



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-fifth session

Summary record of the 726th meeting

Held at Headquarters, New York, on Thursday, 18 May 2006, at 3 p.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Pimentel, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

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

Sixth periodic report of Guatemala (continued)
(CEDAW/C/GUA/6, CEDAW/C/GUA/Q/6 and Add.1)

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

Articles 1 to 6 (continued)

2. **Ms. Núñez** (Guatemala), responding to questions put at the previous meeting, said that the President of the Republic and heads of the legislative and judicial branches had issued a joint statement expressing their support for the Committee to Combat Femicide. An agreement to strengthen the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) had also been signed. A formal investigation into the causes of femicide had not yet been conducted but it was assumed that family violence and organized crime were critical factors.

3. With respect to human rights education, the law school curriculum contained a course on human rights which included the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol.

4. Regarding the comment made by Ms. Gaspard, she said that every effort would be made, in future, to address the Committee's recommendations.

5. **Ms. Altolaquirre** (Guatemala) said that under the Constitution international human rights treaties and conventions took precedence over domestic legislation and article 44 provided that the rights contained in the Constitution did not exclude other rights for the protection of persons. The judiciary were aware of the Convention and had begun to invoke it in their decisions.

Articles 7 to 9

6. **Ms. Popescu** said that it was encouraging that the Presidential Secretariat for Women (SEPREM) had undertaken numerous joint projects with women's organizations. At the same time, it should be borne in mind that the primary responsibility for initiating projects lay with the Government, rather than with non-governmental organizations.

7. As regards the participation of women in public and political life, she was alarmed that women were seriously underrepresented at the local level and recalled that the Committee had recommended the use of quotas and temporary special measures. She would be grateful to receive information on the status of the draft bill to amend the law on elections and political parties, which had been submitted to Congress in 2005, and asked what measures were being taken to ensure its adoption. Finally, the report had mentioned that the misogynistic attitude of Guatemalan men was an impediment to female participation in public life. Lack of funding for female candidates was also an issue. She wondered whether the Government had developed any programmes specifically for men, with a view to changing such attitudes, and whether it had taken measures to provide financial backing for female candidates.

8. **Ms. Núñez** (Guatemala) said that SEPREM and other Government bodies were cooperating with women's organizations to promote female participation in public life. The draft bill on quotas had been submitted to Congress but had not been placed on the legislative agenda.

9. Access to education was a key factor in the participation of indigenous and rural women in public life. The gap between the number of boys and girls attending primary school had narrowed considerably during the past 10 years, but further progress was clearly needed. SEPREM had launched a successful pilot project to train indigenous women in public affairs and, with the support of the United Nations Population Fund and the National Statistical Institute (INE), had begun to develop training programmes and workshops to promote male awareness of women's issues and rights. Finally, the Government had set up local programmes to identify potential productive activities for indigenous and rural women and had developed actions to provide training and technical

advice for women who wished to manage a business of their own.

10. **Ms. Belmihoub-Zerdani** said that she was pleased that Guatemala had ratified the Convention and the Optional Protocol without reservations. She hoped that the women's coalition in Parliament would succeed in promoting women's interests and proposed that sanctions should be imposed on any political party that did not include women.

11. **Ms. Núñez** (Guatemala) said that it was hoped that the new electoral law would provide for such sanctions.

12. **Ms. Montenegro** (Guatemala) said that although the female deputies had lobbied extensively in favour of the draft bill to amend the electoral law, they had had limited success as they accounted for only 14 of the 158 members of Congress.

Articles 10 to 14

13. **Ms. Saiga**, noting that the illiteracy rate was alarmingly high, said that the Government should develop adult education programmes. Given that only about 30 per cent of elementary school children reached sixth grade, she wondered whether the Government had conducted a study on the fate of those who dropped out. It was particularly disturbing that continuing education programmes had not been developed for pregnant teenagers.

14. **Ms. Popescu**, referring to article 11, asked what the Government had done to bring those of its employment laws that were still discriminatory against women into line with international labour standards. A number of proposed reforms in the field seemed to be stalled: she would like information on the current status of the Congressional bill to ratify International Labour Organization (ILO) Convention No. 155 concerning Occupational Safety and Health and the Working Environment; the 37 proposed legislative reforms in the area of employment outlined in the report (CEDAW/C/GUA/6, para. 81); the bill pending since 2002 on the criminalization of sexual harassment; and the proposed amendment of article 139 of the Labour Code, which was highly discriminatory against rural women and had been declared unconstitutional. Indigenous women, not least because of the consequences of the expropriation of indigenous lands, were particularly vulnerable to multiple forms of discrimination.

15. **The Chairperson**, speaking in her personal capacity, asked what strategy the Government was following to improve the deplorable situation in the *maquila* industry — a problem common to many Central and Latin American countries — where the predominantly female workforce enjoyed virtually no labour protections and would benefit enormously from the ratification of ILO Convention No. 155. Also, she wondered what the Government was doing to soften the impact of the Free Trade Agreement, which, made no provision for the labour rights of the poorest of the poor, namely, women.

16. **Ms. Arocha Domínguez** said that fuller information was needed with regard to article 12. Table 23 of the responses (CEDAW/C/GUA/Q/16/Add.1) showing the causes of morbidity and mortality in women, for instance, did not give the disaggregated health data requested, no cause was specified in 50 per cent of the deaths, and no mention was made of the numbers of deaths from non-professional abortions. Non-governmental and other sources had expressed concern about the overall health of Guatemalan women, especially their sexual and reproductive health. In a country where 45 per cent of the girls reported sexual activity before the age of 12, the coverage of adolescents under the Reproductive Health Programme (responses, table 22) seemed far too limited. She would like more information on how the Government intended to reach and educate them about safe sexual practices and reproductive health.

17. **Ms. Dairiam** observed, with reference to article 14, that the rural people of Guatemala, were the poorest and most malnourished in the entire region. There were many reasons for the situation of the rural population in addition to those cited by the delegation at the previous meeting. They included very low social spending; concentration of wealth in the hands of a rich minority; ineffective land registry and expropriation of the lands of indigenous people, often with impunity; export-oriented agriculture; and trade liberalization that had had an adverse impact especially on women and the indigenous population. The solutions proposed thus far by the Government, such as a social inclusion programme and a loan programme for indigenous women, were insufficient. What was needed was a comprehensive rural development strategy, encompassing agricultural reform, wealth redistribution, investment in small-scale agriculture, measures to counteract the impact of the Free Trade

Agreement, and health care for returnees and the indigenous population. She would also like to know if the Government's policy on food and nutritional security had proved effective and if it addressed structural causes.

18. **Ms. Coker-Appiah** observed that 60 per cent of women in Guatemala lived in extreme poverty; in rural areas, discrimination was compounded by a lack of social services. The delegation had acknowledged that the Government's efforts to extend health coverage to such women had fallen far short of what was needed, and she wondered what it was planning to do on that score. The land issue was also critical for the rural population: more information should be provided about what the Land Trust Fund offered to rural women and how many of them had access to the new land distribution measures.

19. **Ms. Núñez** (Guatemala) said that the Government was making a concerted effort to reduce illiteracy, and was focusing, in particular, on indigenous women; 72 per cent of rural women were receiving literacy training, as were 77 per cent of urban women. The illiteracy rate had dropped from 29 per cent in 2002 to 25 per cent in 2005 and, country-wide, school enrolment had risen and primary education was now almost universal. The school dropout rate had fallen overall, although the rate among indigenous people was higher than among other population groups. Studies were being carried out on the reasons why children dropped out of school and efforts were also being made to improve the quality of education.

20. National laws against discrimination in employment would be brought into line with international standards. A number of organizations had proposed amendments to the Labour Code, but they had not yet been approved. Efforts were being made to promote the ratification of Convention No. 155. The bill on the criminalization of sexual harassment and the proposed amendments to article 139 of the Labour Code were still awaiting approval.

21. Her delegation shared the Committee's concern about working conditions in the *maquila* industry. In 2004, a study had been carried out with a view to improving the occupational health of women in that sector, but no concrete results had yet been achieved.

22. The Free Trade Agreement raised a number of problems: for example, families were finding it more difficult to subsist because of the increased difficulty

of gaining market access for their products. Discussions were under way in Congress on measures to compensate particular groups, including women, for the negative impact of the Agreement.

23. Positive results had been achieved under a programme introduced two years previously to help women who had had clandestine abortions. In addition, the Social Development Act of 2001 provided for young people to be supplied with information on sexual health and contraception.

24. **Ms. Montenegro** (Guatemala) said that various sectors of society were involved in efforts to promote all aspects of rural development. National policies on food security had also been introduced, with an emphasis on reducing malnutrition and improving the health of women and girls.

25. **Ms. Barrera** (Guatemala) said that the geographical coverage of inspections in the *maquila* industry, had increased. Measures had been taken to ensure that inspectors, company chiefs and workers were informed about international labour standards, and a system for reporting violations had been set up. Mestizo women working in the *maquila* industry were the main victims of such violations. A procedure existed to force companies that persistently committed violations to comply with labour legislation. However, so far no penalties had been imposed as a result of that procedure. A few *maquilas* now had trade unions, most of whose members were women.

26. Workers were provided with training on the provisions of the ILO Convention concerning Discrimination in Respect of Employment and Occupation (Convention No. 111) and positive steps were being taken to promote the rights of persons with disabilities. A tripartite body known as the national council on occupational health and safety had been established with a view to providing employers with training in occupational health and safety.

27. Acknowledging that women in the *maquila* industry tended to work longer than average hours and sometimes earned less than the minimum wage, she said that the Government had ratified the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Convention No. 100) as well as ILO Convention No. 111. A Directorate for Indigenous Peoples had been set up with a view to providing officials with training in the rights of indigenous peoples and

ensuring inter-agency coordination in matters relating to indigenous peoples.

28. **Ms. Montenegro** (Guatemala) said that Congress had adopted three laws to mitigate the possible negative effects of the Free Trade Agreement: the General Act on Food Security and Nutrition, under which assistance of various kinds was provided to the poorest people; the Land Registry Act, which regulated land ownership; and the Older Persons Act, which provided for support for older persons who did not have social security cover. Other laws adopted recently provided poor people with property guarantees and access to credit on favourable terms.

29. The draft Rural Development Act dealt with all aspects of rural development. Women in various sectors were increasingly forming organizations to defend their own rights, with trade union support. Most women still saw sexual harassment as a subjective issue. However, efforts were being made to reform the provisions of the Criminal Code on violence against women. Discussions were taking place with the Ministry of Labour and Social Security on vocational training for women, but the resources currently available were inadequate.

30. **Mr. Gómez** (Guatemala) said that one of the priorities of national health policy was to improve health care for mothers and children and, in particular, to reduce maternal and infant mortality. Efforts were being made to involve civil society in the promotion of public health. Substantial resources had been allocated for the improvement of primary health care, and priority was being given to those municipalities where maternal morbidity was highest. A total of 15 million quetzales was to be invested in training relating to maternal and child health care in 2006.

31. It was expected that, by 2008, the cost of family planning services under the National Reproductive Health Programme would be covered entirely from the regular budget of the Ministry of Health. The new Act on Universal and Equitable Access to Family Planning Services provided for a network of special centres for the distribution of contraceptives.

32. **Ms. Aceña** (Guatemala) said that the Government was taking action to lower the dropout rate and to ensure, by 2008, that all children, including those from indigenous communities, completed primary education, inter alia by raising public awareness of the importance of education in general and for girls in particular.

Education must be considered within the broader context of the economic and overall development of the country.

33. **Ms. Tan** asked what actions had been taken to investigate, prosecute or penalize employers for violating labour laws. It would be helpful to know how many complaints had led to prosecution or other penalties against the employer.

34. **The Chairperson**, speaking in her personal capacity, asked whether Guatemala was carrying out studies on the link between maternal mortality, unsafe abortion and poverty.

35. **Mr. Gómez** (Guatemala) said that poverty, abortion and maternal mortality would be the subject of a national survey on maternal and child health in 2007.

36. **Ms. Barrera** (Guatemala), referring to labour law violations, said that a special unit had been set up within the General Labour Inspectorate to investigate complaints of violations in the *maquila* industry, and also to train employers, employees and officials in occupational health and labour rights. The system in place in the metropolitan area to collect information on and handle such complaints was to be extended to the regional and departmental level. Women between the ages of 22 and 41 and non-indigenous women continued to account for the majority of complaints, and the violations described in paragraph 128 of the report continued to be those most frequently reported. In 2005 there had been 122 ex parte prosecutions and 125 ex officio prosecutions. Discussions were being held on the adoption of a flexible mechanism for the application of justice in such cases.

Articles 15 and 16

37. **Ms. Bokpé-Gnacadjá** expressed concern regarding the prevalence of violence against women leading to their death. She asked for details regarding the content of the legislative amendments currently before Congress (CEDAW/C/GUA/6, para. 173) and whether they would facilitate the process of obtaining justice. It would be interesting to know whether special police or court officers would be appointed to register complaints so as to ensure that they were properly investigated and that legal proceedings were instituted, where appropriate. The State party should indicate whether the amendments provided for legal aid and assistance and reduced legal costs, particularly for

indigenous women, and orders of protection. The State party should indicate whether the legal rules and principles were equal for women and men with respect to giving evidence before a criminal court.

38. She also asked whether there was any way of guaranteeing that alimony payments were, in fact, made, whether the husband was still regarded as head of the family, whether a wife required her husband's permission to work and whether the care of children and the household was still regarded as solely a woman's responsibility. It was also troubling that the proposed amendments to the Civil Code left open the possibility of marriage under the age of 16 subject to the consent of a person exercising parental authority or guardianship. Parents and guardians were usually the very persons responsible for forced or early marriages. It was questionable whether a child under 16 years of age could bear the responsibilities of marriage. She therefore urged the Congress of Guatemala to address that issue. Lastly, concerning the proposed amendment to article 55 of the Civil Code referred to in paragraph 174 of the report, she asked how spouses and children could, in practice, enjoy equal opportunity to administer property, and according to what criteria that mandate might be assigned to a given member of the family.

39. **Ms. Montenegro** (Guatemala), said that the amendments currently pending before Congress would provide for women's equality in the home and the joint responsibility of spouses for the household and child care. Those changes represented a significant step forward, since previously women had required the permission of their spouses to work. The Congress was debating whether withholding of support payments should be considered a punishable offence. The issue had at one time been considered a private matter between the parties concerned; however, since it affected the family and thus the entire community, it had now come to public attention. Finally, she said that the issue of the legal age for marriage was pending before Congress.

40. **Ms. Núñez** (Guatemala) said that her delegation appreciated the opportunity to review the progress made in Guatemala in promoting the rights of women and to consider what remained to be done. Although some of the Committee's recommendations had yet to be implemented, her Government was making increasingly comprehensive and coordinated efforts to

address women's needs, and it greatly valued the Committee's support and recommendations.

41. **The Chairperson** thanked the representatives of the Government of Guatemala for their constructive dialogue with the Committee.

The meeting rose at 5.25 p.m.