



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group for the thirty-fifth session

15 May-2 June 2006

List of issues and questions for the consideration of periodic reports

Guatemala

Introduction

1. The pre-session working group considered the sixth periodic report of Guatemala (CEDAW/C/GUA/6 and Corr.1).

Constitution, laws and national mechanisms

2. When it considered the third, fourth and fifth periodic reports of Guatemala, the Committee expressed concern about the apparent lack of coordination among national mechanisms for women and asked the State Party to provide information on the economic and human resources available to such mechanisms. Please provide specific information in that regard. Indicate any differences in function and role of the National Office for Women's Affairs and the Presidential Secretariat for Women with regard to the coordination of policies on women and describe their interaction with the bodies mentioned in paragraphs 4 through 43.

3. It is noted in the fifth periodic report (CEDAW/C/GUA/5) that the role of the Presidential Secretariat for Women is to analyse the legislation in force with a view to promoting reforms that take into account women's needs. Indicate the results of that activity, the specific reforms introduced and their status of implementation.

4. The report notes the increasing impact of the Office for the Defence of Indigenous Women's Rights, whose basic role is to protect the rights of indigenous women (para. 14). Describe its structure, its relationship with other government departments, detailing the human and financial resources allocated to it and indicating whether such resources are enough for it to implement the task at hand.

5. In its concluding comments on the combined third and fourth as well as fifth periodic reports, the Committee urged the State Party to evaluate the impact of existing programmes and include in its next report clearer information on that issue.

Please report on the impact of the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 2001-2006 and the existing mechanisms for monitoring and evaluating its effective implementation. In your reply, indicate whether the design of the current Plan took into account the evaluation of the Equal Opportunity Plan 1998-2001.

6. Please report on the status of the amendments to the Criminal Code to define the offences of domestic violence (para. 74) and discrimination on the grounds of gender (para. 57) and when they are expected to be adopted. Also provide information on the amendment to the Code of Criminal Procedure, which is expected to improve women's access to the justice system (para. 56).

7. Please indicate the status of the proposed amendments to articles 55, 80, 81 and 89 of the Civil Code (para. 174) on equality in marriage and family relations and indicate any obstacles to their adoption.

Stereotypes

8. One of the recommendations of the Committee was to give priority to raising awareness among the general public of the rights of women in order to eliminate sexual stereotypes and to undertake campaigns targeting both men and women, in particular among the indigenous population (A/57/38, para. 189). The present report mentions various measures and steps taken with a view to eliminating stereotypes (para. 83). However, there does not seem to be a comprehensive, sustainable strategy involving the media to change the perception of women in Guatemalan society. Please provide information thereon.

9. Paragraphs 83 to 85 of the report mention the objectives of the Women's Consultative Council of the Ministry of Education, the Ministry of Culture and Sports and the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) to eliminate stereotypes in education and the public sector. Please indicate what specific activities have been undertaken pursuant to those objectives and what their impact has been.

Violence against women

10. It is noted in the report that the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women will be reviewed and endorsed by representatives of non-governmental organizations (para. 90). Provide more information on the contents of this Plan and on the mechanisms for its effective implementation and monitoring and indicate whether it is already being implemented.

11. According to the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2005/72/Add.3, paras. 29 and 31), Guatemala has the highest murder rate for women in the region and the response of State security and justice institutions has been inadequate. Please indicate whether any action has been taken, whether investigations are being conducted to determine the extent of the problem and its causes and whether steps have been taken to prevent, deal with and punish violence against women in all its forms throughout the country.

12. Indicate what measures have been envisaged or adopted to strengthen justice institutions and the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI), among others, in order to

ensure that the cases of murdered women are duly investigated and those who committed such murders are effectively punished.

13. According to the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2005/72/Add.3, para. 45), chapter VII, article 200, of the Penal Code exonerates a perpetrator of rape if he marries the victim, provided that the victim is over 12 years of age. This is inconsistent with the provisions of both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Indicate whether that legislation has been abolished; if not, indicate what measures will be taken in the near future to abolish it.

14. Outline the general preventive, protective and rehabilitation measures that have been planned especially with respect to poor young women who are at risk of being recruited and exploited by youth gangs.

15. Paragraph 153 of the report refers to the development by the Ministry of Public Health and Social Welfare of gender and violence indicators. Please indicate the status of this project and provide information on the contents and coverage of the data collected to date as well as on the interaction of the Ministry with other institutions. In your reply, indicate the frequency of data collection.

Trafficking in women and exploitation of prostitution

16. According to the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2005/72/Add.3, para. 38), Guatemala is a source, transit and destination country for women and children trafficked for the purpose of sexual exploitation. Indicate whether there are any plans to adopt a comprehensive national strategy that includes preventive, protective and punitive measures.

17. The report indicates that women sex workers from neighbouring countries, who enter Guatemala because of the dire economic situation in their own countries, report human rights violations by immigration personnel and members of the National Civil Police (para. 94). Indicate any action taken in that regard, including coordination and cooperation with other Governments.

Participation in political life

18. During the consideration of the third, fourth and fifth periodic reports, the Committee recommended promoting the adoption of a quota system, supporting training programmes for women leaders and undertaking awareness-raising campaigns (A/57/38, para. 191). The current report stresses that women's participation in politics remains low (para. 99) and identifies the main obstacles (para. 103). Please indicate any specific measures taken to implement the Committee's recommendation and overcome the obstacles mentioned in paragraph 103.

Education

19. Please provide statistical data on school enrolment and school dropout rates, disaggregated by gender, level of education, rural and urban areas, as well as on the specific situation of indigenous and migrant women.

20. Indicate whether there are any special programmes to allow girls and adolescents who drop out of school owing to pregnancy to continue their education.

Employment

21. The Committee expressed concern at the non-enforcement of labour legislation for the protection of women working in the *maquila* industries (A/57/38, para. 186). Moreover, the current report notes that “labour rights violations are reported in the *maquila* industry ... where women workers are concentrated (para. 129)”. Indicate any steps that have been taken to analyse the extent and impact of that problem and any mechanism for enforcing labour laws in the *maquila* industries and indicate whether there have been cases where tax benefits have been rescinded owing to violations of the Act on Promotion and Development of Export and Maquila Activities and Decree No. 65-89, or the “Free Zones Act” (para. 32). Please provide information on the status of migrant and rural women working in the *maquila* industries.

22. Please indicate the activities that have been undertaken under the Project for the Promotion and Defence of Women Workers’ Rights (para. 130) and their impact.

23. According to the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2005/72/Add.3, para. 18), “although women pay the same percentage of their wages as men to social security, their spouses receive no benefits, while those of men do”. Please indicate whether there are any plans to revoke this regulation which discriminates against women.

24. Please provide detailed information about the situation of women employed in the informal sector. In your reply, include statistical data disaggregated by economic activity and indicate whether there are protection programmes, since women working in that sector do not have access to social security.

25. According to the report, the draft act on criminalization of sexual harassment that was sent to Congress in 2002 has yet to be discussed in the Legislative Assembly (para. 35). Please indicate why that draft act has not been discussed and the measures envisaged in the short term to ensure its adoption.

Health

26. In its concluding observations (CCPR/CO/72/GTM), the Human Rights Committee expressed concern at the serious impact on maternal mortality of clandestine abortions and the lack of information on family planning. Please indicate whether the Government is making any efforts to amend the punitive legislation on abortion. Report on any specific action that has been taken or is envisaged to guarantee access to contraceptives and sexual education in rural and urban areas, with emphasis on the teenage population. Also indicate whether there are measures in place to safeguard the confidentiality of teenagers who make use of reproductive health services.

27. The report states that the Reproductive Health Programme began with its current components in 2001 (para. 140). Indicate the Programme’s coverage, forms of implementation and impact and the mechanisms used to monitor and evaluate it, particularly in the various local governments.

28. Provide statistical data on the principal causes of morbidity and mortality in women, disaggregated by race/ethnic group and socio-economic class, and on specific programmes put in place to improve women's health in general and their reproductive health in particular. Report on the trend in maternal mortality indicators since the submission of the last report.

Rural women

29. The report states that rural women's lack of access to land continues to be one of the major obstacles to their advancement (para. 173). It also refers to an agenda for rural women comprising land, work and participation (para. 167). Indicate the status of that agenda and identify the main obstacles and achievements, including information on the allocation of land to persons who returned after the signing of the peace agreements.

30. According to the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2005/72/Add.3, para. 13), "most services (maternal health) do not reach the majority of the population, particularly in rural areas and only 30 per cent of births take place in medical facilities". Indicate what steps are envisaged or have been taken with respect to women living in rural areas.

Optional protocol

31. Please outline any steps taken to disseminate information about the contents and implementation of the Optional Protocol since its ratification on 9 May 2002.
