention on 9 May 2002 and the acceptance of the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time, on 3 June 1999.

175. The Committee welcomes the efforts made by the State party to implement the Convention, as reflected in a range of laws, institutions, policies and programmes to address discrimination against women in Guatemala. The Committee particularly notes and commends the promulgation of the Act on the Prevention, Punishment and Eradication of Domestic Violence and the inclusion of a definition of discrimination in the Act on Dignity and Integral Promotion of Women of 1999.

176. The Committee commends the State party for involving women in the negotiation of the peace accords and for ensuring the incorporation of gender issues in the various components of those accords.

177. The Committee commends the State party for the steps taken to introduce co-ownership and the positive measures in granting housing subsidies to female-headed households.

Principal areas of concern and recommendations

178. Although noting that the existence of numerous national mechanisms at various levels is a positive step towards institutionalizing women's rights and gender mainstreaming, the Committee expresses concern at the apparent lack of coordination among them. The Committee also notes that the State party's reports were unclear about the mandate and levels of authority and resources (both financial and human) invested in each of those bodies.

179. The Committee recommends that the State party review and assess the coordination among its existing institutional mechanisms for the advancement of women and provide them with the necessary financial and human resources for the sustainability of the programmes initiated and include in the next report clearer information on this issue.

180. The Committee expresses concern that, while the State party's reports and its oral presentation contained extensive information on programmes and measures introduced for the development and advancement of women on the basis of equal opportunity, very little information was provided on the impact of those programmes and measures.

181. The Committee calls upon the State party to evaluate the impact of existing programmes and measures for the advancement of women and to include information on the results of such evaluations in its next report.

182. The Committee notes with concern that, while the Constitution refers to the principle of

equality, the terms “equity” and “equality” appear to be used synonymously in the State party’s reports and programmes.

183. The Committee calls upon the State party to recognize that the terms “equity” and “equality” are not synonymous and interchangeable and that the Convention is aimed at the elimination of discrimination and ensuring equality of women and men.

184. The Committee expresses concern about the ambiguity of laws dealing with prostitution, particularly child prostitution, which prohibit but do not establish sanctions commensurate with the gravity of the offences. It is further concerned about the high level of child prostitution and sexual exploitation of minors.

185. The Committee recommends that the State party review existing legislation relating to the criminalization of child prostitution and sexual exploitation of minors and take steps to implement its National Plan of Action against Commercial Sexual Exploitation of Children and Adolescents in Guatemala.

186. The Committee expresses concern that, while the human rights of women are explicitly recognized in a number of laws, there does not appear to be wide awareness among women of their rights under these laws or the means by which those laws can be enforced. The Committee notes that, despite the introduction of protections and social security rights in the area of labour, including domestic workers and those working in the *maquila* industries, this legislation is not complied with or enforced and that some employers in this industry require women seeking employment to undergo pregnancy tests. The Committee notes that non-enforcement of such labour legislation constitutes “discrimination of effect” as defined in article 1 of the Convention.

187. The Committee calls upon the State party to ensure that State authorities implement all current legislation concerning women’s human rights, in particular labour legislation through proactive investigations of alleged violations of female workers’ rights and take measures to strengthen the enforcement powers of labour inspection authorities. The Committee further urges the State party to take appropriate measures, including the promotion of stronger private sector codes of conduct, to ensure compliance with existing legislation, in particular with regard to the rights of women enshrined in the Convention, which forms part of Guatemalan law. The Committee also calls upon the State party to take steps to raise awareness among women of their legal rights and the means by which those rights can be enforced.

188. While the Committee welcomes the development by the National Office for Women’s Affairs of a methodology for eliminating sexual stereotypes in teaching materials and school textbooks, and the creation of a multisectoral commission for the application of the methodology, it expresses concern at the persistence of stereotypes concerning the role of women in the family and society. It notes that those stereotypes are particularly strong within the indigenous population. The Committee is also concerned that, notwithstanding the various efforts being made to achieve equality between women and men through legislative reform, the execution of gender-sensitive programmes, the training of officials and the creation of national machineries, the persistence of such stereotypes will impede the advancement of women in Guatemala, in particular among

indigenous women, and the enjoyment of their human rights.

189. The Committee urges the State party to make the raising of awareness among the general public of the rights of women a priority in its strategy for the advancement of women by building upon existing media campaigns and introducing new awareness-raising and education campaigns on various women's human rights issues. Such campaigns must target men as well as women at all levels of society in particular among the indigenous population.

190. Although recognizing the introduction of temporary special measures for the advancement of women in the area of education, the Committee notes the reduced participation of women in political activities, in particular the minimum participation in the Congress and at decision-making levels in both the public and the private sectors.

191. The Committee recommends that the State party strengthen current measures and adopt and implement further measures in accordance with article 4.1 of the Convention to promote women's participation in public and political life in Guatemala, in particular by promoting the adoption of the proposed quota system for women candidates in the next five federal elections, offering or supporting training programmes for current and future women leaders and undertaking awareness-raising campaigns on the importance of women's participation in decision-making aimed at decision makers in both the public and private sectors.

192. The Committee expresses concern about the high rate of infant and maternal mortality in Guatemala.

193. The Committee recommends that the State party make every effort to increase access to health-care facilities and medical assistance by trained personnel, particularly in rural areas and especially in the areas of pre- and post-natal care.

194. The Committee also expresses concern about the limited autonomy that women have over decisions on the number and spacing of their children, and the limited sex education and knowledge of family planning. The Committee is also concerned about prevalent social attitudes that measure a man's masculinity by the number of children he fathers.

195. The Committee calls upon the State party to improve its family planning and reproductive health policy and programmes by, inter alia, making affordable contraceptive means widely available and accessible to both women and men, in particular in the rural areas. It encourages the State party to redouble its efforts to eliminate the view that the sole role of women is reproduction, as stated in its combined third and fourth periodic report.

196. The Committee expresses concern about the disparity between the legal age of marriage for girls and boys, which is discriminatory. The Committee is further concerned that the minimum age at which a girl can legally contract matrimony — 14 years — is too low and can impact negatively on their health and impede their education.

197. The Committee urges the State party to take steps to remove the disparity in the legal age of

marriage of women and men and take measures to raise the minimum age of marriage for girls, in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State party to develop awareness campaigns on the negative implications of early marriage on the health and education of girls.

198. The Committee notes with concern the persistence of illiteracy among certain groups of women in Guatemala, particularly among the indigenous population.

199. The Committee calls on the State party to enhance its efforts to combat illiteracy, especially in the rural areas and among indigenous people, and to develop more programmes to address illiteracy among adult women.

200. The Committee expresses concern about the lack of information provided in the State party's reports and oral presentation about the number and the levels of women in the academic field and the distribution among different disciplines.

201. The Committee calls upon the State party to include information on these issues in its next periodic report.

202. The Committee notes with concern the high incidence of child labour in Guatemala, in particular among girls, and its implications for their personal development and enjoyment of the right to education and health care.

203. The Committee urges the State party to take steps to ensure that all children, especially girls, have access to basic education, health care and the protection of minimum labour standards elaborated by the International Labour Organization.

204. The Committee notes with concern that the Guatemalan health care system has no mental health programme specifically for women. It is also concerned about the lack of information on the incidence and possible impact of drug and substance abuse on women and gender relations in Guatemala.

205. The Committee recommends that the State party take steps to introduce a mental health care programme for women, particularly in view of the specific traumas suffered by women in conflict situations, such as that which took place in Guatemala for more than 30 years. The Committee also calls upon the State party to include in their next report information on the incidence and possible effects of drug and substance abuse among women in Guatemala.

206. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session),

the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

207. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

208. The Committee requests the wide dissemination in Guatemala of the present concluding comments in order to make the people of Guatemala, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".