



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

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**Committee on the Elimination of Discrimination  
against Women**  
Exceptional session

**Summary record of the 577th meeting**

Held at Headquarters, New York, on Monday, 12 August 2002, at 10 a.m.

*Chairperson:* Ms. Abaka

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

*Combined third and fourth periodic report and fifth periodic report of  
Guatemala*

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*The meeting was called to order at 10.30 a.m.*

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

*Combined third and fourth periodic report and fifth periodic report of Guatemala*  
(CEDAW/C/GUA/3-4, CEDAW/C/GUA/5,  
CEDAW/PSWG/2002/EXC/CRP.1/Add.6 and  
CEDAW/PSWG/2002/EXC/CRP.2/Add.3)

1. *At the invitation of the Chairperson, Mr. Julio Molina Avilés, Mr. Arturo Bayardo Mejía Monzón, Ms. Taracena Secaira, Ms. Catalina Soberanis and Ms. Caravantes Tobías (Guatemala) took places at the Committee table.*

2. **Ms. Taracena Secaira** (Guatemala) introduced the delegation and announced that the Committee's consideration of the reports of Guatemala coincided with the twentieth anniversary of Guatemala's ratification of the Convention.

3. **Ms. Caravantes Tobías** (Guatemala) said that her Government had ratified the Inter-American Convention on Support Obligations in 1999 and International Labour Organization (ILO) Convention No. 156 on Workers with Family Responsibilities in 1994. Temporary special measures aimed at achieving equality between men and women included the Act on Enhancing and Advancing the Status of Women and article 47 of the Land Trust Fund Act, which established a 10-year period in which single women heads of household and widows seriously affected by the armed conflict would be given priority in the granting of land.

4. With greater recognition of the barriers to women's equality under the law, articles 232 to 235 of the Penal Code had been repealed and the Constitutional Court had ruled in favour of women plaintiffs in several cases. However, traditional views of women, general ignorance of the law, a weak legal system, legislation that discriminated against women and framework laws for which there was no enforcement mechanism hindered progress towards gender equality. If adopted, various proposed amendments to the Labour Code, the Civil Code and the Penal Code would benefit rural women and working mothers, define the crimes of violence, sexual harassment and discrimination against women and failure to fulfil maintenance obligations, and ensure the

admissibility of DNA evidence. Another bill would establish quotas for women's participation in political parties.

5. Offices of women's affairs had been established at various levels of government, national policies for the advancement of women were reflected in national and sectoral programmes for peace, development and poverty reduction and appropriate monitoring mechanisms had been put in place. However, limited technical, financial and human resources, poor coordination between national mechanisms, social barriers and a lack of political will in some areas were ongoing problems.

6. A subcommission on gender equality had been established within the Advisory Commission on Educational Reform, additional funding had been allocated to girl students between 1999 and 2000, scholarships for girls had been offered, particularly in rural areas and efforts had been made to eliminate gender stereotypes in education. However, there were few experts in gender-related matters and education, resources were limited and pre-schools scarce. In rural areas, 66 per cent of girls dropped out of school before third grade and only one in eight girls nationwide graduated from sixth grade; 60 per cent of all women and 80 per cent of rural women were illiterate.

7. New health-care measures included a post-abortion programme in hospitals, coverage of domestic violence by the mental health-care system and collection of gender-disaggregated statistics. However, in collecting gender disaggregated data, there was a tendency to focus on women as mothers. A comprehensive approach to women's health including violence against women which was not generally recognized as a health problem, was urgently needed. The situation was complicated by the dispersal of the population and the high birth rate. The Government was working to increase public awareness of domestic violence and to combat gender stereotypes that promoted tolerance of such behaviour. Proposed amendments to the Penal Code would make violence against women a specific crime and increase the penalties for inducement to prostitution.

8. There had been significant progress in promoting women's participation in political life by creating organizations and networks and developing forums for dialogue with civil society. However, there was considerable resistance to electing women to decision-

making posts; women accounted for only 10 per cent of deputies and one per cent of mayors. The proposed amendment to the Elections and Political Parties Act would set quotas to ensure women's election to leadership posts in political parties.

9. The rural population was widely dispersed, the birth rate was higher than in urban areas and poverty was prevalent. Rural women's problems were being addressed through scholarships for girls, improved access to credit, promotion of women's participation in decision-making and increased budgetary allocations in the areas of education and food security. Various proposals aimed at improving rural women's education and reproductive health were also being developed.

10. **The Chairperson** thanked the Government of Guatemala for sending a high-level delegation to present the country's periodic reports, and commended Guatemala for having ratified the Optional Protocol to the Convention.

11. **Ms. González Martínez** commended Guatemala for its rapid responses to the questions put by the pre-session working group. She was disappointed, however, that only partial replies had been given to some of those questions. She emphasized that the country's peace process, described at length in the combined third/fourth and fifth periodic reports (CEDAW/C/GUA/3-4; CEDAW/C/GUA/5), had brought an end to thirty years of conflict which had been tragic for Guatemala and for Latin America as a whole. The December 1996 peace agreements had not only involved women in the process, they had taken account of their needs, especially the needs of rural and indigenous women. They had also placed the Government under an obligation to implement and spread knowledge of the Convention.

12. As the periodic reports had pointed out, implementation of the Convention continued to be hampered by traditional cultural patterns, particularly gender stereotypes. While they existed all over Latin America, they were particularly entrenched in Guatemala. She urged that special attention should be focused on changing those traditions.

13. She conceded that the legislative and programming measures on which the country had embarked were positive, but more effort was needed to make a more comprehensive evaluation of their results, particularly in connection with implementing the peace agreements. The Constitution had established equality

between men and women, a particularly positive development in the light of women's limited access to health care and land ownership. Legislative reform was needed to ensure that all the commitments made to women's rights were translated into action, and that there were avenues of appeal for failing to honour those commitments.

14. The Convention sought to eliminate discrimination against women and ensure their equality with men. She was concerned, however, that the periodic reports frequently referred to equity alone, rather than equity and equality. The two terms did not have the same meaning.

15. It was not clear from the reports how the activities of the large number of institutions and bodies that comprise the State machinery for dealing with women's issues were coordinated.

16. Trafficking in women and prostitution were alarming. The combined third and fourth periodic report had described prostitution as "a socio-cultural phenomenon (which is) entrenched in society as a result of patriarchal patterns that (have) a major impact on children and adolescents", and the figures provided confirmed that the situation was serious, particularly where minors were involved. A plan to cope with the problem, coupled with a clear commitment to do so, was vital. Citing outdated and ineffective legislation as an obstacle to change was not a convincing excuse.

17. **Ms. Ferrer Gómez** said that progress had been made in strengthening and establishing a hierarchy of national bodies to deal with women's rights but she shared the concerns of other members about the proliferation of those bodies and the apparent lack of coordination among them. She sought confirmation that units for women's issues had already been established in major ministries, as had been planned. She also wished to know how the Advisory Board operated, and who its delegates were.

18. According to the periodic reports, the Presidential Secretariat for Women (SEPREM) had a shortfall of funds, and it had been left up to the ministries to find resources to promote women's issues. The national machinery for implementation of the Convention clearly needed sufficient resources to be able to operate. She asked how many ministries had earmarked funds for implementing the National Policy for the Development and Advancement of Guatemalan Women.

19. The Guatemalan delegation had cited legislative problems to explain the lack of progress in changing gender stereotypes. She asked if there was a specific programme to deal with that problem, mentioning the Act for enhancing and advancing the status of women and the family, and whether policy makers and the women of the country had been made aware of the legislation in force.

20. Guatemala had high levels of poverty, with some sources saying that 56 per cent of the population was classified as poor, and 15.7 per cent as extremely poor. Poverty disproportionately affected women heads of household in rural areas (72 per cent) and areas with an indigenous population (71 per cent). She asked whether government poverty reduction strategies had a gender component, and whether the Presidential Secretariat for Women (SEPREM) had any input.

21. Since about 70 per cent of households in rural areas were headed by women, only about 10 per cent of land awards had been made to women. She asked whether the national machinery for promotion of women's issues was involved in the country's overall plan for rural development.

22. **Ms. Tavares da Silva** noted that according to the responses to the pre-session working group's questions, the National Policy for the Advancement and Development of Guatemalan Women: Equal Opportunity Plan 1997-2001 had been developed with contributions from non-governmental organizations. The responses also pointed out that it had not proved viable, and that it had been implemented only partially. She asked if there had been any evaluation at all of the activities undertaken. She wondered how the 1997-2001 Plan differed from its successor, the Equal Opportunity Plan 2001-2006, whether the new Presidential Secretariat for Women (SEPREM) had been allocated sufficient resources to implement it, and whether it would achieve gender mainstreaming.

23. The periodic reports and the responses to the questions from the pre-session working group indicated that there might be confusion about the definition of the temporary special measures covered by the Convention. The Government had explained that the action taken had focused on permanent measures such as measures in education and measures to protect maternity because of resistance in society to temporary measures, which were either destined to become permanent or were disregarded. The essence of

temporary measures was, however, that they existed to promote equality, and would be abolished when that equality was achieved.

24. In view of the large number of minors who were sexually exploited, the "Lightning Strike" programme was disappointing. As Guatemala's responses to the pre-session working group's questions had explained, any raids on premises where minors were found to be present only resulted in the offender being fined and released. She asked whether that practice conflicted with the provisions of article 189 of the Penal Code, on aggravated corruption.

25. She echoed previous questions about confusing the terms "equity" and "equality", she doubted the problem was one of translation, as the two terms did not have the same meaning. The word "equality" was rarely found in the reports.

26. **Ms. Achmad** echoed Ms. Tavares da Silva's questions regarding the use of the terms "equity" and "equality". She commented on the situation of the national machinery for implementing the terms of the Convention: there were many commissions and committees, but no overall coordination mechanism, and no clear division of responsibilities or lines of authority. In the circumstances, it was difficult to see how effective action could be pursued, especially action to combat poverty and violence against women. She asked if there were entities with overall responsibility for overseeing measures to combat gender stereotypes, for overseeing measures to achieve legislative reform, for allocating financial and human resources and for monitoring implementation of International Labour Organization (ILO) conventions, the Convention on the Rights of the Child and CEDAW itself. She asked if steps had been taken to collect and analyse gender-disaggregated figures.

27. **Ms. Saiga** said that she too was concerned about the number of entities responsible for women's issues and the apparent lack of coordination between them. In the oral presentation of the report, the delegation had cited general ignorance of the law as one of the continuing obstacles to achieving the desired goals. The public, especially the women, were unfamiliar with their rights, the procedures for asserting and protecting those rights, and sources of legal assistance. She hoped Guatemala would make a special effort to improve the situation.

28. **Ms. Caravantes Tobías** (Guatemala), responding to comments about the apparent lack of coordination among the various bodies dealing with women's issues, emphasized that a wide-ranging reorganization was under way. The National Office for Women's Affairs (ONAM) attached to the Ministry of Labour and Social Security had been in operation for 20 years. It had collaborated with the women's movement in ten years of negotiations to establish the National Institute for Women. However, the erstwhile President of Guatemala had made a counter-proposal: to establish the Presidential Secretariat for Women (SEPREM). As a result, the women's movement was once again engaged in discussions to determine the form of the agreement establishing the Presidential Secretariat and to select the ten candidates whose names would be put forward to lead it, and the fate of the National Office for Women's Affairs had become unclear. The key issue was to determine how to connect the Office for the Defence of Women's Human Rights, the Office for the Defence of Indigenous Women's Rights and the National Women's Forum (established by the peace agreement machinery, which was due to end operation in 2004).

29. It was the Presidential Secretariat for Planning (SEGEPLAN) which occupied the major coordinating role. It had an Advisory Board for Women's Affairs made up of programme directors.

30. The principles of the poverty reduction strategy included guaranteeing gender equity. It covered the four main goals of the policy for women's issues: first, to focus Government efforts on women as a matter of priority; second, to address women's specific needs (especially sexual and reproductive health issues, and violence); third, to ensure that women took part in decision-making in all local discussion and planning forums; and fourth, to ensure that policy for women's issues was institutionalized in all areas of government in terms of human and financial resources. The Presidential Secretariat for Women (SEPREM) was an advisory body, but it sought to mobilize resources for use in cooperation with whatever entity was exercising executive responsibility. It had joined forces with the National Institute of Public Administration (INAP) and the National Statistical Institute (INE) to ensure that four priority ministries (Health, Education, Labour and Agriculture) cooperated in developing indicators to gauge the advancement of Guatemalan women.

31. With regard to the differences between the Equal Opportunity Plan 1997-2001 and the Equal Opportunity Plan 2001-2006, she said that the women's movement had to some degree disengaged itself from the planning process: although around 50 per cent of the wishes of the National Women's Forum had not been taken into account, the policy decided upon had been announced and implemented as official policy. The Presidential Secretariat for Women (SEPREM) had been established with the aim of building a policy-making consensus in which evaluation of past practice played a key role. Policy monitoring still had to be developed, since suitable indicators were still being selected, little gender-disaggregated information was available and it was difficult to pinpoint the precise target population for specific items of the national budget. The Presidential Secretariat was at pains to emphasize to all ministries that promoting women's interests was their individual responsibility, and that they should therefore earmark appropriate resources for that task.

32. **Mr. Mejía Monzón** (Guatemala) said that education clearly had the potential to change entrenched attitudes; concerted efforts were therefore under way to rid school textbooks of gender stereotypes. All Guatemala's technical institutions now accepted female students, but adolescent girls' enrolment remained low. Since 90 per cent of primary and pre-school teachers lacked professional qualifications, the Government's educational reform package focused on training and equal opportunities. As one of the measures to ensure that more girls completed primary education, a scholarship programme for girls had been offered to 75,000 low-income families in 2002. That same year, some 72,000 peace scholarships had also been awarded to war orphans of both sexes. The Ministry of Education was currently awaiting the go-ahead to establish a women's council to monitor equity throughout the education system.

33. **Mr. Soberanis** (Guatemala) said that the Dignity and Promotion of Women Act was but one example of temporary affirmative action to facilitate the full participation of women in politics. The Urban and Rural Councils Development Act ensured the permanent participation of women's organizations in local decision-making, with a special grace period covering unregistered organizations. In allocating land to displaced persons, priority was being accorded to single mothers and widows for a ten-year period.

34. Guatemala's Penal Code had been amended to include three to nine years' imprisonment with fines for the production and sale of obscene publications involving minors. Supplementary provisions would also be introduced to address the prostitution of children. Moreover, further amendments had been proposed to increase the penalties for trafficking in women, obscene spectacles and exploitation for pornographic purposes.

35. **Ms. Caravantes Tobías** (Guatemala) said that Guatemala had participated in a regional study stressing the importance of strengthening legal frameworks and joint measures to combat prostitution. An agreement had been reached with the women's movement in Mexico for the establishment of a bi-national group to combat trafficking across the border.

36. Popular versions of the Dignity and Promotion of Women Act and other legal remedies had been produced in local languages and efforts had also been made to disseminate the Convention.

37. **Mr. Molina Avilés** (Guatemala) said that an advisory council for integrated women's health had been established as part of the National Reproductive Health Programme, with support from the international community and bilateral donors. Since girls and women of reproductive age accounted for a large proportion of Guatemala's population, reproductive health had also been given priority in the Social Development Act. Maternal mortality was in gradual decline and was currently estimated at 180 deaths per 100,000.

38. **Ms. Caravantes Tobías** (Guatemala) said that the speed of establishment of subsidiary machinery to implement the National Reproductive Health Programme had depended on the political will of the various ministries involved. Although a number of mechanisms had been created over the past two years, they were urgently in need of additional resources. It was also too early to determine their effectiveness.

39. Within the context of efforts to eradicate rural poverty, resources were being mobilized for a pilot project in Huhuentenango that focused on indigenous women, a large majority of whom were heads of households. Although funding for the Presidential Secretariat for Women (SEPREM) had increased tenfold thanks to assistance from the United Nations system and other donors, it was being accorded low priority in the State budget.

40. **Ms. Barrera** (Guatemala) said that the Prosecutor's Office had been dealing with the issue of child prostitution since 1999. Non-governmental organizations had cooperated in drafting a national plan of action which took account of the situation in various parts of the country. A proposal for reforming the Penal Code was under consideration and a monitoring mechanism had also been established.

41. **The Chairperson** invited experts to put further questions to the delegation.

42. **Ms. Shin**, returning to the issue of violence against women, said that she trusted that the State party in its next report would be in a position to report on enactment of the proposed amendments to the Penal Code. In addition, the legislative provision preventing access to homes between the hours of 6 p.m. and 6 a.m. should be abolished, since it appeared only to hamper police efforts to combat domestic violence. The delegation should provide more detailed information on the terms of penalties for perpetrators of violence against women and the number of successful prosecutions to date. It should also clarify whether a specialized unit had been established in the police force to combat violence. Sex-disaggregated data on assistance provided to victims both of domestic violence and armed conflict would also be appreciated.

43. **Ms. Gaspard** said that she shared other experts' concerns about the apparent lack of coordination between government mechanisms dealing with women's issues as well as the apparent lack of resources to fund them. The delegation should clarify why the bill proposing 30 per cent representation of women on electoral lists had yet to be adopted and assure the Committee that it would not in fact serve to limit women's participation. The next report would benefit from more detailed assessment of the impact of relevant policies, with additional gender-disaggregated data.

44. **Ms. Kapalata** suggested that in its next report Guatemala should detail the specific activities of each national unit concerned with gender mainstreaming and women's equality policies and explain why so many individual units were necessary. She too stressed the need for adequate communication between the various national structures in order to achieve the desired objectives.

45. **Ms. Corti** said that she was pleased to note the significant improvements made to the national

machinery for gender equality since the submission of the first two reports. International cooperation, the pursuit of the peace process and the political will of the Government had worked together to implement gender mainstreaming policies in Guatemala. Nevertheless, she wondered whether there were sufficient financial resources to maintain all the national machinery and suggested that gender streamlining might be beneficial.

46. She stressed that Guatemala's major problem was poverty, and although the Government was firmly committed to improving the situation, a stagnant economic climate had resulted in scant improvement over the last few years.

47. Noting the prevalence of prostitution, she recalled that it was not classified as a criminal offence but had become a cultural phenomenon encouraging the enslavement and exploitation of women. The reporting State should indicate whether progress had been made in promoting the concept of women as social equals, and collaboration with non-governmental organizations could be beneficial in that connection.

48. Finally, she urged the reporting State to avoid confusing the terms "equity" and "equality", since insisting on the notion of equity would undermine the concept of equality.

49. **Ms. Regazzoli** said that it should be borne in mind that Guatemala had endured 40 years of civil war and it was very difficult to devote adequate attention to gender equality while at the same time trying to build a lasting peace. The plethora of national mechanisms to guarantee women's rights was a direct result of the war: large numbers of male casualties had meant that Guatemala had an exceptionally young population and that there were many female heads of household whose needs had to be addressed.

50. She was concerned about the availability of human and budgetary resources: it was unclear whether they would be sufficient to enable the various national bodies to continue their work beyond 2006.

51. Agencies from other States were assisting Guatemala in the post-war reconstruction process. However, in the past, the European countries had tended to romanticize the civil war and had, in some cases, contributed to financing it. It was ironic that those countries now appeared to be Guatemala's primary donors and it was unclear how Guatemala

would be able to fund the democratization process when those States withdrew their assistance.

52. In addition, it was difficult to understand why, in spite of all the efforts by non-governmental organizations to increase the level of female participation in political life, the draft Elections and Political Parties Act had not been approved by the Government. It was important to fill the 30 per cent quota not only on the electoral lists but also Congress itself. To achieve genuine equality in the political arena many more female representatives were needed at the municipal level, especially in the most disadvantaged areas, and further information was requested on current and future methods of encouraging women to vote and to stand for election.

53. **Ms. Caravantes Tobías** (Guatemala), addressing the issue of the multiplicity of national mechanisms for ensuring women's rights said that a single department could not deal adequately with all aspects of gender equality in all areas. With regard to the organization of the national machinery, she pointed out that the Secretariat for Women received funding from the national budget to guarantee its structural stability. At present, three directorates within the Secretariat were working on changing society's perception of women, strengthening gender equality policies and practice within Government and promoting dialogue and collaboration with non-governmental organizations and civil society. Unfortunately, Guatemalan women's organizations were opposed to the present Government, with the result that establishing dialogue between them was particularly problematic. The various national bodies were in the process of drafting a strategic plan to evaluate action taken to promote gender equality and the National Office for Women's Affairs was due to review its future role.

54. Guatemala was lagging behind in terms of attitudes towards gender equality since most women were content to accept their unequal status in the belief that they were experiencing problems because they were poor or indigenous and not because they were female. Since gender equality was not considered a priority, it was doubly difficult to approve the draft Elections and Political Parties Act. The Guatemalan authorities were discussing affirmative action, the success of which had been hampered by the interpretation of the term "equality": it had been taken to mean providing equal opportunities for women and men rather than devoting particular attention to

women. Affirmative action was highlighted as the primary mechanism for identifying women as a disadvantaged group.

55. The lack of sex-disaggregated data was recognized as a serious problem for the Government, and although by law it was compulsory to provide such data the country did not have the necessary and appropriate systems in place.

56. She pointed out that the First Lady's Social Work Secretariat (SOSEP) had developed a programme to address the issue of domestic violence. Guatemalan legislation gave priority to preserving the family unit rather than to deal with the problem of violence against women, and there were no State-run shelters for victims. The lack of such shelters was linked to Guatemala's high birth rate, since providing a refuge for women also entailed accommodating all their children.

57. **Ms. Soberanis** (Guatemala), responding to a question about article 23 of the Guatemalan Constitution, said that the principle of the inviolability of the home was one of the fundamental guarantees provided by the Constitution. However, the Act on the Prevention, Punishment and Eradication of Domestic Violence stipulated that the police must provide assistance to victims of domestic violence even when that meant entering their homes and the Penal Code provided that article 23 of the Constitution did not apply where serious offences were concerned. Nevertheless, the Guatemalan police were still unwilling to intervene in cases of domestic violence for fear of reprisals under article 23. The National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) was working on capacity-building programmes for the police force in order to encourage them to obtain written evidence of alleged offences and to enter victims' houses where there was clear evidence of violence.

58. **Mr. Molina Avilés** (Guatemala), speaking about the effects of the civil war on the Guatemalan population, said that in several areas of the country people were suffering mental health problems. The Ministry of Public Health had set up two programmes to address that issue and with the help of the international community, specifically through UNICEF, was providing financial support to the affected areas.

59. He wished to emphasize that there was an apparent contradiction in the way Guatemala was viewed by the outside world: on the one hand, it was perceived as a country with a poverty rate of around 50 per cent, yet on the other hand it was macroeconomically stable. That caused considerable problems, since the small proportion of wealthy income-generators had hiked up the average per capita income to such an extent that Guatemala would soon fail to qualify for "free" aid and would have to move into the realm of loans. The Government would, in any case, continue to provide funding for its various programmes.

*The meeting rose at 1.05 p.m.*