



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
12 September 2008

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-third session

19 January-6 February 2009

List of issues and questions with regard to the consideration of periodic reports

Guatemala

The pre-session working group considered the seventh periodic report of Guatemala (CEDAW/C/GUA/7).

Legislation, machinery for the advancement of women and national plans

1. In its concluding observations to the sixth periodic report, the Committee encouraged the State party to amend its definition of discrimination in line with article 1 of the Convention. According to paragraph 84 of the State party's report, this has not been achieved. Please indicate the efforts made to revise the existing legislation and the difficulties encountered.
2. In its previous concluding observations, the Committee encouraged the State party to revise the discriminatory provisions in the Civil, Penal and Labour Codes so as to bring them into conformity with article 2 of the Convention. According to paragraph 84 of the State party's report, no progress has been made in this respect. Please indicate the reasons for the delay in revising such laws.
3. Paragraph 84 of the report refers to the absence of concrete measures to ensure the enforcement and implementation of laws and decrees. Please provide information on the measures which are being considered by the State party to remedy this situation.

Violence against women

4. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, the female homicide rate increased by 117 per cent from 2001 to 2006. Please explain the causes of this trend, and whether the measures and strategies which have been taken to reverse it, as indicated in paragraphs 168 to 178, have shown any positive results. Please also provide information on how many of these

murders are investigated, and how many of them result in the conviction of the perpetrator.

5. Please provide updated information on the Framework Law on Violence against Women (Ley Marco de Violencia Contra las Mujeres) mentioned in paragraph 74 of the report, as well as on its content. Please also provide detailed information on the content of the Law on Femicide (Ley del Femicidio), referred to in paragraph 73 of the report which, according to paragraph 75, was pending at the time of the report's submission. Please provide information on how the compliance with these laws has been monitored since their entry into force.

6. Please indicate the results of the measures taken to prevent violence against women and femicide described in paragraphs 175 to 177 of the report, as well as on the implementation of paragraph 24 of the concluding observations of the Committee.

7. Please describe the process of establishment of the inter-institutional committee, composed of members of the three branches of Government and entrusted with the monitoring of the strategy designed by the Commission on Femicide as indicated in paragraph 178.

8. Please provide information on data and conclusions of any relevant study undertaken by the State party with regard to violence against women, specifically women with disabilities and women in detention.

9. Please provide detailed information on the pending legal reform providing a new, broadened definition of rape as indicated in paragraphs 85 and 227 of the State report.

10. In its concluding observations to the sixth report, the Committee urged the State party to criminalize domestic violence. According to paragraphs 85 and 227 of the State party's report, criminalization of domestic violence is pending. Please indicate which steps have been taken towards criminalization of domestic violence.

Trafficking and exploitation of prostitution

11. Please provide detailed information about the results of the legislative reforms and measures taken to combat and prevent trafficking, particularly with respect to women and girls.

12. Paragraph 281 of the State party's report refers to a comprehensive bill for the protection of victims of trafficking which is being drafted by the Inter-Institutional Commission. Please provide information on its content and the time frame envisaged for its adoption.

13. Please provide information on any actions already taken, or envisaged, to remove the ambiguities in the legislation regarding prostitution, including child prostitution, as mentioned in paragraph 84 of the report.

Stereotypes and education

14. Please describe any follow-up from the media-monitoring project which resulted in the study mentioned in paragraphs 266 and 267 of the State party's report concerning violence against women, domestic violence, sexuality, maternal mortality, abortion, HIV and discrimination.

15. Please provide statistical information concerning the percentage of girls who complete secondary education and higher education, including information about rural and indigenous girls.

Political and public life

16. Please provide information on the current status of the legislative proposal 2027 to introduce amendments to the Elections and Political Parties Act (Ley Electoral y de Partidos Políticos) establishing a quota system as mentioned in paragraph 252 of the State party's report.

17. Please indicate whether any of the actions recommended by the Congressional Committee on Women (Comision de la Mujer) in paragraph 335 of the report have been undertaken or envisaged, such as increasing the participation of women in the political and public life, reforming legislation which discriminates against women; ratifying conventions related to gender and conducting awareness campaigns.

Employment

18. Please provide information concerning the status of the Act against Sexual Harassment (Ley Contra el Acoso Sexual y Hostigamiento) and the Act regulating Domestic Workers (Ley Reguladora de la Trabajadora de Casa Particular), which according to paragraph 409 of the State party's report are pending before the Congress.

19. Please provide the conclusions from the study on domestic employment, Estudio sobre el Trabajo Doméstico Remunerado, which, according to paragraph 108 of the State party's report, should have been concluded in April 2008.

20. Please provide information concerning the results of the efforts taken in order to improve the working conditions of women in the maquiladora industries, where their human rights are frequently violated, particularly in relation to safety and health, including through lack of proper hygienic facilities.

Health

21. Please indicate the results and the follow-up of the study on mortality in women of childbearing age that was completed in December 2007, as mentioned in paragraph 452 of the State party's report, especially related to indigenous and rural women.

22. Please provide information on the availability of reproductive and sexual health programmes and family planning services for women and girls, as well as access to affordable contraceptives. Please also explain what outreach programmes have been put in place to specifically address the needs of rural and indigenous women.

Marriage and family relations

23. Paragraph 617 of the State party's report indicates that Guatemala's legislation in civil matters and matters of legal capacity enshrines the legal equality of women and men as established in the Constitution, article 4. Paragraph 621 mentions that the State party has positive domestic law on equality on marriage and family relations. In light of these principles, please explain the concept of head of

household and how it relates to the above-mentioned legislation as well as to article 2 of the Convention.

24. With reference to paragraph 624 of the State party's report, minimum age for marriage is 14 years for girls and 16 years for boys. Please indicate if any measures have been taken to increase the minimum age for marriage for girls, in accordance with the Convention on the Rights of the Child. Please provide information on measures to prevent and eliminate the practice of early marriage.

25. According to paragraph 625, the Presidential Secretariat for Women (SEPREM) made an analysis of the civil law governing family relations and marriages and drew up a proposal to amend the Civil Code and the Courts Act. Please provide information on any steps undertaken by SEPREM in order to revitalize the process.

Indigenous and rural women

26. Please provide detailed information, including statistics, concerning the results of the actions taken to improve the conditions of indigenous women described in Box 3 of the State party's report.

27. With reference to paragraph 182 of the State party's report, please provide statistics on the percentage of indigenous women who have access to justice in their own language or a language they understand.

28. With reference to paragraph 618 of the State party's report, please indicate if any concrete actions have been taken in order to ensure that all rural women are registered with the authorities and obtain an identity document in order to get access, inter alia, to education, work and health services.
