



# 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 883rd meeting

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

*Chairperson:* Ms. Gabr

### Contents

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

*Seventh periodic report of Guatemala (continued)*

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

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

*Seventh periodic report of Guatemala (continued)*  
(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.*

*Articles 10 to 14*

2. **Ms. Bailey**, referring to paragraph 341 of the report of Guatemala (CEDAW/C/GUA/7) said that it would be useful to have the most recent gender-disaggregated data on educational coverage at the primary and secondary levels, the gross enrolment rates for females, and the number of school places available in urban areas compared with rural areas. More details were needed on the impact of the initiatives taken by the unit in the Ministry of Education for educational coverage projects to address the low rates of school attendance in rural areas in general and the high rates of illiteracy among rural indigenous women through scholarships for girls and bilingual adult literacy programmes. She asked if any information was available on the expansion in the number of bilingual schools and teacher training programmes in rural areas. The Sub-Committee on Gender of the Advisory Commission on Educational Reform was addressing gender issues in the revised curriculum, and she wondered if there were any plans to broaden that mandate. Finally, turning to the participation of women in higher education, although women students had achieved parity with men at the national university, a gender gap remained among the faculty, and she wondered if there were any measures planned to close that gap.

3. **Ms. Murillo de la Vega**, turning to article 11 on employment, said that 74 per cent of employed women worked in the informal sector, where they were at risk for violence and had no social security coverage. In the *maquila* or garment industry, working conditions were difficult, without social security protection or unemployment insurance. She inquired about any plans to improve protections for women workers both in the informal sector and the garment industry through an enhanced system of labour inspection. It appeared that

the solution to poverty for many in Guatemala was seen as migration or child labour. Many indigenous girls between ages 5 and 9 were employed as domestics, although the legal minimum age of employment was 14, and she asked if any measures were being taken to eliminate child labour. She would also like to know if there were any plans to correct the provisions of the Civil Code where a married woman who was employed had the same status as an employed minor. Finally, she would like to know whether joint ownership of land in rural areas was possible.

4. **Ms. Pimentel** asked if the significance to the national budget of the remittances sent by women migrant workers had been recognized. She would like to know more about policies towards women migrants returning to the country and whether they received any special assistance in their reintegration. The Committee's latest general recommendation on women migrants could be helpful.

5. **Ms. Rasekh**, acknowledging the transparency of the information provided on reproductive health, noted that despite a number of policies, programmes and measures to address maternal mortality, the rate remained high even for women who delivered with assistance by a midwife or in a hospital. That raised questions about the quality of care offered and the training received by birth attendants, and she asked for an explanation why the rate remained so high. She would also like to know the percentage of indigenous women who had access to reproductive health services. The mental health policies and the range of services mentioned were impressive, but data was needed on prevalence of mental illness. She would also like to know more about mental health services available for women affected by depression and trauma and for indigenous women.

6. **Ms. Coker-Appiah** said that paragraph 477 of the report identified a number of groups considered at risk from HIV/AIDS, and also pointed to the growing feminization of the disease with increasing numbers of married women infected by their partners. Having identified the risk of heterosexual transmission, she wondered what measures and strategies the Government was employing to reduce women's vulnerability to HIV/AIDS infection. The "ABC" strategy (abstinence, be faithful, condom use) had proven to be ineffective in other countries because women were not in a position to negotiate for condom use. She also asked if access to antiretrovirals, which

were essential for survival, was restricted to pregnant women, or if other women also had access to that treatment. The discrimination and stigma associated with HIV infection in communities affected the willingness of women to disclose their status, and she wondered if voluntary and confidential testing and counselling were available.

7. **Ms. Arocha Dominguez** said that the focus in the report had been on equal access to credit for women in rural areas, but she would also be interested to hear about the situation for women small business owners in urban areas. A great deal of information had also been provided on general economic development programmes in rural areas, and it was important to know if such programmes had adequate financial and human resources available to ensure their sustainability.

8. The conclusions from the Universal Periodic Review conducted in May 2008 had raised some concerns, especially in the areas of recognition of collective ownership of indigenous land and forced displacement of indigenous groups for development projects, and regarding the situation of smaller indigenous groups like the Xinca and Garifuna. She would be interested to hear the official response to those concerns.

9. **Ms. Bailey** asked if there were any plans to extend the social safety net to workers in rural areas, 85 per cent of which had no type of social security coverage, and to extend family planning services to rural indigenous women.

10. **Ms. Escobedo** (Guatemala) said that problems with education and health care coverage were structural and historical in nature. For the first time, however, the country was offering free primary education to all children for the school year beginning January 2009 and free basic health care. Because demand for school places was so high, there would be implications for educational quality, but a system of one-year teacher contracts had been established and currently there were enough teachers to meet the increased needs. As for bilingual education, there were five bilingual schools and the number of teachers was still not sufficient, but more were being trained. The following were enrolment figures for 2008: at pre-primary level, approximately 3.9 million students, 49 per cent girls; at primary level, about 2.5 million students, 48.6 per cent girls; basic education, about

600,000 students, 47.1 per cent girls; and diversified education, 304,000 students, 50.4 per cent girls. No data was currently available on enrolment in private universities, which were autonomous institutions.

11. On the subject of employment, she said that participation of women in the informal sector had increased because of the decrease in the government sector owing to structural adjustment. A study on women's paid work was being conducted that should be completed within the year. A law on social protections for domestic workers and measures recognizing the work of women agricultural workers were part of a package of reforms to the Labour Code that had been presented to Congress but postponed; a new attempt at submitting those bills for passage was forthcoming.

12. With regard to joint ownership of land, the Peace Agreement had not gone far enough in changing the land ownership system, and conflicts over land and displacements were still taking place. As yet no consensus existed on the interpretation of articles 39 and 40 of the Constitution, which addressed land ownership and indigenous customary laws; the subject remained difficult and polarizing even after ten years of work. A coordinating board known as the Land Fund, which had peasant participation, was evaluating the situation. Joint ownership of land was possible through cooperatives, and in most cases the head of household held the title.

13. As for credit and microcredit programmes, she appealed to the United Nations system and other donors to come to Guatemala to begin operations, as the domestic credit market was very small. Careful study of microcredit projects was needed to ensure that women did not lose what little capital and savings they had because of badly structured loans. As part of efforts to enhance social cohesion, an analysis of all microcredit programmes was being planned.

14. **Ms. de Leon** (Guatemala) said that the priority of the new Minister of Labour was the strengthening of the labour inspectorate, with technical assistance from the International Labour Organization (ILO). The judiciary was aware of the problems in the *maquila* sector, and companies were fined for violations of labour law, for example, failure to grant maternity leave to workers. By 2010, eight new labour courts would be in place, allowing employment cases to move through the system more quickly.

15. **Ms. Briz** (Guatemala), with regard to the recommendations resulting from the Universal Periodic Review, said that a follow-up committee had been established which met three times a year. Of the 46 recommendations made, thus far two of them, having to do with the ratification of international human rights instruments, had been fulfilled.

16. **Ms. Stalling** (Guatemala) said that almost one million more children were enrolled in primary education in 2009 than in the previous year, and the goal of universal primary education was within reach. With regard to literacy programmes, 19.6 per cent of persons enrolled were in rural areas and 7.6 per cent from urban areas. Between 2000 and 2006, the illiteracy rate of persons aged 15 to 24 had dropped from 18 per cent to 12 per cent. Illiteracy among rural indigenous groups had dropped by 8.5 per cent as a whole and by 15.6 per cent for indigenous women. One cause of low school enrolment in rural areas had been the need for children to work in the fields, and grants to families had enabled children to attend schools. Once public education had become free of charge, grants were given to parents for the purchase of school supplies.

17. **Ms. Escobedo** (Guatemala) said that the most recent figures from the Ministry of Public Health showed that maternal mortality had dropped from 153 per 100,000 live births to 112. Targeting maternity care to priority municipalities had helped to produce that drop, and a modernization of the tax code aimed at building the tax base would increase the funding available for further expansion of coverage. In the 184 towns considered in extreme poverty, reproductive health centres were open 24 hours a day, which had helped to reduce the maternal mortality rate.

18. In 2008, the National Council for AIDS Prevention and Control (CONASIDA) had resumed functioning. It was working on protocols for AIDS testing and was highlighting the link between domestic violence and violence against women and increasing infection rates among women. There had been much recent discussion of ways to raise the visibility and make policy to meet the needs of such minority indigenous communities as the Xinca and Garifuna of the North Atlantic region. In December 2008, a minimum wage for agricultural work had been established, which should help to improve the situation for rural women. Companies in the *maquila* sector had refused to raise the minimum wage, unfortunately, and

often threatened to leave the country if such requirements were imposed. A commission had been established to develop a national wage policy, which would include the *maquila* industry. Consideration was being given to providing social security for workers in the informal sector who were not reached by a special programme of benefits for the elderly.

19. **Ms. Bailey** asked, given the critical problem of the spread of HIV/AIDS, whether there were any plans to integrate AIDS education into the school curriculum, particularly for adolescents.

20. **Ms. Arocha Dominguez** pointed out that mining had implications for use and ownership of indigenous lands and its environmental degradation, and she asked whether efforts were being made to mitigate that impact on indigenous women.

21. The law governing sex education had been ruled unconstitutional. Abortion remained illegal in Guatemala, yet it still took place, often under unsafe conditions. Studies showed that up to 25 per cent of the maternal mortality rate could be linked to unsafe abortion. She wondered if the State was addressing that situation in its efforts to lower that rate and if a woman could receive health services for complications from an illegal abortion.

22. **Ms. Pimentel** asked if emergency contraception was available, despite the pressure exerted by conservative religious groups in the country, and how obstacles to the exercise of sexual and reproductive rights in line with the international instruments to which Guatemala was party could be overcome. She wondered if medical personnel received training on women's human rights and how to respect them.

23. **Ms. Murillo de la Vega**, referring to reports of eight Maya women who had been removed from their land by force because they had refused to leave, asked if the warrant for their arrest had been withdrawn.

24. **Ms. Stalling** (Guatemala) said that the Secretariat of Agrarian Affairs was the Government body responsible for settling land conflicts between mining companies and industry and indigenous and community groups. Under the Land Registry Act, indigenous groups were encouraged to register their land to prevent conflicts with mining companies. The Maya women who had refused to leave their land had been provided with free legal assistance, and SEPREM was also offering them support. There were gaps in domestic legislation in the area of land ownership.

25. Regarding abortion, the Government was aware that it happened, and fortunately, illegal abortionists were not prosecuted. A few cases had indeed been recorded of women seeking treatment in health centres for complications from illegal procedures. The culture of the country still did not accept the practice openly, although women with the financial means could seek abortion from some doctors and many indigenous women used traditional methods.

26. **Ms. Escobedo** (Guatemala) said that although concerns had been raised, an emergency contraception kit had been put into use in some, but not all, health centres. It could not be used without training and protocols for treatment of rape victims must be followed. Sex education and abortion were very difficult subjects in Guatemalan society and there was little flexibility in the positions taken on both sides of those issues. Once the ruling on the constitutionality of the law on sex education had been given, it would be possible to move forward with an education and prevention programme for sexually-transmitted diseases, including HIV/AIDS. SEPREM, with the involvement of the First Lady, was coordinating with CONASIDA on awareness-raising programmes for women living with AIDS. Human rights were addressed in the medical school curriculum and in training for health centre staff.

#### *Articles 15 and 16*

27. **Ms. Murillo de la Vega** said that, within a framework intended to guarantee justice and trust in the justice system, the new Government should look at the gender impact of current and future laws. It was also important to provide training to the judiciary in accepting changes to the law. Transparency and monitoring were required to ensure that judges were applying new legislation: human rights were a matter of law, not awareness. The Civil Code still contained discriminatory provisions, particularly in the area of marriage and divorce, child custody and labour rights, but those provisions were still accepted by the courts and men still retained privilege over women in the justice system.

28. **Ms. Escobedo** (Guatemala) said that a guide to the Convention had been issued for the use of members of Congress.

29. **Ms. Stalling** (Guatemala) said that the adoption of the Act on Responsible Paternity would overcome

many of the inequalities noted. Further, marital infidelity had become a grounds for separation for both men and women, where previously it had been criminalized for women but not for men. She acknowledged, however, that much remained to be done in the area of women's enjoyment of their reproductive rights.

30. **Ms. Cú** (Guatemala) said that the Government had signed a cooperation agreement with Germany for a project to eradicate discrimination against indigenous women. The project objectives were to raise awareness and change attitudes towards ethnic diversity and to promote cultural cooperation.

31. **Ms. Escobedo** (Guatemala) said that her delegation looked forward to receiving the Committee's recommendations resulting from the presentation of the report, as they provided helpful guidance in the implementation of the Convention.

32. **Ms. Stalling** (Guatemala) said that experiences such as the presentation of the report helped Guatemalan society to internalize international human rights norms, which were being respected in the country more each day.

33. **The Chairperson** welcomed the frank and effective dialogue which had taken place. She commended the progress made and expressed the hope that more would be done to support women despite the economic problems Guatemala faced. She looked forward to the adoption of the new laws being considered that would help to eliminate all types of discrimination against women. Greater effort was needed to improve the status of indigenous and rural women. The media had an important role to play in raising awareness of women's health concerns and in combating illiteracy. Finally, she noted that violence against women required the full attention of the Government and civil society.

*The meeting rose at 4.50 p.m.*