



**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 578th meeting**

Held at Headquarters, New York, on Monday, 12 August 2002, at 3 p.m.

*Chairperson:* Ms. Abaka

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Convention (*continued*)

*Combined third and fourth periodic report and fifth periodic report of  
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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports submitted 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)  
*(continued)*

1. *At the invitation of the Chairperson, Mr. Molina Avilés, Ms. Barrera, Mr. Mejía Monzón, Ms. Caravantes Tobías, and Ms. Soberanis (Guatemala) took places at the Committee table.*

*Articles 1 to 5 (continued)*

2. *A short video documentary on the situation of women in Guatemala was projected.*

3. **Ms. Soberanis** (Guatemala) said that the effects of decades of violence and internal armed conflict on women in Guatemala were numerous and difficult to overcome, and noted that one out of every four victims of that violence was a woman. In an effort to address the needs of the victims, Guatemala had incorporated a comprehensive programme of peace-building in its process of national reconciliation. In pursuit of that process, the Government was taking measures to institutionalize peace, decentralize itself and strengthen local power, prioritize the rights of the indigenous population, promote the rights of women, reduce poverty and enhance rural development. Women who had lost husbands during the internal armed conflict played an active role in many of those programmes.

4. **Mr. Molina Avilés** (Guatemala) said that, with regard to poverty in Guatemala, the Government was facing budgetary and fiscal realities, as well as practical limitations on its ability to collect tax revenues. Striking contrasts existed in Guatemala between the minority of rich people and the great majority of the population who were poor, most of whom were to be found in the rural and marginalized urban populations; poor women faced particular difficulties in making ends meet.

5. **Ms. Soberanis** (Guatemala) said that the Government had supported a number of initiatives from women's organizations to promote the

participation of women in public life by means of a quota system. After several setbacks, a measure to ensure the inclusion of women on so-called "mixed lists" of candidates for political office was under consideration as part of the electoral reform programme.

*Articles 7 to 9*

6. **Ms. Gonzalez** and **Ms. Regazzoli** expressed the hope that political reforms in Guatemala could move more quickly.

7. **Ms. Feng** Cui noted that indigenous people accounted for a large part of the population of Guatemala, and welcomed the presence of three indigenous women representatives in its Congress. She asked for more information on the representation of indigenous women in political parties, and at various levels of decision-making in the national mechanisms for women and in the Government as a whole, as well as on any policies to encourage the participation of indigenous women in politics and public life.

8. **Ms. Caravantes Tobías** (Guatemala) said that, while female participation in public life was still relatively limited, a number of government officials including the Minister of Culture were indigenous women, as were the majority of the members of the coordinating committee of the National Women's Forum.

9. Six women candidates for national deputy posts had participated in the 1999 elections in four districts as well as four indigenous women candidates for the Central American Parliament; four indigenous women had also been appointed to judicial posts.

*Articles 10 to 14*

10. **Ms. Ferrer Gomez** asked for a description of the main changes being included in the reform of the Labour Code presented by the non-governmental organizations to the Ministry of Labour, as well as of the participation of the Presidential Secretariat for Women in support of that proposal. She also inquired when the proposed reforms of the civil service and social security laws were likely to be considered and whether the guarantees for domestic service workers had been formulated in the context of existing legislation or constituted a new proposal.

11. More information on the progress and results of the current reform programme would be useful, as would information on the situation of women workers in Korean *maquila* firms. Expressing particular concern about the apparent deterioration in the conditions under which those women worked, she asked for clarification of the agreement recently concluded between the Ministry of Labour and the Korean firms, whether other nationalities owned *maquila* firms in Guatemala, and whether any outreach programmes for women working in those firms had been undertaken either by the Government authorities or by non-governmental organizations.

12. **Ms. Gonzalez** expressed the hope that existing measures and programmes for the educational development of girls would be continued, especially those aimed at reducing the gap in education levels between boys and girls. She noted with concern that, although rates of illiteracy remained very high for indigenous women, as well as for the female population as a whole, overall spending on education had declined.

13. She asked about the “cultural” obstacles to rural women’s access to health care and to significant reduction of the total fertility rate referred to in the delegation’s responses to the Committee’s questions.

14. **The Chairperson**, speaking in her personal capacity, agreed that there was a need for population replacement in a country that had undergone long years of war, but stressed the importance of bearing in mind that women’s reproductive issues went well beyond child-bearing to include a range of health concerns and other problems, such as domestic violence. In that context, no information had yet been provided regarding programmes in support of women’s mental health and the rehabilitation of women victims of the armed conflict in Guatemala. She further noted the high rates of fertility and maternal mortality and emphasized the direct link between those two phenomena as well as the need to reduce them. The report had also contained no information regarding alcohol, drug and substance abuse, although it would be reasonable to assume that those would be resorted to by at least some of the female population in the context of their vulnerability to the violence and social dislocation that had prevailed in Guatemala for so long.

15. **Ms. Gabr**, observing that major problems, such as poverty, had an impact on education and the rise in

illiteracy among young girls and thus on women’s employment, said that an urgent remedy was clearly called for. Preconceived ideas about women’s work meant that women were relegated to certain types of jobs. She asked whether any laws were contemplated in order to afford genuine cross-cutting gender equality. She was especially interested in learning about the working conditions of indigenous women.

16. She would like to know how the authorities protected women in the informal sector, especially those working in families — some of whom were unpaid — from exploitation and inhuman treatment. Guatemala, as a State party to the International Covenant on Economic, Social and Cultural Rights, should ensure that steps were taken to protect women’s social and economic rights. She would also be interested to know the health situation of indigenous women, particularly as it related to family planning.

17. **Ms. Livingstone Raday** said that she was appalled at the high rate of underemployment and low wages and productivity in Guatemala, which affected women more than men, and was clearly manifest in their unremunerated employment in agriculture. Their poverty was an unequivocal contributor to the high rate of child labour. It was unclear from the report whether child labour was prohibited across the board or only in certain circumstances, and what kind of protection was given to enable child labourers to attend school. Although, in such a poor economy, it was impossible to enforce prohibitions on child labour and comply with the international child labour conventions, she wished to know what government policy was on those prohibitions and how they were enforced.

18. It would be interesting to learn what action the Government was taking to ensure that the labour rights of domestic workers were respected. Although the Ministry of Labour and Social Security was supposed to inform women of their rights, she asked what enforcement procedures were in place and whether the Government took the initiative in prosecuting or imposing administrative fines on employers.

19. It was heartening to learn that the Working Women’s Unit in the Ministry of Labour and Social Security promoted women’s participation in trade unions, but she wondered whether that promotion and the information given to women was the full extent of the Ministry’s efforts in that regard, and what was

being done in the area of criminal prosecution and administrative enforcement.

20. She welcomed the Government's emphasis on the housing of poor families and female-headed households, as well as the gender-disaggregated data supplied in charts 2 and 3 of the report, although she would like them to be explained in more detail. She also welcomed property co-ownership for cohabiting couples and asked whether such co-ownership was compulsory for married couples and whether it covered urban matrimonial property, or only rural land, as implied in the report (CEDAW/C/GUA/5).

21. **Ms. Caravantes Tobías** (Guatemala) said that the team from the Presidential Secretariat for Women (SEPREM) which, in conjunction with the National Office for Women's Affairs (ONAM), was working on the reform of the Labour Code had developed a process not only for amending the provisions, but for genuine gender mainstreaming throughout the Code.

22. **Ms. Barrera** (Guatemala) said that the benefits bestowed on domestic workers under article 112 of the Constitution, as a minimum constitutional guarantee, were the same as those enjoyed by workers in other sectors, and the revised Labour Code would grant exemption from any articles of the Constitution that violated that principle.

23. The reform of the Labour Code involved provisions on responsible maternity and paternity and elimination of child labour. It also mentioned female agricultural workers; because their labour had always been considered a mere adjunct to male labour, their benefits had not previously been guaranteed. Of the 224 *maquila* firms, 69 per cent were of Korean origin, 23 per cent Guatemalan, 4 per cent American and the remaining 4 per cent from other countries. The vast majority of such firms were located in Guatemala City and other large towns and all had access to varying degrees of medical care.

24. Complaints lodged with the Ministry of Labour and Social Security were verified by the Labour Inspectorate. In the light of continued violations, a body had been set up to establish mechanisms for ensuring compliance with labour laws and monitoring their enforcement. It comprised representatives of the *maquila* companies with their own Codes of Conduct, the Guatemalan Social Security Institute, the Ministry of the Economy, and a coordination non-governmental body. Its mission was to ascertain which *maquiladoras*

persisted in violating their workers' rights, to train and inform employers and workers of their respective rights and obligations and, in conjunction with the Ministry of Labour and Social Security and State institutions, to introduce monitoring mechanisms and ensure compliance with domestic laws and the relevant international human rights treaties and conventions.

25. The Project for the Promotion and Defence of Women Workers' Rights of the Ministry of Labour and Social Security, in coordination with ONAM and SEPREM, organized seminars and workshops to train women in their rights. Managers and area chiefs were also trained in gender mainstreaming in their programmes and projects. Efforts were being made to coordinate programmes for training women workers in their rights, and consultations were being held with trade unions with a view to enhancing understanding of labour laws. The Ministry of Labour and Social Security had been decentralized to eight regions, where workers of both sexes were able to attend seminars on labour regulations.

26. Guatemala had ratified ILO Convention No. 182 on the Worst Forms of Child Labour, and the Ministry of Labour and Social Security was providing training in that Convention for firms. The authorities naturally wished to eradicate child labour, but the reality in the country made that a pipe dream. The minimum age for admission to employment under the Labour Code complied with ILO Minimum Age Convention No. 138. Accordingly, a commission was shortly to be created as a result of a 1999 tripartite survey to ascertain the views of the three labour-relations bodies on enforcement of that law, which had led to the Plan for the Prevention of Child Labour and for the Protection of Working Adolescents.

27. In connection with the ILO International Programme for the Elimination of Child Labour (IPEC), each State was required to determine which sectors were involved in the worst forms of child labour and to take action to eliminate them. The Ministry of Labour and Social Security was formulating measures to enable poor workers to take cases of violations before the courts. Guatemala had ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, and training in labour rights was being provided for indigenous women. While women did participate in trade unions, they did so mostly as ordinary members and rarely served on executive

committees or in an advisory capacity. However, two workshops had been held to sensitize the country's most representative unions to the contributions that women could make in higher positions.

28. Several funds and programmes assisted persons seeking employment, secured loans for the unemployed to set up their own microenterprises, provided study grants, and helped to integrate disabled workers in the labour market; people with disabilities resulting from the armed conflict were being consulted in that connection. The Ministry of Labour impressed on the various sectors the importance of compliance with international norms. Pursuant to ILO Tripartite Convention No. 144, a tripartite commission had been established, with representation of employers and trade unions, to urge them to comply with the international human rights treaties and conventions.

29. **Ms. Caravantes Tobías** (Guatemala) said that a new law provided for equality in conjugal representation and responsibility in the home and joint management of matrimonial property. The provision in article 114 of the civil Code whereby the husband could prevent his wife from engaging in activities outside the home had been repealed. Joint ownership of land by spouses had enhanced women's negotiating capacity within the home, as had co-ownership for de facto couples and ownership for single women.

30. Among cultural obstacles to adequate health care for women was the idea that Pap smears were indecent, and opposition to family planning was firmly embedded in a highly religious country like Guatemala, where contraception was widely considered a moral sin. However, the Ministry of Public Health and Social Welfare had made some progress in that regard.

31. **Mr. Molina Avilés** (Guatemala) said that there had been no programme of reproductive health when the current administration had taken office but that the new Government had a National Reproductive Health Programme. There was also a national mental health programme but it too had encountered cultural obstacles raised not only by the population but by health care providers themselves.

32. In the past, a woman had had no access to contraception or sterilization without her spouse's direct consent. More recently, however, the authorities had succeeded in removing all the medical profession's barriers to family planning, including the requirements of both partners' consent and use of the woman's age

as a criterion for access to contraception. Also, the Constitution guaranteed a couple's freedom to decide the number and spacing of their children. Many health centres and clinics had been equipped for early diagnosis of cancer and menopausal symptoms.

33. During the year and a half in which the programme had been in operation, family-planning activities had been geared to upgrading health personnel skills and knowledge in order to provide a high quality of service, by means of information, advisory services and technical know-how. Work had been done at many levels to ensure adequate availability of contraceptives at all health centres of the Ministry of Public Health. An inter-agency technical group, with expertise in information, education and communication, had been formed to support and give advice to information and education personnel on all aspects of reproductive health.

34. In the period of programme implementation — January to November 2001 — improved access to services, information, education and communication had increased the number of users of contraceptive methods. The percentage of the Ministry's health centres providing one or more contraceptive methods had increased from 52 per cent to 81 per cent during that period. Information on the programme had been widely disseminated in the Spanish and Mayan languages.

35. Pamphlets on family planning had been distributed to health services throughout the country. A national centre for training in public health care was currently in operation at the Social Security Institute's Gynaecology and Obstetrics Hospital, and 60 doctors and 48 nurses from 18 hospitals had been trained in voluntary contraceptive surgery. Thousands of health care workers had received training in family planning, and a training manual had been devised to reach people in remote areas.

36. A series of norms and regulations on family planning had been elaborated, a process which also provided information for decision-making and political dialogue. The Government had established seven teaching centres, each specializing in a different field of health, and had supplied essential hospital equipment for the delivery of family planning services, operating room facilities, technical apparatus, audio-visual devices and computers.

37. In the aftermath of the armed conflict, there was a serious mental health crisis in rural and marginalized urban areas. A Mental Health Programme had been established under the auspices of the Ministries of Public Health and Social Security, and Education. The United States Government had provided funding to expand the Mental Health Programme, primarily in the areas most affected by the conflict.

38. In response to questions raised on the National Reproductive Health Programme, he said the total fertility rate had declined and for the period 2000-2005 was expected to reach a national average of 4.1.

39. The most recently published National Maternal and Child Health Survey (ENMSI) 1998-1999 revealed that the rate of maternal mortality was 190 per 100,000 live births. The most recent data, as yet unpublished, had shown that maternal mortality was on the decline in various regions, at roughly 170 and 180. It could therefore be concluded that the National Reproductive Health Programme was already having a positive impact.

40. The Government had concluded agreements with non-governmental organizations to provide health care and basic services for women and children at the community level. The current Government had successfully increased the number of such agreements from 56 to 160, each of which had been assigned to a different non-governmental organization with jurisdiction for a specific population group, ranging from 7,000 to 32,000 inhabitants. Activities carried out under those agreements included a range of medical services and programmes mainly in the areas of prevention and education. After only 18 months, the programme had yielded positive results in the control of infectious diseases, thanks to its successful immunization campaign. The spread of the HIV/AIDS virus and the fight to curb infection were issues of great importance to the Government. Taking advantage of decentralization, the Government was working in microregions to provide information and medical care to local communities.

41. **Mr. Mejía Monzón** (Guatemala) said that the Government was strengthening its programme on women's education, under the Department of Family Education, focusing on family and school, in order to promote the active participation of women along with other family members in solving problems affecting family life. At the community level, the rights of

women and indigenous people were also promoted with a view to providing equal opportunities to all local populations in rural and marginal areas. The strategy on family education, implemented in coordination with non-governmental organizations, encouraged education and productive projects, stressing the participation of women, to assist communities in meeting their own needs.

42. He acknowledged that women, especially among the indigenous population, were most affected by illiteracy and the Government recognized the need to take cultural considerations into account. Great importance was therefore attached to strengthening bilingual education and the use of local languages. Moreover, significant attention had been devoted to increasing the enrolment of girls.

43. Many of the problems relating to domestic violence against women had been aggravated by a culture of silence, where issues leading to violent behaviour were not considered suitable for discussion beyond family circles. There was a deeply rooted distrust for the authorities and other actors from outside local communities. It was important to convey concepts of family life which did not portray violence within the family as acceptable and normal.

44. With respect to HIV/AIDS, he said that government projects targeting male and female adolescents attempted to explain the hazards of the epidemic.

45. The Government believed that the best way to combat child labour was to provide scholarships for the education of children and, to that end, had planned to increase its grants in the coming year.

46. **Ms. Tavares da Silva** referred to the responses to the list of issues and questions (CEDAW/PSWG/2002/EXC/CRP.2/Add.3), which stated that women in all sectors received the same benefits and that regular inspections were conducted in the *maquila* sector in order to determine whether laws were being observed. However the fifth periodic report had given a rather disturbing perspective on those issues. She therefore welcomed the efforts of the Ministry of Labour and Social Security, among others, to protect working women and hoped that the next report would show substantial improvement. She wondered whether the proposed amendment to the Labour Code would secure the rights of workers and whether the Project for the Promotion and Defence of Women Workers' Rights

would address the problems as described in the report and by independent sources.

47. She was pleased that the oral responses to queries raised under article 12, on family planning, were more encouraging than the information which had been provided in the periodic reports. However, a question on the existence of a national reproductive health policy had not been answered. She was impressed by efforts in education, information, communications, and awareness-raising throughout the entire population, as they were crucial for countries such as Guatemala where large sectors of the population held conservative views. Noting that it was not the responsibility of the health system alone to provide information and education, she asked whether agents of the social services or media were involved in addressing the issue of public information, above all, to ensure that local populations in remote areas were not excluded. She was interested in knowing whether access to contraceptives was provided free of charge.

48. **Ms. Açar** noted that government focus on increasing school enrolment did not effectively deal with the issue of illiteracy among women, particularly among indigenous women and other minorities. She therefore asked whether there were specific literacy programmes for women and, if so, what results had been obtained. Referring to section 2.2 of the fifth periodic report, in which reference was made to a programme requiring secondary school students to acquire work experience through teaching literacy, mainly to women, she asked how successful that programme had been.

49. She requested data on female faculty members at higher academic institutions, their levels of employment, and their administrative and academic ranks. What was the distribution of women in academia among various disciplines? The issue was crucial in changing perceptions and stereotypes. Apart from serving as role models, women in such positions were able to determine the research agenda, and they could serve as catalysts for change in the curricula and course content of those institutions. Were there indigenous women in academic positions?

50. **Ms. Regazzoli** congratulated the Government of Guatemala on its programmes established after the conclusion of the Peace Agreements. It was often difficult for observers to understand the suffering endured through protracted periods of war. Guatemala

deserved praise for the level of progress it had achieved. She looked forward to receiving more specific data in future reports assessing the advancement of women in Guatemalan society and expected further progress in the promotion of literacy and the participation of indigenous women at the local level and in political life. She wished the Government of Guatemala every success in nation-building.

51. **Ms. Manalo** said that the fact that prostitution was legal in Guatemala implied a responsibility on the part of the Government to protect prostitutes. She asked what measures had been adopted by the Government to prevent the spread of infection from HIV/AIDS and other sexually transmitted diseases (STDs). She was also curious to know more about clandestine prostitution and how women operating in such circumstances could be effectively protected.

52. With regard to the Mental Health Programme, she advocated greater focus on the mental health of women, taking into consideration the specific emotional and psychological burden placed on women. The Government should devise a clear programme for Guatemalan women in that regard.

53. She asked how emigration of domestic workers was managed by the Government. There were potentially mutual benefits to be derived from such emigration for Guatemalan society and the receiving country, provided that proper safeguards were in place. The next periodic report could comment on the measures adopted to protect Guatemalan women who emigrated in search of work.

54. She also asked for further information on the incidence of sexual harassment in the workplace, both in the private and public sectors.

55. She asked whether women working in the informal economy or in microenterprises received concessional loans. She also wished to know whether there was an effective infrastructure, such as child care and cooperatives, to support working women. Did women in the informal sector have access to technology and could they receive further training in the services they provided?

56. **Ms. Goonesekere** commended Guatemala on initiatives taken to meet its obligations under the Convention despite problems such as poverty, economic hardship and a prolonged armed conflict. In particular, she appreciated the informative responses

which satisfied some of the concerns of the Committee with regard to women in the *maquila* sector and the interface between child labour and the employment situation of women. She shared the concern expressed about the lack of enforcement of rules pertaining to the situation of domestic workers and women in the *maquila* sector. The delegation should provide information on the method of enforcement adopted by the Government, the number of cases and court procedures used to ensure that large businesses were held accountable for the treatment of their employees, and also on the manner in which inspection of companies was monitored.

57. She noted the reference to a system of self-regulation of companies engaged in production in *maquila* industries and urged Guatemala to strengthen the tripartite arrangement between union, management and Government, in order to ensure accountability of the private sector. She asked whether the investors who established companies in Guatemala actively participated in programmes which contributed to the improvement of social sectors, especially with regard to education on child labour. In her opinion, it was not an effective strategy to wait for economic growth before attempting to eliminate child labour. The experience of other developing countries had shown that education helped to remove children from the workforce and enabled greater participation of women in the labour force. The exploitation of children must be addressed by all means. She wondered whether self-regulatory codes were implemented through employers' federations. With respect to the enforcement of suitable working conditions and benefits for domestic workers, she asked whether there were regulations on domestic work. If so, was domestic work regulated through registration, contract of employment or other means, and what was the mechanism for the enforcement of regulations affecting domestic workers?

58. **Ms. Livingstone Raday** noted that the percentage of women receiving housing subsidies was 11 per cent. She asked whether the remaining 89 per cent consisted of men as heads of households or primarily of couples, in accordance with the policy on co-ownership.

59. **Ms. Caravantes Tobías** (Guatemala) noted that the consensus which had led to the adoption of the Social Development Act had been reached after a conference of bishops held in Guatemala. That showed

that there was support within the Roman Catholic Church for the development of family planning services.

60. **Mr. Molina Avilés** (Guatemala) said that the current development of reproductive health policy, within the framework of the Social Development Act, had been facilitated by the adoption of the Act. The Government was trying to ensure that Guatemalan society at large felt a sense of ownership and that reproductive health would eventually evolve into a genuine policy of State that could not be changed by subsequent governments. To date, the Government was pleased with the broad-based support of its policy and convinced that its reproductive health programme would be sustainable.

61. With regard to access to contraceptives, he said that all family planning centres operated by the Ministry of Public Health and Social Welfare were supplied with a range of birth control devices for distribution to the public, pursuant to an agreement between the Ministry and the National Population Fund. The overall number of users of birth control methods, and especially injectable contraceptives, had significantly increased.

62. The HIV/AIDS and Sexually Transmitted Diseases (STDs) Programme of the Ministry of Public Health and Social Welfare had been developed with the participation of non-governmental organizations (NGOs). Considerable progress had been made with efforts to educate prostitutes about safe sex, although it was hard to reach unlicensed sex workers.

63. Managing internal migration was a major challenge for his Government. Many workers from the north-west travelled to the country's more fertile regions to seek employment in agriculture. In addition, many migrants, including widowed female heads of household, had fled to the cities to escape the armed conflict. Most of those persons were economically and socially marginalized and many suffered from mental health problems as a result of trauma.

64. **Ms. Caravantes Tobías** (Guatemala) said that there was a need for a new approach to the issue of prostitution. The relevant provisions of the existing Health Code, for example, focused on protecting the sex workers' customers, rather than the women themselves. Legal safeguards to protect the rights of sex workers were currently being developed by an NGO.



65. The Presidential Secretariat for Women had signed an agreement with the National Literacy Council concerning literacy programmes for adult women. The programmes' post-literacy phase would include a reproductive-health component.

66. **Mr. Mejía Monzón** (Guatemala) said that, in addition to the literacy initiatives described in the fifth periodic report, his Government was using community radio to provide literacy training in the country's most remote regions. There were special programmes targeting indigenous women, who received instruction in their native languages. Overall, some 290,000 adults had benefited from the National Literacy Programme and a further 94,800 from post-literacy programmes. Regrettably, no sex-disaggregated data were available.

67. **Ms. Caravantes Tobías** (Guatemala) said that 1,668 out of 3,792 students at the State-run University of San Carlos were women. There were no data on the number of students from indigenous groups or on the number of women university lecturers. Regarding the housing programme for uprooted and demobilized population groups, under which 11 per cent of the recipients of subsidies had been women, she confirmed that the remaining 89 per cent of the recipients had been couples.

68. **Ms. Barrera** (Guatemala) said that all workers enjoyed the minimum rights set out in the Constitution and the Labour Code. In addition, domestic workers were entitled to such benefits as paid holidays, paid maternity leave and compensation in case of unfair dismissal; they were not covered by minimum wage laws. Disputes sometimes arose because, under the Labour Code, employers could conclude verbal agreements with domestic workers, in place of formal employment contracts. Action was being taken to deal with abuses by employers in the *maquila* sector. In particular, a monitoring mechanism had been established to ensure compliance by employers with the relevant codes of conduct, and workers were being educated about their rights. Provisions on sexual harassment in the workplace were included in the proposed amendments to the Labour Code.

69. One of the functions of the recently established tripartite commission, which consisted of representatives of employers' organizations, trade unions and Government, was to promote observance by employers of international labour standards, including the norms set out in the conventions of the

International Labour Organization to which Guatemala had acceded. The Labour Inspectorate had been decentralized and the number of inspectors increased.

70. There were special vocational training programmes for young refugee and displaced women. In addition, programmes were being developed to increase the productivity and competitiveness of female informal sector workers. A revolving fund was being created to provide credit to women wishing to establish income-generating microenterprises, while community leaders were being equipped with the skills they needed to mobilize resources for development.

71. Guatemala had signed but not ratified the International Convention on the Protection of Migrant Workers and Members of Their Families and was a party to several regional conventions on migration. Her Government was negotiating with the Canadian and Chilean Governments and with a group of Central American States on measures to safeguard the rights of Guatemalan migrant workers, and there were plans to amend the relevant domestic legislation. Under the Migration Act, trafficking in migrants was a criminal offence. The International Organization for Migration had conducted a study and developed a plan of action for the management of internal and external migration, which was currently being reviewed by the relevant government departments.

#### *Articles 15 and 16*

72. **Ms. Shin** said that the Government of Guatemala was to be commended for the progress made in reforming the Civil Code. She was concerned, however, that, while the minimum age for marriage was 18, boys could marry at 16 and girls at 14 with parental consent. She asked why so many couples chose to cohabit in so-called *de facto* unions rather than marrying, whether men and women enjoyed the same right to inherit property, and how the State party dealt with conflicts between the Civil Code and the customary practices of indigenous groups.

73. **Ms. Gaspard**, noting that approximately one in three women were living with partners in *de facto* unions, said that it was not clear whether there were any laws governing such unions, what the civil status of the children of unmarried parents was, and whether women could demand alimony in the event that their relationships broke down.

74. **Ms. González Martínez** asked whether any measures had been taken to raise public awareness of the reform of the Civil Code, and whether women had sued for divorce on grounds of domestic violence, a right instituted in the new Act on the Prevention, Punishment and Eradication of Domestic Violence.

75. **Ms. Ferrer Gómez** asked whether parents who failed to pay alimony were liable to punishment under the Penal Code.

76. **Ms. Caravantes Tobías** (Guatemala) said that men and women in de facto unions had the same rights and obligations as husbands and wives. The law had recently been amended to allow unmarried mothers to give their children the father's surname as well as their own, thus removing the stigma those children had faced. The law on inheritance did not discriminate between men and women. However, among the indigenous peoples, it was customary for men to inherit property. An action had been brought challenging the practice's constitutionality, but the Constitutional Court had yet to make a ruling. Unfortunately, there was no institutional mechanism for exerting pressure on the Court to expedite the process.

77. **Ms. Soberanis** (Guatemala) said that her Government planned to raise the minimum age for marriage for girls with parental consent from 14 to 16. Early marriage was common in Guatemala, however, particularly among indigenous women, and the existing legislation reflected long-established socio-cultural patterns. Following the reform of the Penal Code, criminal prosecution for non-payment of alimony had been abolished, although her Government was seeking to reverse that change. She noted that, while citizens could bring civil actions to seek payment of alimony, judges had the power to dismiss such cases and order the parties to reach an out-of-court settlement if the sums involved were very small. Women's NGOs were campaigning for the abolition of that provision. The Agreement on Identity and Rights of Indigenous Peoples stipulated that the customary practices of indigenous groups should be recognized in Guatemalan law. Pursuant to the Agreement, a mechanism was being developed to serve as an interface between customary law and domestic legislation. Guatemala had acceded to the Convention concerning Indigenous and Tribal Peoples in Independent Countries.

78. **The Chairperson** said that the State party should ensure the widest possible dissemination of the

Committee's concluding observations concerning the combined third and fourth and fifth periodic reports of Guatemala, including through their translation into local languages and distribution to NGOs and indigenous women's groups. The people of Guatemala were to be commended on the successful outcome of the peace process and its integration with the process of development. She trusted that the next periodic report would reflect further improvements in the situation of Guatemalan women, particularly in the area of health.

79. **Ms. Caravantes Tobías** (Guatemala) said that the dialogue with the Committee had been constructive and helpful and that its recommendations would make a very valuable contribution to the efforts to enhance the status of women in Guatemala. Much progress had been made, but much remained to be done. Her Government was committed to raising the female literacy rate, improving women's reproductive and mental health and achieving greater compliance with the Convention.

*The meeting rose at 5.50 p.m.*