
**Committee on the Elimination of
Discrimination against Women
Exceptional session
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**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Guatemala**

Combined third and fourth, and fifth periodic reports

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".