



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-third session

Summary record of the 882nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 3 February 2009, at 10 a.m.

Chairperson: Ms. Gabr

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Seventh periodic report of Guatemala

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Seventh periodic report of Guatemala
(CEDAW/C/GUA/7, CEDAW/C/GUA/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Guatemala took places at the Committee table.*

2. **Ms. Escobedo** (Guatemala), introducing the seventh periodic report of Guatemala (CEDAW/C/GUA/7), said that the Guatemalan economy had historically been based on agricultural production and exports, and had suffered through periods of crisis over the years, despite Government policies. That model had resulted in economic, social and cultural relations within society that were totally unequal and excluded the indigenous and rural populations from development. Currently, 51 per cent of the population lived in poverty, with 15.2 per cent in extreme poverty; women represented 51 per cent of the population, and 33 per cent of women were indigenous.

3. The current Government, which had taken office in 2008, was attempting to implement a new model of political, social, economic and cultural development aimed at the sustainable development of all its citizens and ending marginalization. Meeting the basic needs of the rural population and marginalized groups in urban areas had been the priority during its first year in office. The new Government was making efforts to design public policy from a women's rights perspective, which represented a substantive difference from preceding administrations. Among its first acts, it had confirmed and strengthened the mandates of the national mechanisms for the advancement of women, including the National Office for Women's Affairs, the Presidential Secretariat for Women (SEPREM), the Office of the Defender of Indigenous Women (DEMI) and the National Commission for the Prevention and Eradication of Domestic Violence and Violence against Women (CONAPREVI). Inter-institutional coordination among those bodies, aimed at combining their efforts and providing mutual support, was another priority.

4. As the highest-ranking Government agency for the advancement of women, the Presidential Secretariat for Women (SEPREM) had identified several strategic areas for its work. One of those areas was the

strengthening of the consensus among women's organizations in civil society, in line with the 100 Days for Women Plan introduced in March 2008. It would also support the National Plan for the Advancement and Integral Development of Women (PNPDIM) as the road map for Government action on women's rights. Another major goal was to advance a legislative agenda, arrived at by consensus among institutions and civil society, aimed at removing provisions of existing legislation that ran counter to the Convention and other international instruments on women's rights and promoting the proposed equal opportunities plan. Women's contribution to the economy must also receive greater recognition and be included in national accounts. Elimination of discrimination against women by eradicating gender stereotypes and changing attitudes and mentalities in society was another major focus of its efforts.

5. As part of efforts to combat poverty, extreme poverty and social exclusion, the food security and nutrition strategy targeted to the most vulnerable local communities was accompanied by a supplemental programme to give food aid and cash grants directly to women to enable them to feed their families. Another programme targeted elderly women, widows and large families at highest risk for food insecurity. The so-called "Community Kitchens" provided meals and medical and dental care to impoverished mothers, street children, child workers and other marginalized and vulnerable groups in urban areas.

6. In another important process, efforts were being made to implement a strategy to involve women in the production sector, in conjunction with the Ministry of Agriculture and the Ministry of the Economy and Finance. Women's agricultural cooperatives had been formed and technical assistance provided to 16,000 women. The Ministry of Labour had organized a series of national discussions and workshops for women in the garment industry.

7. Violence against women was the major obstacle to their empowerment. No woman could participate and take leadership in society if she was afraid. Gender violence was the worst scourge of Guatemalan society, and its most extreme form, femicide, had brought the country to a point of crisis. Through the efforts of the National Commission for the Prevention and Eradication of Domestic Violence and Violence against Women (CONAPREVI), the United Nations Special Rapporteur on Violence against Women had visited

Guatemala in 2004. She had recommended that State institutions for women's rights should be strengthened, mandates of the national mechanisms for the advancement of women clearly defined in order to avoid duplication and enhance coordination, and the National Plan for the Prevention and Eradication of Domestic Violence 2004-2014 and the PNPDIM 2008-2023 should be coordinated and harmonized. The current administration had conducted an analysis of the situation in order to define the way forward. A major advance was the adoption in April 2008 of the Act against Femicide and Other Forms of Violence against Women. It had been an encouragement to women to know that the National Congress had acted to guarantee their right to life, liberty, integrity and dignity. The Government intended to make the Act more than just words on paper; it must be a living instrument that would have an impact on women's lives. The Act had designated CONAPREVI as the coordinating and supervising institution for action to reduce domestic violence and violence against women, and that mechanism had begun to provide gender-awareness training for the judiciary and civil service and had developed a National Plan as a road map for implementation of the Act. One of the first results of the National Plan was the signing in November 2008 of a declaration of zero tolerance for violence against women by the heads of all three branches of Government — executive, legislative and judicial — and by nine public institutions. The declaration was an endorsement at the highest level of the political will to address the problem of violence against women in a practical way.

8. Training had been provided for 860 officials of the judiciary, the Public Prosecutor's Office and the National Police in addressing violence against women, and six publicly funded support centres for survivors of violence had been established. The National Statistical Institute was working on a National Information System on Violence against Women which would provide data to help in defining policies and priorities.

9. Progress had been made in strengthening the legislative framework for the advancement of women and amending laws to bring them in line with international commitments to women's rights. For example, sexual harassment in the workplace or in educational institutions currently was not classified as a crime, but was included in the package of proposed reforms to the Criminal Code under consideration by

the National Congress. The new Act on Femicide and Other Forms of Violence against Women also addressed sexual harassment. Efforts were under way to reform the Civil Code, which discriminated against women in the areas of minimum age of marriage and property rights. One of the major goals was to remove all provisions allowing mediation in domestic violence cases.

10. Trafficking in persons was a highly sensitive issue in Guatemala. The establishment of the Inter-Institutional Group to Combat Trafficking in 2007 represented a major step forward, along with the implementation of the public policy and strategic plan of action for 2007-2017 for the prevention, elimination and punishment of trafficking in persons in all its forms and protection for its victims.

11. Women's health was another priority for the Government, which saw it as a pillar in its strategies to promote productivity, competitiveness and social development. Reducing maternal and infant mortality rates and controlling the spread of HIV/AIDS, which could be linked to sexual violence, were particular priorities. A National Reproductive Health Programme was also in effect.

12. Women's participation in political life was another avenue of empowerment and was highly important to the Government. There was far to go in achieving gender parity in leadership and decision-making, but significant progress was being made at the local and community levels through the local development councils and municipal women's offices.

Articles 1 to 6

13. **Ms. Šimonović** said that although the Convention was considered the strongest available legal tool for the protection of women's rights in Guatemala and was directly applicable before the courts, she was curious about the lack of case law invoking the Convention and the fact that discriminatory laws still remained in effect. The definition of discrimination in article 1 of the Convention should be reflected in all relevant legislation prohibiting discrimination. She would like to know if a clear time frame for repeal of the remaining discriminatory laws had been established.

14. **Ms. Arocha Dominguez**, turning to article 3 of the Convention on the national machinery for the advancement of women, said that the mandates of the group of institutions in that area appeared to overlap,

and she would be interested to know if SEPREM, as the highest-ranking body, was responsible for their coordination. The relationship between CONAPREVI and SEPREM with regard to the application of the new Act against Femicide should also be clarified. It was also unclear how the departmental and municipal women's offices were supervised. Finally, although some special temporary measures had been put into effect, the Committee's general recommendation No. 25 could be useful in identifying other areas where such measures would be appropriate.

15. **Ms. Escobedo** (Guatemala) said that harmonization of national legislation with the Convention was an area where progress had been difficult because the patriarchal system remained in effect. Plans for addressing the legislative agenda for the advancement of women in 2009 included the formation of a group composed of women's organizations and deputies in the National Congress to put together a joint package of legislation for the advancement of women, with the goal of securing the adoption of three items of legislation each year.

16. The mandates of the institutions forming the national machinery for the advancement of women did indeed overlap, but each body represented an achievement in the history of Guatemalan women, and there were no plans to consolidate any of those bodies. Coordination was sometimes difficult, but was aided by the cooperation agreements entered into by various institutions. CONAPREVI was an independent body that was not subject to the authority of SEPREM, although the latter was a member of its coordination mechanism. SEPREM had responsibility for administering the budget of the various women's institutions. It was also working to ensure the administrative autonomy of CONAPREVI as a mixed organization with the participation of civil society.

17. **Ms. Stallings** (Guatemala) said that international human rights instruments were valued in Guatemala and prevailed over domestic law, but because the country lacked enabling legislation explicitly prohibiting discrimination, their application was difficult.

18. **Ms. Robles** (Guatemala) said that CONAPREVI was the coordinating body for policy, prevention, care for victims and sanctions for violence against women. It was an example of coordination between women's civil society organizations and the State and a

paradigm for efforts towards the consolidation of peace. After decades of armed conflict, the fabric of Guatemalan society had been weakened. Plan NOVI, which embodied a vision for the elimination of violence against women, had been established in 2001, with the task of performing an analysis of the problem. After that exercise, the State and civil society had come up with a consensus plan to address the causes and consequences of violence against women, which had culminated in the adoption of the Act against Femicide and Other Forms of Violence against Women. An increase in the staffing and budget available to CONAPREVI was another indication of the political will to address that scourge.

19. **Ms. Escobedo** (Guatemala) said that the Guatemalan State was concentrated and centralized, with a lack of mechanisms for supervision of the municipal and departmental women's offices. SEPREM worked with the various women's civil society organizations having local representation to ensure that supervision. The national development plan was broken down into microcomponents through municipal development plans that included projects for women. Annual reports on the municipal development plans were submitted, and the activities of the women's offices were included.

20. **Ms. Coker-Appiah** said that gender role stereotypes where men were seen as superior with women under their control and domination remained strong. The measures taken did not seem to reach the most vulnerable groups, which included indigenous women and women of African descent. She asked when the textbooks revised to eliminate gender stereotypes would be available, if they would be published in indigenous languages as well as Spanish, and what efforts were being made to reach the most vulnerable groups in their own languages.

21. **Ms. Šimonović** asked if additional resources or technical assistance were needed for the implementation of the new Act against Femicide. She would also like to know if the Act covered sexual harassment, and if so, what were the rates of prosecution.

22. **Ms. Pimentel** said that despite major efforts and the adoption of the Act against Femicide, rates of femicide were not dropping, and she expressed concern at the high level of impunity for perpetrators. Women's difficulty in access to the justice system and their fear

of reporting crimes must be overcome, with particular attention to indigenous women. She would also like to know if any attention was being paid to violence against lesbian women.

23. **Ms. Rasekh** said that, as Guatemala was a country of origin, transit and destination for trafficking in persons, she was pleased to learn that it had ratified the United Nations Convention on Transnational Organized Crime and its relevant protocols. Conflicting information had been presented in the report, however. The Government and legislature had made efforts to combat trafficking and had entered into regional agreements, but a lack of appropriate legislation and low levels of reporting of cases of trafficking had also been mentioned. She asked the delegation to elaborate on Government measures to prevent trafficking in persons and to provide assistance to victims. Further, she would like to hear about measures to prevent prostitution of young indigenous women in tourist areas.

24. **Ms. Chutikul** asked for more information on the actual operations of the Inter-Institutional Group against Trafficking in Persons. She wondered if the national plan to combat trafficking included any provisions for severe punishments or provided for temporary residence permits for undocumented women and children. She would also like more information about the number of indigenous women trafficked, whether the main purpose of trafficking in women was for forced labour or prostitution, and whether there was any system for collection of data on individuals involved in sex tourism by ethnicity or country of origin.

25. **Ms. Escobedo** (Guatemala) said that awareness campaigns to overcome patriarchal values had been undertaken. The linguistic diversity of indigenous groups was recognized in education, although many indigenous languages did not have a written form. The revision of textbooks had been in progress since the 1980s, and although much remained to be done, the teachers themselves had a major effect in supplanting gender role stereotypes. Working through the educational system was part of the national strategy for mainstreaming of a gender perspective, and the National Educational Council included in its membership representatives of women's organizations. Radical change was not expected during the implementation of the current four-year plan, but steady progress would continue, especially through the

increased availability of free primary education, and school enrolment rates were expected to rise.

26. In the justice sector, the Act on Femicide and Other Forms of Violence against Women gave specific mandates to certain institutions, and the funding for implementation of those mandates came from the institutions themselves, making coordination and harmonization of the national and international cooperation budgets even more important.

27. **Ms. Stalling** (Guatemala) said that a working group composed of representatives of civil society, the National Congress and CONAPREVI had been formed to oversee the implementation of the Act, with financial support and technical assistance from the European Union. The provisions of the Act concerning sexual harassment had faced opposition from most of the male members of the Congress, and the only provision on sexual harassment in the Act as adopted addressed attempting to resume a relationship or return to a former partner by force.

28. Since the adoption of the Act in April 2008, 423 cases of violence had been opened, with 25 classified as femicides. The first case of femicide had been brought before the courts; most were ruled to be simple homicides. A free legal assistance programme for women victims of domestic violence was available to accompany women either before the criminal court or the family court. The domestic violence emergency call centre had handled 1,956 calls since October 2008. Three rape cases had gone to trial; all three defendants had been convicted.

29. **Ms. Castillo** (Guatemala) said that many domestic violence complaints were brought before the local justices of the peace and family courts, which worked with the Public Prosecutor's Office to report domestic violence cases, provide an immediate medical examination for victims and transmit the report to the Office electronically, and ask for immediate emergency security measures for the victim. The cases were then brought before the criminal court for further action. Three mobile courts had been established that travelled to public places where women gathered — markets, for example — on a published schedule to offer them access to mediation services. Mediation was not available for cases involving violence, however. The special courts established under the Act against Femicide had not yet been funded, and training was needed for judges on the content of the Act. It was

hoped that women would gain confidence in the judicial system and would no longer be afraid to seek justice through the courts.

30. **Ms. Escobedo** (Guatemala) said that there was currently no specific law on trafficking. The initiatives for such a law made it clear that it should be comprehensive and include trafficking in women as well as children. The problem of trafficking was practically invisible in Guatemala, and few statistics were available on its scope. Available information indicated that women were trafficked as sex workers and as domestic labour; the border area with Mexico was the location of most such activity. The National Civil Police had been accused of sexual abuse against trafficking victims in detention in the past, but the new Chief was a woman who was dedicated to raising awareness and increasing gender sensitivity among police officers.

31. **Ms. Robles** (Guatemala) said that indigenous women who were victims of violence could rely on the culturally sensitive victim support centres established by CONAPREVI. As the national coordinator for policy on violence against women, CONAPREVI needed greater administrative and financial autonomy in order to fulfil its mandate.

32. **Ms. Chutikul** said that, in efforts to change attitudes and values regarding violence against women and the patriarchal society, informal education through parenting and socialization of boys and girls and choosing positive rather than violent methods of discipline could be even more effective than the formal educational system.

33. **Ms. Rasekh** asked what legal and administrative actions the Government had taken to protect women from sexual harassment in the workplace, given that poverty usually inhibited women from making complaints. Were any confidential complaint mechanisms available?

34. **Ms. Pimentel** asked about the level of training to be provided to judges of the specialized courts to be set up under the Act against Femicide. She reiterated her query regarding attention and services to lesbian women victims of violence.

35. **Ms. Arocha Dominguez** said that the process of adopting the Act against Femicide would have provided a good opportunity to raise the issue of harmonizing domestic laws with the definition of

discrimination as contained in the Convention, and she hoped that future opportunities would be taken advantage of. She would like to know if any special programmes addressed the double discrimination against indigenous women. Finally, she asked if the laws governing international adoption contained sufficient protection to prevent adoptions from simply becoming the sale of children.

36. **Ms. Ameline** said that the National Congress was being called on to play the lead role in the coming months regarding the passage of the act on discrimination against women, and she was curious to know what lessons had been learned from the problems encountered in the adoption of the Act against Femicide and Other Forms of Violence against Women. She wondered if the structures for women in the National Congress could be strengthened in order to overcome the resistance encountered there.

37. **Ms. Escobedo** (Guatemala) said that the patriarchal system did not recognize sexual diversity, and there was much repression and violence against members of the lesbian, gay and transgendered community. Little progress had been made, but SEPREM had met with representatives of those groups and discussed the need to work together.

38. Radio programmes in indigenous languages were part of the educational strategy to change societal attitudes towards violence. Other programmes were targeted at changing the paradigms and images in the civil service, where many discriminatory practices remained. Some administrative procedures and regulations were available to members of the civil service to combat sexual harassment, although there was no public policy in that area and no measures that applied to the private sector. The new law on adoptions had led to an 80 per cent drop in international adoptions in the past year because of new and more stringent legal requirements. Regarding resistance in the National Congress, she said that the political parties had formed a women's forum, which agreed on and promoted a legislative agenda.

39. **Ms. Cú** (Guatemala) said that the Government had established an office for indigenous women under the Presidential Office for Human Rights in 2007. In 2008, that office had provided culturally appropriate social, legal and psychological services to 2,894 indigenous women.

40. **Ms. Stalling** (Guatemala) said that the Office of the Human Rights Defender investigated complaints of sexual harassment in the workplace and ordered internal disciplinary measures where available. Article 7 of the Act against Femicide allowed cases involving sexual harassment to be brought to the Public Prosecutor's Office as well. A special programme in support of indigenous women provided culturally appropriate laws, courts and penalties in such cases, as well as providing court interpreters in the major indigenous languages.

41. **Ms. Robles** (Guatemala) said that the atmosphere for application of the Act against Femicide had improved markedly as a result of dialogue and training provided to all members of the judiciary and its inclusion in the curriculum of the judicial training school. Inter-institutional coordination was vital to the application of the law. CONAPREVI also needed to be strengthened so that it had the capacity to conduct more studies and discussions on strategies for implementation.

42. **Ms. Castillo** (Guatemala) said that efforts were under way in mayors' offices around the country to educate youth in non-violence in order to prevent lynchings, combat gender stereotypes and teach young men non-discrimination and non-violence towards girls. She noted that in 2008, a judge had been convicted of sexual harassment and removed from office.

Articles 7 to 9

43. **Ms. Jaising** said that women had the legal right to vote, but the actual number of women voters was low. The major obstacle seemed to be a lack of identity documents needed for voter registration, and she asked when each citizen would be able to receive an identity card that would allow participation in public life. She would also like to hear about any special efforts to register women to vote, and whether local languages were covered. Only 12.6 per cent of candidates for local office were women, and the numbers dropped for higher offices. She asked what could be done to address women's restricted opportunities for participation in public life and the lack of political will in that area. Despite decentralization efforts, women's participation in municipal bodies was also low, and she wondered if any quotas for women had been established in local elected bodies. She also asked for more information about the participation of women in

international organizations and in the diplomatic service.

44. **Ms. Escobedo** (Guatemala) said that women's political participation remained a major challenge. Decentralization had opened up opportunities for participation of women at the local level, for instance in the community development councils, but in ministerial and elected posts the number of women was actually declining and men still held most decision-making positions.

45. The new system for issuance of identity documents had been in effect for five months, and was still undergoing a transition period. The Supreme Electoral Tribunal had taken initiatives to increase the participation of women in elections, but in the patriarchal mindset, one more woman represented one less man, and resistance remained strong.

46. **Mr. Martínez Alvarado** (Guatemala) said that the laws governing the diplomatic service dated from the 1960s and were thus 40 years out of date. Out of 34 Guatemalan embassies, 7 or 8 were headed by women ambassadors; of the 11 consulates in the United States of America, which served the large Guatemalan immigrant community there, 5 were headed by women, although the staff was approximately 50 per cent female.

The meeting rose at 1 p.m.