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**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the third periodic report of Guatemala

Addendum

Replies of Guatemala to the list of issues* **

[Date received: 29 September 2014]

* The present document is being issued without formal editing.

** Due to the length of the present document, the footnotes are reproduced in the language of submission.

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Annex***

*** The annex is available in the files of the Committee secretariat.

I. Introduction

1. The Government of Guatemala received the list of issues in relation to its third periodic report regarding the Covenant on Economic, Social and Cultural Rights in June 2014. The Committee on Economic, Social and Cultural Rights requested that the replies be limited to 10,700 words, submitted electronically (using MS Word 2003/2010).
2. The Committee will consider the third periodic report on 17 and 18 November 2014.

II. General information

Paragraph 1. Please provide information on measures taken to raise the awareness of the general public and, more particularly, the judiciary regarding the economic, social and cultural rights set forth in the Covenant and on the right to claim them in court.

3. The Public Criminal Defence Institute¹ reports that a total of 8,761 workshops were held nationwide between 2006 and 2014 on civil, political, economic, social and cultural rights, the rights of indigenous peoples and national and international human rights protection mechanisms for the benefit of indigenous authorities and community leaders.
4. Through the School of Legal Studies, judges receive ongoing training in the specific rights protected under the Covenant. The courts have safeguarded economic, social and cultural rights as well as the right to a decent standard of living, to health, to education, to nutrition and to housing, among others (see the example in the State party report).²
5. Other activities of the judiciary, the Human Rights Advocate and the Constitutional Court are described in the State party report.³

Paragraph 2. Please provide information on consultations with indigenous peoples held prior to the approval of projects involving land-use change that could directly affect them, giving specific examples, if any, of how their participation altered those projects and bettered the community's enjoyment of their economic, social and cultural rights or lessened the risk of violations of those rights.

6. The Ministry of Labour and Social Welfare is drafting a bill (comprising both the law and its implementing regulations) to establish the guidelines, procedures, content and principles for the effective implementation of indigenous peoples' right to prior

¹ El Instituto de la Defensa Pública Penal, es una entidad autónoma y gratuita que ejerce una función técnica jurídica de carácter social, con el propósito de garantizar el derecho de defensa en los procesos penales, asiste gratuitamente en procesos penales, niñez y adolescencia en conflicto con la ley penal, población indígena (Defensorías Étnicas con enfoque de Género) y da asistencia jurídica gratuita a Víctimas de Violencia y temas de familia.

² Juzgado de la Niñez y Adolescencia y de Adolescentes en Conflicto con la Ley Penal, del departamento de Zacapa, Zacapa, emitió sentencia el 31 de mayo de 2013 dentro de la carpeta judicial No. 19003-2011-00641 Of. 1ª.

³ El Procurador de los Derechos Humanos, ha promovido ante la CSJ acciones constitucionales de *amparo* acumulados 63, 64, 65 y 76-2013 Oficial 1º. A favor del derecho a la salud de pacientes renales.

La CC, ha sentado precedentes jurisprudenciales desde hace varios años, por ejemplo en el expediente 949-02 sobre el derecho a la salud, tendencia que se mantiene también los expedientes acumulados 398-02 y 448-02, 1,204-2003, sobre el derecho al trabajo, expedientes acumulados 355-92 y 359-92 expedientes de *amparo* 1613-2004, 1597-04, 549-06, 65-08 y 563-09. Derecho a la educación expediente de apelación de *amparo* 787-2000, derecho a la alimentación expedientes 1894-2005, y acumulados 909, 1008 y 1151-2006.

consultation. Such consultation, in keeping with indigenous peoples' worldview, is carried out through free, prior and informed intercultural dialogue between Government institutions, indigenous peoples and directly concerned parties.

7. For examples of the participation of indigenous peoples, refer to the State party report.

Also indicate whether the State party has a suitable legal and institutional framework for ensuring compliance with the State's duty to undertake prior consultations with a view to obtaining the prior, free and informed consent of the indigenous peoples concerned, in accordance with international standards. In particular, please provide information on prior consultations in connection with the construction of a cement factory in the municipality of San Juan Sacatepéquez, the San Rafael mine and the Santa Cruz Barillas hydroelectric project.

8. As the State has not had any specific provisions regarding the consultation of indigenous peoples, it has applied those contained in the Constitution (arts. 225, 226 and 228), the regulations on environmental assessment, control and monitoring (Government Order No. 431-2007 and amendments thereto), the Urban and Rural Development Councils Act (arts. 6, 8, 10, 12 and 14) and the Municipal Code (arts. 20 and 55–59).

9. For information on the consultation process regarding the construction of a cement factory in San Juan Sacatepéquez, the San Rafael mine in Santa Rosa and the Santa Cruz Barillas hydroelectric project, refer to the State party report.

Paragraph 3. In the light of the recent Constitutional Court decision (No. 266-2012) in which the Court said that the failure to recognize indigenous communal property was “an unresolved issue in the country's legislative history”, please provide information on the legislative and institutional measures taken by the State party to guarantee indigenous peoples' rights to their land and natural resources, including the collective nature of those rights and their territorial aspects, and to fully recognize customary land tenure systems.

10. The State recognizes, respects and promotes the way of life of indigenous peoples and communities. Since 1985, their presence, modes of social organization and relationship with the environment have been recognized in the Constitution, which provides for special protection of their forms of communal or collective property-holding and special administration of their communities.⁴

11. For information on the legislative and institutional measures adopted by the Government, please see the State party report.

III. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

Article 2, paragraph 1

Obligation to take steps to the maximum of available resources

Paragraph 4. Please provide information on the impact of the approval of the first package of legislation on transparency in the management of public funds (Decree No. 13-2013), the measures subsequently taken by the State pursuant to that legislation and the impact on efforts to counter corruption.

⁴ Constitución Política de la República de Guatemala, arts. 66 a 68.

12. Decree No. 13-2013 amended the Budget Act, the Comptroller-General's Office Organization Act and the Tax Administration Superintendency Act. Pursuant to the amendments to the Budget Act, systems were set up for the budget, integrated Government accounting, the treasury, public lending and the programming, management and evaluation of public sector results.⁵ Integrated systems were also developed to provide timely and reliable information on public fiscal and financial performance, coordinate spending programmes and manage internal and external debt. Improvements were made to the Integrated Financial Management and Control System for greater credibility and transparency.

13. The Government has established the Presidential Commission on Transparency and Electronic Governance (COPRET) via Government Order No. 360-2012 of 26 December 2012. Its purpose is to promote and implement policies, plans, programmes and projects to fight corruption in the executive branch and foster a culture of transparency and zero tolerance for corruption. It is also responsible for encouraging the implementation of recommendations made by international entities.

14. On 4 March 2013, an inter-institutional anti-corruption agreement was reached, establishing the Anti-Corruption Task Force, made up of the following entities: the Public Prosecution Service, the judiciary, the Counsel-General and the Comptroller-General's Office, under the supervision of the Presidential Commission on Transparency and Electronic Governance.

15. For further information, see the State party report.

Please also include information on the number of complaints of corruption that have been lodged in the last five years, on the investigations conducted, on the percentage of those complaints that led to a conviction and on the protection given to persons who lodge complaints concerning acts of corruption.

16. Regarding the impact of anti-corruption efforts, the Corruption Division of the Public Prosecution Service has stated that 90 per cent of the corruption reports it received in 2012 came from the Comptroller-General's Office. Decree No. 31-2012 on the Anti-Corruption Act introduced new corruption-related offences, thereby broadening the scope of investigations.

17. The Corruption Division of the Public Prosecution Service has reported the following:

⁵ El Organismo Ejecutivo por medio del Ministerio de Finanzas Públicas, consolida los presupuestos institucionales y elabora el presupuesto anual, multianual y cuentas agregada al sector público, que deben estar en concordancia a los planes institucionales implementados al presupuesto orientado a resultados, que es entregado a la Secretaría de Planificación y Programación de la Presidencia, quien consolida la información para ser enviado al Congreso de la República durante el primer trimestre de cada año. Esto permite evaluar y analizar la ejecución y resultados bajo los criterios de calidad del gasto y el impacto de las políticas públicas, sus metas e indicadores. Dicha información es considerada pública de acuerdo a la Ley de Acción a la Información Pública.

| <i>No.</i> | <i>Year</i> | <i>Reports</i> | <i>Convictions</i> |
|------------|-------------------|----------------|--------------------|
| 1 | 2010 | 205 | 65 |
| 2 | 2011 | 198 | 72 |
| 3 | 2012 | 397 | 25 |
| 4 | 2013 | 184 | 44 |
| 5 | 2014 (up to July) | 61 | 52 |

Source: Corruption Division of the Public Prosecution Service.⁶

18. These data indicate that 29 per cent of reports led to a conviction. For the 2009–2014 period, the Corruption Division of the Public Prosecution Service⁷ has reported that one application for protection was filed in 2011, in a case involving embezzlement and abuse of authority.⁸ The National Civil Police has stated that, since 2013, its Protection of Persons Division has provided protection to five persons having reported acts of corruption.

Article 2, paragraph 2 Non-discrimination

Paragraph 5. Please provide information on the steps taken by the State party to combat discrimination on grounds of ethnic origin or sexual orientation in the enjoyment of economic, social and cultural rights.

19. Noteworthy measures include:

(a) The Budget Act, pursuant to which, since 2013, budgetary appropriations have to include categories that take into account gender, indigenous peoples, education and malnutrition; accordingly, recipients of Government funds must provide information on their objectives, goals and beneficiaries, broken down by gender, ethnicity, age and geographical location;

(b) The National Policy on Coexistence and the Elimination of Racism and Racial Discrimination, which was adopted through Government Order No. 143-2014, thereby making its implementation compulsory;

(c) The consideration of culture and multiculturalism in the recruitment and posting of new National Civil Police officers;

(d) The development by the National Institute of Statistics of a conceptual framework and guide for mainstreaming indicators related to gender and indigenous peoples;

(e) The National Development Plan entitled “K’atun: Our Guatemala 2032”, which focuses on indigenous peoples and aims to:

⁶ Informe del Ministerio Público. Fiscalía de Sección contra la corrupción. Guatemala, 23 de julio de 2014.

⁷ El Acuerdo 2-20074 del Consejo del Ministerio Público, establece que la Oficina de Protección es la responsable de la calificación de riesgo que soporta la persona evaluada, y las medidas de protección que implementa a favor de la persona vinculada, a su radio de acción y de la modalidad y oportunidad de finalizar el procedimiento de protección. La protección puede extenderse cuando sea necesario, al cónyuge o conviviente, padres, hijos, hermanos del beneficiario así como a cualquier persona ligada a él y expuesta a riesgos por las mismas causas.

⁸ Informe de la Subdirección de la Oficina de Protección del Ministerio Público. Referencia SDOP-OF-195-2014. Guatemala 22 de julio de 2014.

- (i) Close gaps in access to education and comprehensive health services among indigenous peoples;
- (ii) Increase the scope and expand the territorial coverage of culturally sensitive curricula;
- (iii) Increase the coverage of drinking water and basic sanitation;
- (f) In the area of health:
- (i) The Ministry of Public Health and Social Welfare has defined areas of focus for the development of culturally sensitive health services aimed at improving indigenous peoples' health;
- (ii) 24-hour Care Centres and Comprehensive Mother and Child Care Centres have been established, with vertical birthing rooms set up according to midwife specifications. Some second-tier facilities are equipped with *temascales* (traditional steam baths);
- (iii) The Guatemalan Social Security Institute has recruited midwives, especially in rural and indigenous areas.
- (g) The Ministry of Education is implementing the Strategic Education Plan 2012–2016, including the following activities:
- (i) Curriculum development through regional curriculum planning for the Maya people at the preschool, primary and lower secondary levels. Regional curriculum planning for the Garifuna and Xinca peoples has been completed for the preschool and primary levels;
- (ii) Schools have been categorized on the basis of their sociolinguistic and cultural profiles:
- (iii) Category A comprises communities with a single mother tongue (Mayan, Garifuna, Xinca or Ladino); category B consists of bilingual communities that use two languages fluently and equally (mother tongue L1 and second language L2); category C includes indigenous communities moving towards Spanish monolingualism and losing the language of their cultural origins; and category D encompasses multi-ethnic and multilingual communities made up of various cultures and languages (e.g. Ixcán in El Quiché department);
- (iv) 5,083 primary schools across 16 departments⁹ have been classified as bilingual schools, thereby making them eligible for curriculum and pedagogical intervention strategies for the development of indigenous language skills among sociolinguistic peoples and communities.
- (h) In the area of justice:
- (i) The Supreme Court and the judiciary set up the Indigenous Affairs Unit in 2012 to encourage the observance of indigenous rights;
- The Indigenous Interpreting and Translation Centre was established in 2013 while the Legal Interpreters and Translators Network, which in November 2013 included 89 official interpreters, provides national coverage in 22 Mayan languages;

⁹ Departamentos de Totonicapán, Alta Verapaz, Baja Verapaz, San Marcos, Chiquimula, Huehuetenango, Quetzaltenango, Guatemala, Sololá, Chimaltenango, Suchitupéquez, Sacatepéquez, Izabal, Santa Rosa, El Quiché y Petén.

- The Criminal Chamber of the Supreme Court has issued a circular on coordinating the formal legal system with the indigenous legal system;
- (ii) The Public Criminal Defence Institute runs 15 indigenous advocacy offices countrywide that provide services in 10 Mayan languages and Garifuna;
 - Efforts have been made to build the capacity of indigenous authorities to run their own legal system and familiarize them with the international and national legal instruments safeguarding their full enjoyment of this right;
- (iii) The Public Prosecution Service includes an Indigenous Peoples Department that provides legal services tailored to indigenous persons;
 - The Prosecution Unit for Discrimination Offences and the Protection of Indigenous Peoples' Rights was established under the Office of the Prosecutor for Human Rights in 2014 and a general instruction on processing discrimination offences has been adopted.

20. Regarding sexual orientation, an inter-institutional technical committee was set up in May 2013 to monitor the fulfilment of the country's commitments under the Inter-American human rights system regarding the lesbian, gay, bisexual, transgender and intersex community (LGBTI).¹⁰ (See the State party report.)

Please also provide information on the Office of the Ombudsman for Sexual Diversity, its mandate, functions and budget allocation, and its probable impact.

21. Pursuant to Agreement No. SG-113-2013, the Human Rights Advocate established the Office of the Ombudsman for Sexual Diversity in April 2014. Its mandate is to ensure the observance of constitutional guarantees by fostering equal conditions and opportunities, inclusiveness, citizen participation and non-discrimination as the main thrust of efforts and programmes with a strong human rights focus in the areas of health, education, access to employment and justice.

22. Regarding protection, the Office of the Ombudsman for Sexual Diversity refers complaints to the Public Prosecution Service or to a judicial authority for investigation,¹¹ but it can also follow up on cases falling within its jurisdiction.¹²

Please also provide information on the impact of measures — in particular affirmative action measures — taken to combat discrimination against persons with disabilities in respect of their enjoyment of economic, social and cultural rights.

¹⁰ La mesa técnica concibe el impulso de políticas públicas como la acción central en el año 2014. Este proceso se trabajará conjuntamente con organizaciones de sociedad civil afines a la temática LGBTI, principalmente con las organizaciones que presentaron petitorio ante la CIDH.

¹¹ Código Procesal Penal, Artículo 298. **Denuncia Obligatoria.** Deben denunciar el conocimiento que tienen sobre un delito de acción pública, con excepción de los que requieren instancia, denuncia o autorización para su persecución, y sin demora alguna: 1) Los funcionarios y empleados públicos que conozcan el hecho en ejercicio de sus funciones, salvo el caso de que pese sobre ellos el deber de guardar secreto. Código Penal, artículo 457. **Omisión de denuncia.** El funcionario o empleado público que, por razón de su cargo, tuviere conocimiento de la comisión de un hecho calificado como delito de acción pública y, a sabiendas, omitiere o retardare hacer la correspondiente denuncia a la autoridad judicial competente, será sancionado de cien a un mil quetzales.

¹² Artículo 14 de la referida ley, puede requerir o exigir las explicaciones pertinentes a cualquier institución pública sobre un hecho alegado como violación de un derecho constitucional. Dicho procedimiento establece que podrá requerir al funcionario público informes/informe circunstanciado sobre un hecho alegado dentro de un plazo razonable de cinco días, el cual deberá remitirse adjuntando cualquier tipo de información que sea pertinente, o bien, a previo requerimiento del Procurador que también está facultado para exigir la exhibición de documentos, archivos u otros que fundamenten su investigación y resolución final en término de treinta días.

23. The number of departmental disability commissions,¹³ which remained at 5 from 2005 to 2010, rose to 18 in 2013. Their purpose is to facilitate the access of persons with disabilities in the areas of health, education, employment, sports, culture, security and justice.

24. The Act on the National Disability Policy and Action Plan mandates the Ministry of Public Finance to include in the draft general budget for each fiscal year an appropriation of no less than 5 million quetzales for the National Disability Policy.

25. The Congress has set up a technical commission for the 2014–2015 session that will study and analyse disability issues. (See the State party report.)

Paragraph 6. Please provide information on specific steps taken by the State party to strengthen the Presidential Commission on Discrimination and Racism against Indigenous Peoples (CODISRA), the Office for the Defence of Indigenous Women and the Guatemalan Indigenous Peoples' Development Fund (FODIGUA).

26. The following measures have been taken to strengthen the Presidential Commission on Discrimination and Racism against Indigenous Peoples:

(a) The adoption of the binding National Policy on Coexistence and the Elimination of Racism and Racial Discrimination;

(b) The implementation of the Budget Act, pursuant to which, since 2013, budgetary appropriations have to include categories that take into account gender, indigenous peoples, education and malnutrition; accordingly, recipients must provide information on their objectives, goals and beneficiaries, broken down by gender, ethnicity, age and geographical location;

(c) Its membership in the Office for Indigenous Peoples and Intercultural Affairs, created through Government Order No. 11-2014.

27. The following steps have been taken to boost the efforts of the Guatemalan Indigenous Peoples' Development Fund:

(a) The Government Plan 2012–2015 outlines the Agenda for Change and links the Fund's programme budget structure with the Zero Hunger Pact (focus areas: productive and social infrastructure, social infrastructure for a better quality of life, social development and sustainable rural development);

(b) The Fund invested a total of 15,565,961.15 quetzales in the 2013 fiscal year, benefiting 37,276 persons (23,231 women and 14,045 men) through the following programmes: the Virtual Network Programme, the Development Management Programme, the Policy Training for Governance Programme and the Indigenous Authorities Programme;¹⁴

(c) Two national events on discrimination and racism were held in 2013 and 2014 (see the State party report).

¹³ Comisiones Departamental de Discapacidad (CODEDIS), consisten en equipos interinstitucionales de nivel local, que gestiona acciones diversas ante las municipalidades, gobernaciones departamentales y otras instituciones del Estado, para promover el respeto de la derechos de la población con discapacidad.

¹⁴ Memoria Anual de Labores. Fondo de Desarrollo Indígena Guatemalteco — FODIGUA — Pág. 9.

Budget allocations

| Institution | Budget | | | |
|---|------------|------------|------------|------------|
| | 2011 | 2012 | 2013 | 2014 |
| Guatemalan Indigenous Peoples' Development Fund | 19 527 162 | 22 634 874 | 42 101 993 | 42 101 993 |
| Presidential Commission on Discrimination and Racism against Indigenous Peoples | 8 865 752 | 7 393 696 | 9 500 000 | 9 500 000 |
| Office for the Defence of Indigenous Women | 13 900 476 | 11 718 733 | 18 138 476 | 16 002 908 |

Source: Prepared by the Presidential Human Rights Commission (COPREDEH) on the basis of data generated by the integrated government accounting system. Expenditure reports, current budget.

Please also provide information on the establishment of the Office for Indigenous Peoples and Intercultural Affairs, its aims and how it will ensure the involvement of indigenous peoples in its work.

28. The Office for Indigenous Peoples and Intercultural Affairs is a high-level deliberative and consultative body, coordinated by the President and established pursuant to Government Order No. 11-2014 (of 25 March 2014) for a 10-year period. It is made up of nine ministries, four secretariats and eight Government entities, which provide administrative, logistical and budgetary support.

29. Its purpose is to formulate proposals for political, administrative or legal reforms with a view to implementing public policies aimed at fostering comprehensive, culturally sensitive development among indigenous peoples, and to encourage and coordinate inter-institutional efforts to reinvigorate the Peace Accord on the Identity and Rights of Indigenous Peoples. The participation of indigenous peoples is ensured through the involvement of the Maya, Xinka and Garifuna representatives to the National Urban and Rural Development Council (CONADUR).¹⁵ (See the State party report).

Article 3 Equal rights for men and women

Paragraph 7. Please provide information on progress made in terms of legislation and of existing policies, plans and mechanisms for achieving the equal enjoyment of women's, and particularly indigenous women's, economic, social and cultural rights.

30. Significant legislative progress has been made since 2008 towards the achievement of equal enjoyment of economic, social and cultural rights for women, irrespective of their ethnicity.

Legislation

31. The following laws have been adopted since 2008:

- Decree No. 22-2008, Act on Femicide and Other Forms of Violence against Women;

¹⁵ Decreto 11-2002. Ley de Consejo de Desarrollo Rural y Urbano. Artículo 1. El Sistema de Consejos de Desarrollo es el medio principal de participación de la población maya, xinka y garífuna y la no indígena, en la gestión pública para llevar a cabo el proceso de planificación democrática del desarrollo. El sistema tiene cinco niveles siendo estos comunitario, municipal, departamental, regional y nacional.

- Decree No. 9-2009, Act against Sexual Violence, Exploitation and Trafficking in Persons;
- Decree No. 32-2010, Act on Healthy Motherhood;
- Decree No. 21-2009, Act on Criminal Jurisdiction in High-Risk Trials.

Policies

32. The policies are sectoral and cross-cutting and include a gender and ethnicity perspective in order to ensure women enjoy their rights through various institutional efforts. They include:

- The National Policy on the Comprehensive Advancement of Women and the Equal Opportunities Plan 2008–2023;
- The updated National Youth Policy 2012–2020;
- The National Policy on Violence and Crime Prevention, Public Safety and Peaceful Coexistence 2014–2034;
- The National Policy on Job Creation and Safe, Decent, Quality Employment;
- The Zero Hunger Pact, a macroeconomic policy on the needs of vulnerable groups;
- The National Policy for the Development of Micro, Small and Medium-sized Enterprises.

Plans

33. The following plans and policies are consistent with the current Government's policy orientations as set out in the three Government pacts:

- The Equal Opportunities Plan 2008–2023 (National Policy for the Advancement and Development of Guatemalan Women);
- The National Plan for the Prevention and Elimination of Domestic Violence and Violence against Women and the Punishment of Offenders;
- Municipal pacts on equity, implemented in four departments through municipal women's affairs offices;
- The Comprehensive Training Plan of the Office for the Defence of Indigenous Women;
- The Action Plan for the Reduction of Neonatal and Maternal Mortality and Improvement of Reproductive Health 2010–2015;
- The Institutional Strategic Plan on Gender and Ethnicity 2011–2015, which champions the rights of indigenous women.

Monitoring mechanisms

34. Efforts to supplement and strengthen the legal framework include:

- The establishment of first instance criminal courts, of trial courts for the offences of femicide and other forms of violence and human trafficking, and of an Appeals Court chamber reserved for cases of sexual violence, exploitation and human trafficking. Mobile magistrates' courts and 24-hour first instance criminal courts for offences of femicide and other forms of violence against women and sexual violence were set up in 2012;

- The establishment of branches of the Office of the Prosecutor for Women's Affairs and the Office of the Special Prosecutor for Human Trafficking as well as 12 specialized ombudsman's offices for the rights of indigenous girls, women and older women;
- The collection by the National Institute of Statistics of institutional data on domestic violence and violence against women;
- The establishment of the Special Cabinet for Women (Government Order No. 264-2012).¹⁶

(See the State party report.)

Please also indicate what specific measures, including training programmes, have been put in place by the State party to increase women's representation in political life and public decision-making positions. Please also provide statistics on these points.

35. In 2011, the Supreme Electoral Court took measures to increase women's participation in public life, including:

- A joint local governance project run by the Court and the United States Agency for International Development (USAID). Its impact was felt in the voter register for the 2011 general elections, which included 7,340,841 registered voters, 3,736,169 (51 per cent) of whom were women, up 4 per cent compared to the 2007 elections;
- The establishment in 2013 of the Department for the Advancement of Women in Politics, which has provided training to 4,950 female students at the primary and lower and upper secondary levels and to members of the women's multiplier network. For statistical data, see the State party report.

IV. Issues relating to specific provisions of the Covenant (arts. 6 to 15)

Article 6

The right to work

Paragraph 8. What measures have been taken to deal with the fact that such a large number of people, particularly indigenous workers and agricultural workers, are working in the informal sector?

36. Two of the criteria suggested by the International Labour Organization (ILO) are used to measure informal work. The first relates to production units (informal-sector enterprises) characterized by non-payment of taxes, non-incorporation, non-contribution to social insurance, absence of official registration and non-registration of employees. The

¹⁶ El Gabinete Específico de la Mujer (GEM) (Acuerdo Gubernativo 264-2012)¹⁶ tiene como finalidad coordinar, articular e impulsar las acciones interinstitucionales para la implementación de planes para el desarrollo integral de la mujer. Lo integran los Ministerio de Gobernación, Desarrollo Social, Agricultura, Salud, Educación, Finanzas y Trabajo, además de secretarías y agentes de cooperación internacional. Como resultado de las gestiones, durante el 2013 se resaltan: la implementación de presupuestos públicos con enfoque de género en 22 departamentos; el fortalecimiento de la coordinación interinstitucional a nivel territorial con la SEPREM, SCEP y SEGEPLAN; la asesoría y acompañamiento a las coordinadoras de las 248 oficinas municipales de la mujeres; establecimiento de 20 pactos municipales de seguridad con equidad; la articulación de procesos y acciones de los mecanismos de la mujer desde lo municipal a lo nacional.

second is jobs (informal work, employed person) characterized by lack of social insurance coverage, contracts and benefits. (See the State party report.)

Please provide up-to-date information on the results of programmes, including technical and vocational training programmes in urban and rural areas, set up by the State party for the purpose of increasing employment and re-employment opportunities for workers in the formal sector, particularly disadvantaged individuals and groups, such as young people, indigenous women and persons with disabilities.

37. The Ministry of Labour and Social Welfare's job centre is the body responsible for providing basic services to employers and job-seekers and putting them in contact with each other. Its services include: assisting job-seekers, entering them into the electronic employment exchange or portal, directing job-seekers towards the various vacancies matching their profile and following up with job-seekers to update their placement status and statistics.

38. For statistical data on the National Employment System and the Ministry of Labour and Social Welfare's training and job counselling programmes and information on the efforts of the Guatemalan Indigenous Peoples' Development Fund and the Technical Institute for Training and Productivity (INTECAP), see the State party report.

Article 7

Right to just and favourable conditions of work

Paragraph 9. Please provide detailed and up-to-date information, including statistics, disaggregated by sex and age, on domestic workers in the State party.

39. According to the National Employment and Income Survey 2-2013, there are 198,885 domestic workers, of whom 92 per cent are women, 62 per cent are indigenous migrant women in urban areas, 43 per cent are youths between the ages of 14 and 26, 70 per cent have not completed primary education and 10 per cent have completed lower secondary education.¹⁷

Please say what steps have been taken by the State party to amend the special regime for domestic workers provided for in the Labour Code, which does not guarantee them the same rights as other workers in respect of, for example, the maximum duration of the workday and grounds for dismissal.

40. The Ministry of Labour and Social Welfare has initiated the dialogue and ratification process for the ILO Domestic Workers Convention, 2011 (No. 189) with a view to finding ways to regulate domestic work. On 6 February and 11 and 13 March 2014, ILO Convention No. 189 was presented to the Tripartite Commission on International Labour Affairs. Studies are currently being designed to define possible approaches.

Please comment on reports that 60 per cent of domestic workers earn less than the minimum wage, 98 per cent of domestic workers have no contract and only 1 per cent are registered with the Guatemalan Social Security Institute.

41. In order to address the issue of domestic work, a forum for dialogue between Government and civil society organizations was established in March 2013 to build a support mechanism for vulnerable women. The forum meets monthly to discuss issues relating to indigenous women, older women and children (especially with regard to the worst forms of child labour) and review national and international law regarding women.

¹⁷ Fuente de información del Ministerio de Trabajo. Oficio DAI-LASP-sms-473-2014. Guatemala, 29 de julio de 2014.

Paragraph 10. Please indicate what mechanisms the State party has established for adjusting the legal minimum wage in order to ensure a decent standard of living for workers and their families, as previously recommended by the Committee (E/C.12/1/Add.93, para. 32). Please also comment on reports that the earnings of the majority of agricultural workers are well below the legal minimum wage and on the linking of pay to the tasks performed by agricultural workers or their productivity, which has led to the exploitation of workers.

42. Pursuant to Government Agreement No. 537-2013, the country's new minimum wage levels in effect since January 2014 are 5 per cent higher than in 2012 and stand at:

| <i>Activity</i> | <i>Year</i> | <i>Total</i> | <i>Year</i> | <i>Total</i> |
|-------------------------------|-------------|-----------------|-------------|-----------------|
| Non-agricultural | | Q2530.34 | | Q2421.75 |
| Agricultural | 2014 | Q2530.34 | 2013 | Q2421.75 |
| Export and maquila industries | | Q2346.01 | | Q2246.25 |

Source: Prepared by the Presidential Human Rights Commission (COPREDEH) on the basis of data from the Ministry of Labour and Social Welfare.

(See the State party report.)

Paragraph 11. Please provide additional information on the steps taken to support the work of labour inspection offices by, for example, increasing their budget allocations, hiring and training inspectors and improving their working conditions, along with the infrastructure and tools that they need to do their work, and improving overall organization.

43. To support the work of the Inspectorate-General for Labour, targeted regional inspections are conducted to ascertain that labour benefits are being provided. Eleven operations were carried out in 2013, more than doubling the number of inspections conducted in 2012.

44. Regarding improvements to working conditions, the Inspectorate-General reported that:

- One hundred additional inspectors have been recruited, 40 per cent of whom are posted to Guatemala department and 60 per cent to other parts of the country;
- Deputy labour inspectors have been appointed to monitor compliance with labour obligations in the four areas defined in the Inspectorate-General's regulations;
- A departmental labour inspection unit has been set up in Guatemala department;
- Departmental units have received equipment, fuel, vehicles, additional staff and technical support of the Subinspectorates for Labour;
- Training has been provided in the following areas: user assistance techniques, leadership and emotional intelligence, women's rights, HIV/AIDS awareness and national and international labour law. Departmental training workshops for labour inspectors have been offered on national and international law relating to freedom of association, collective bargaining and minimum wages.

Please also provide information on workplace inspections carried out by the Inspectorate-General for Labour, including up-to-date information on the number of inspections carried out in the last two years, the penalties imposed and the extent of employer compliance. Please also indicate the sectors in which inspections were conducted, including domestic, agricultural and child labour, as well as the maquila

textile sector and unregistered labour in the various sectors of the economy (E/C.12/GTM/3, paras. 125 and 126). Please also indicate whether the State party intends to take steps to restore the Labour Inspectorate's authority to impose penalties.

45. The Ministry of Labour and Social Welfare submitted to the Tripartite Commission proposed amendments to the Labour Code, based on initiative No. 4703 regarding labour sanctions,¹⁸ since under articles 103 and 203 of the Constitution, the imposition of sanctions is the exclusive remit of the national courts.

46. The initiative was submitted to the Congressional Labour Committee (which issued a favourable ruling on 14 May 2014), the Congressional Committee on Legislation and Constitutional Matters and the Office of the President of the Congress on 23 January 2014.

Paragraph 12. Please provide information on the steps taken to improve women's position in the labour market, to address pay differentials between women and men, and to protect women working in maquila industries. Please include statistics.

47. A macroeconomic policy called the Zero Hunger Pact was adopted to address the needs of vulnerable groups. The Ministry of Social Development was established to coordinate priority social programmes in the areas of health, employment, education, nutrition and security.

48. In 2013, the National Women's Office trained 6,000 women in human rights and, on 30 June 2014, 2,994 women received training in human rights and equal pay, empowering them to claim their rights.

49. In 2013, the Female Workers Section of the Directorate-General of Social Welfare of the Ministry of Labour and Social Welfare provided training to 6,862 people, including 3,930 women. Of the 92 workers trained in maquila industries, 65 were women. In 2014, 1,589 workers received training, including 926 women.

Article 8

Trade union rights

Paragraph 13. Please provide information on specific measures taken by the State party to deal with the various practices used to prevent trade unions from being set up and with violations of trade union rights.

50. The Ministry of Labour and Social Welfare and the Workers' Group of the ILO Governing Body signed a memorandum of understanding on 26 March 2013 setting forth the arrangements for the effective implementation of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The high-level tripartite mission to Guatemala on 23 to 27 September 2013 acknowledged the progress made in the implementation of the memorandum of understanding and recommended that a road map be drawn up. The road map was discussed and adopted on 17 October 2013. It provides that the State must protect union members and prevent potential violations of the freedom of association.

51. The Ministry of Labour and Social Welfare has produced a handbook for persons wishing to form a trade union and reduced the length of the registration process for setting

¹⁸ La Sentencia de la Corte de Constitucionalidad resolvió que: "...que al atribuir a la Inspección de Trabajo la facultad de sancionar una falta, se tergiversan los artículos 203 y 103 de la Constitución de la República, puesto que se le está confiriendo una facultad que solo corresponde a los Tribunales de Justicia y que la Constitución asigna específicamente a los Tribunales de Trabajo y Previsión Social".

up a union from 164 working days to approximately 1 month (see the State party report for further information).

Provide information on the murders of trade union leaders (E/C.12/GTM/3, paras. 131 and 132).

52. Between 2009 and July 2014, 58 cases involving trade union leaders had been reported to the Public Prosecution Service. Investigations have shown that most of the victims did not die as a result of their trade union activities.

Please also state whether these violations have been duly investigated and, as necessary, punished.

53. The 58 reported cases¹⁹ can be broken down as follows:

| <i>Status</i> | <i>Number</i> |
|-------------------------------------|---------------|
| Verdict | 4 |
| Arrest warrant | 10 |
| Deliberation | 1 |
| Persons linked to the investigation | 1 |
| Under investigation | 34 |
| Extinction of criminal proceedings | 5 |
| Warrant request pending | 3 |
| Total cases | 58 |

Source: Compiled by the Presidential Human Rights Commission on the basis of information from the Public Prosecution Service.

Article 9

Right to social security

Paragraph 14. Please provide information on the number of workers who are not yet covered by the social security system and the reasons for their non-inclusion. Also give information on the steps taken to extend social security benefits to everyone, as required by the Covenant, including the most disadvantaged and marginalized individuals and groups, in particular agricultural workers, as the Committee has previously recommended (E/C.12/1/Add.93, para. 35). Please also provide up-to-date statistics, disaggregated by sex, on workers in rural and urban areas currently covered by social security.

54. The National Employment and Income Survey in February 2013 showed an increase in the number of persons registered with the Guatemalan Social Security Institute, from 18.8 per cent in 2012 to 22.1 per cent in 2013 (see annex, table 1).

55. This increase is linked to the adoption of the 2012 Taxation Update Act. Its articles 22 and 23 provide for companies to offset the costs of registering their employees with the Guatemalan Social Security Institute as deductible expenses against their income tax.

¹⁹ Informe del Ministerio Público. Unidad Fiscal Especial de Delitos Contra Sindicalistas, Fiscalía de Derechos Humanos. Guatemala, 24 de julio de 2014.

Article 10

Protection of the family, mothers and children

Paragraph 15. Please provide information, including statistics, on the impact of the measures taken to combat child labour.

56. The Department against Violence, Exploitation and Trafficking in Persons and the Ministry of Labour and Social Welfare have devised a protocol for the identification of victims of dangerous child labour and the worst forms of child labour and human trafficking for the purposes of forced or exploitative child labour. It stipulates that labour inspectors must identify and refer cases by reporting them to the Department against Violence, Exploitation and Trafficking in Persons, which will, in turn, submit a complaint to the Public Prosecution Service and coordinate the response team responsible for rescuing and providing comprehensive care to the victim.

57. The Department against Violence, Exploitation and Trafficking in Persons has devised, implemented and coordinates the National Roundtable against Exploitative Child Labour involving the Public Prosecution Service, the judiciary, the Counsel-General, the Social Welfare Secretariat, the Ministry of Social Development, the Ministry of Labour and Social Welfare, the Secretariat for Food and Nutritional Security, the National Civil Police and the National Commission for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers.

58. The 2012 and 2013 National Employment and Income Surveys reflect a positive trend in the reduction of child labour:

| <i>Description</i> | <i>2012</i> | <i>2013</i> |
|-------------------------|-------------|-------------|
| National total | 19.2 | 9.5 |
| Urban metropolitan area | 6.9 | 4.3 |
| Other urban areas | 14.9 | 6.3 |
| Rural areas | 25.0 | 12.5 |

Source: 2012 and 2013 National Employment and Income Surveys. National Institute of Statistics.

Please also provide information on the measures adopted to protect children from being involved in domestic work in hazardous conditions and from exposure to various forms of exploitation, as the Committee previously recommended (E/C.12/1/Add.93, para. 38).

59. Since 2002, the National Commission for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers, chaired by the Vice-President, or in his absence the Minister of Labour and Social Welfare, and composed of Government ministers and secretaries and representatives of employers and employees, has worked in a tripartite manner. Its functions include discussing, supporting and implementing the National Plan for the Prevention and Eradication of Child Labour and Protection of Adolescent Workers and strengthening institutional public, private, national and international consultation and coordination with the aim of devising alternative solutions and strategies to eliminate the root causes of child labour (see the State party report).

Please also state how many people have been convicted for the economic exploitation of children in the last five years.

60. The Anti-Human Trafficking Division of the Public Prosecution Service reports that 229 complaints were filed between 2009 and 2014 and 17 persons were convicted of the economic exploitation of children (see annex, table 2).

Paragraph 16. Please describe existing or planned measures for the prevention of forced labour, especially in the textile sector and in rural areas.

61. The National Commission for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers has focused its attention on the textile sector and rural areas, for which the Inspectorate-General for Labour has devised a schedule of visits.

Also provide statistics, disaggregated by occupation, sex and country of origin, on victims of human trafficking, trends in this respect and the various forms of human trafficking, together with information on the support and assistance available to help trafficking victims become integrated into society.

62. During 2013, the specialized temporary shelter “Luz de Esperanza” cared for 37 suspected victims of human trafficking from Colombia, El Salvador and Guatemala, aged between 18 and 37. There were 28 reported cases of trafficking of minors for the purpose of labour exploitation.

63. Protection and shelter is provided for adult nationals and foreigners of both sexes. This includes internal security, food, clothing, prescription medicines, individual and group psychotherapy, employment and education counselling, medical and psychiatric care, and transport to health-care facilities and criminal proceedings.

64. The Virgen de la Asunción safe house cared for 80 trafficking victims between 14 and 18 years of age, 64 of whom had been trafficked for the purpose of sexual exploitation and 16 for the purpose of labour exploitation (see the State party report for further information).

Please also provide information on any criminal convictions for human trafficking.

65. The Anti-Human Trafficking Division of the Public Prosecution Service reports that 99 persons were convicted of human trafficking between 2009 and 2014 (see annex, table 3).

Paragraph 17. Please comment on reports that the comprehensive support centres for women survivors of violence suffer from funding shortages.

66. In March 2014, the Special Cabinet for Women agreed to contribute 20 million quetzales towards the strengthening of the support centres for women survivors of violence, complementing the 9,500,000 quetzales from the National Civil Police budget and the 996,000 quetzales allocated by the Violence Prevention Unit of the Ministry of the Interior.

Please provide information on the steps taken by the State party to strengthen the special courts that hear cases of femicide and cases involving other forms of violence against women.

67. Fourteen special courts and eight special tribunals have been established nationwide. The judiciary reports that 30 verdicts were returned in 2012 (22 convictions and 8 acquittals), 36 verdicts in 2013 (29 convictions and 7 acquittals) and 83 verdicts from January to July 2014 (72 convictions and 11 acquittals).

68. The process of establishing and opening specialist clinics for victims of sexual violence within the hospital system began in March 2014. There are currently 32 clinics operating in 18 departments.

69. The Ministry of Public Health and Social Welfare, the Public Prosecution Service, the National Institute of Forensic Sciences and the Office of the Human Rights Advocate

signed an inter-agency agreement on assistance in 2010 aimed at ensuring proper care for victims of sexual violence and/or abuse in cases referred to the criminal justice system and national hospitals. The Department against Sexual Violence, Exploitation and Trafficking in Persons and the Counsel-General also signed the agreement on 8 May 2013.

70. The Office of the Prosecutor for Women's Affairs of the Public Prosecution Service has seen an increase in its staff since its inception, from 8 persons in 1995 to 481 in 2012. The number of persons working under the integrated services model, introduced in 2008, has increased from 1 person on 24-hour call to 6 assistant prosecutors on call 24 hours a day, 365 days a year.

71. The Public Criminal Defence Institute, through its 13 centres for the national coordination of free legal assistance for victims and their families,²⁰ reported 19,563 cases of violence against women, trafficking and femicide in 2013 and 11,878 cases as of July 2014.²¹

72. The National Civil Police established the Sexual Crimes Unit within its Specialized Investigation Division on 11 December 2013. It comprises 56 agents specialized in investigating sexual offences (see annex, table 4). Between 2012 and 2014, the family hotline provided psychological support to victims in 4,912 cases, legal assistance in 880 cases and social support in 593 cases (see annex, table 5).

73. These national efforts are consistent with the Guatemalan Government's policy orientations as set out in the Security, Justice and Peace Pact and the approach embodied in the following three national policies: (a) the National Policy for the Advancement and Development of Guatemalan Women and the Equal Opportunities Plan 2008–2023; (b) the National Policy on Violence and Crime Prevention, Public Safety and Peaceful Coexistence 2014–2034; (c) the National Anti-Human Trafficking Policy and Plan of Action 2008–2017.²² The Programme for the Prevention and Elimination of Domestic Violence has also been strengthened.

74. Training on domestic violence prevention has been provided to children and adolescents in State schools at the primary, lower secondary and upper secondary levels.

| <i>No.</i> | <i>Year</i> | <i>Total</i> |
|------------|-------------|---------------|
| 1 | 2012 | 22 837 |
| 2 | 2013 | 26 837 |
| 3 | 2014 | 15 962 |

²⁰ La Coordinación Nacional de Asistencia Legal Gratuita a la Víctima y a sus Familias del Instituto del Defensa Pública Penal, cumple con el mandato de asistir legal y gratuitamente a mujeres víctimas de violencia y a sus familias, además atiende todos los reclamos consecuencia de la violencia ejercida contra la víctima, esto implica atención psicológica en momentos de crisis como en seguimiento, atención social.

²¹ El IDPP, el 25 de noviembre de 2008, implementó el número telefónico 1.571 para atender y apoyar a mujeres cuando su vida o integridad física se encuentra en riesgo, recibe llamadas de emergencia, denuncias y consultas relacionadas con mujeres, niñez y adolescentes que son víctimas de violencia intrafamiliar. En el 2013 recibió 54.258 y a julio de 2014 se registran un total de 17.438, de las cuales se han atendido 484 emergencias.

²² El Proyecto Regional de la Prevención de la Violencia contra la mujer, trata y femicidios B.A.1 es un proyecto de carácter regional centroamericano, la estructura del proyecto se fundamenta en 4 resultados, tres de tipo operativo, con actividades a nivel regional, nacional y local; y el cuarto resultado se refiere a la coordinación, monitoreo de las actividades y su evaluación. Se tiene proyectado la duración del proyecto por 2 años 2014 finalizando 2015, con una asignación presupuestaria de \$1.452.211,43.

75. Between 2012 and 2014, the Programme for the Prevention and Elimination of Domestic Violence achieved the following results:

- 320 victims of domestic violence were rescued;
- Psychological support and social and legal advice were provided to 6,385 victims of domestic violence;
- 139 mothers and fathers participated in the “School for Parents” programme;
- 2,744 employees from different public-sector institutions received domestic violence prevention training;
- 34 editions of the weekly radio programme “Preventing violence in Guatemalan families” were broadcast via the 103.3 FM frequency and six relay stations at departmental level.

(See the State party report.)

Article 11

Right to an adequate standard of living

Paragraph 18. Please describe the results of the programmes and strategies being used to combat poverty, particularly in rural areas.

76. In June 2013, the Comprehensive Rural Development Cabinet was set up under the coordination of the President of the Republic. Its members include all Government ministers and secretaries with direct responsibility in this area (Government Order No. 262-52013). In October 2013, the Cabinet approved the plan for the implementation of the National Comprehensive Rural Development Policy. Both the plan and the establishment of the Cabinet were recognized as positive steps in the most recent report of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which recommended their effective implementation. The Cabinet meets approximately every three to four months (see the State party report).²³

Please comment on the information made available regarding the progress made to date towards meeting the Millennium Development Goals in Guatemala and the prospects for their achievement by 2015.

77. Progress has been made towards achieving the eight Millennium Development Goals, as reflected in the favourable results with regard to 34 of the 54 indicators analysed (63 per cent), indicating a positive trend towards achievement of the Goals, as seen in the last two evaluations. On the other hand, there has been no change in 14 indicators (25.9 per

²³ A partir de la aprobación del Plan, se iniciaron los ajustes de coordinación interinstitucional, priorizando 13 Mancomunidades (denominados en el Plan como “Territorios de la gente”, que integran 93 municipios). Paralelamente, se inició el proceso de conformación de “Núcleos de Gestión Territorial” los cuales están conformados por los Alcaldes, dos representantes del Organismo Ejecutivo en los territorios y una representación paritaria de sociedad civil. La parte estatal ya está conformada y en proceso la incorporación de sociedad civil.

Entre agosto y septiembre de 2014 se realizarán sesenta talleres en igual número de municipios de las mancomunidades priorizadas, con el objeto de socializar el Plan PNDRI y promover su incorporación a los Núcleos de Gestión Territorial.

La Política Nacional de Desarrollo Rural Integral ha sido reconocida como la expresión nacional de la Estrategia Centroamericana de Desarrollo Rural Territorial, la cual es producto de un acuerdo entre los Presidentes de Centroamérica, Panamá y República Dominicana, en el marco del SICA.

cent) and a negative trend in 5 (9.3 per cent). It is not possible to assess the evolution of the remaining indicator (1.9 per cent) because only one data point is available.

78. With respect to goal 1 (eradicate extreme poverty and hunger), the number of children under age 5 who are below the average weight for their age has been reduced. In 1987, 3 out of every 10 were underweight, whereas in 2008–2009 2 out of every 10 children were underweight. Between 2012 and 2013, the rate of chronic malnutrition among children under age 5, pregnant women and nursing mothers fell by 1.7 percentage points (Zero Hunger Pact).

79. Significant progress has been made in relation to goal 2 (education) since 1991 (the base year): the number of children enrolled in school and who complete primary education has grown every year. In 2012, 89 per cent of children aged between 7 and 12 were enrolled in primary education, compared with 71.6 per cent in the base year, and 8 in 10 completed primary education in 2009 compared with 4 in 10 in the base year. The literacy rate among young people aged between 15 and 24 in the base year (1989) was 74.8 per cent, while in 2011 the figure had risen to 90.9 per cent. While the country has made progress, work remains to be done in reducing the school dropout rate and, especially, in improving the quality of education. Education for adolescents and young people must respond to the reality of their environment, providing them with life skills and preparing them to join the country's workforce. It is reported that the net primary-school enrolment rate at the national level reached 85 per cent in 2013, compared with 72 per cent in 1991.

80. With respect to goal 3 (promote gender equality and empower women), the situation is uneven, since there is gender equality in the area of education but there are still gaps in terms of women's empowerment and access to employment.

81. There has been positive progress in relation to goal 4: the under-5 mortality rate declined steadily between the base year (1987) and 2009, falling from a rate of 110 per 1,000 live births to 42, a reduction of 68 percentage points. Similar improvement has been seen in relation to child mortality, which fell during the same period from 73 to 30 deaths per 1,000 live births.

82. With regard to goal 5 on improving maternal health, maternal mortality has decreased from 219 cases per 100,000 live births in 1989 to 139.7 in 2007, the number is still far above the target of 55.

83. With respect to goal 6 on combating HIV/AIDS, the number of cases reported rose from 2,947 in 2005 to 3,068 in 2008.²⁴ In 2013 1,842 new cases were reported, of which 1,254 were HIV infections and 588 advanced HIV infections, which represents a cumulative rate of 53 cases of HIV and advanced HIV per 100,000 population. Underreporting is estimated at approximately 50 per cent.²⁵

84. There have been varying degrees of progress in relation to goal 7 (ensure environmental sustainability). Forest cover has diminished (from 40 per cent in 1990 to 34.2 per cent in 2010), while the number of species at risk of extinction has risen (from 10.4 per cent in 2001 to 14.6 per cent in 2010). On the other hand, there has been progress in drinking water coverage, which increased from 63 per cent in 1987 to 74.8 per cent in 2011, and sanitation (drainage, latrines and other basic services that support health), which rose from 32 per cent in 1990 to 48.4 per cent in 2011 (see the State party report).

Please also state whether the State party has a national plan to combat poverty.

²⁴ Informe Nacional sobre los Progresos Realizados en la Lucha Contra el VIH/Sida, UNGASS 2012.

²⁵ Ministerio de Salud Pública y Asistencia Social "Informe Nacional sobre los Progresos Realizados en la Lucha Contra el VIH y sida" Marzo de 2014, pág. 5.

85. The Government has undertaken various actions and interventions in an effort to combat poverty, including the establishment and institutionalization of social programmes, such as those of the Ministry of Social Development,²⁶ which is specifically tasked with contributing to the reduction of social inequalities.

86. The Government is pursuing its priorities with regard to economic and social development, security and the full enjoyment of human rights and civil liberties through three government pacts, the components of which are described in various parts of this report.

Paragraph 19. Please provide information on the measures taken by the State party to address the very high levels of child malnutrition in the country and, in particular, on the impact of the national strategy for the reduction of chronic malnutrition (E/C.12/GTM/3, paras. 231–235).

87. On 16 February 2012, the Government signed the Zero Hunger Pact as a State commitment with all sectors and international cooperation agencies. The Pact has the following main objectives:

(a) Decreasing by 10 per cent the rate of chronic child malnutrition within a period of 4 years, which will set the stage for a 24 per cent reduction over the next 10 years;

(b) Preventing and reducing deaths from acute malnutrition through measures to provide health care to and prevent malnutrition among children under 5 and pregnant women and nursing mothers;

(c) Tackling poverty and promoting development that will contribute to its eradication, recognizing that the impact of poverty is greatest in rural areas and among indigenous peoples and women.

88. The Zero Hunger Plan has national and universal coverage and includes targeted interventions to tackle chronic hunger in 166 priority municipalities with high levels of chronic malnutrition and deal with seasonal hunger in 213 municipalities on a gradual basis.

89. Actions to combat chronic malnutrition are targeted at children under the age of 2, pregnant women, nursing mothers and women of childbearing age. The target groups for actions to tackle acute malnutrition are children under 5 and pregnant women.

90. The components of the Zero Hunger Plan are as follows:

(a) The 1,000-Day Window,²⁷ whose objectives include providing nutritional and health services at the primary care level during the first two years of life:

- As a result of actions undertaken as part of the 1,000-Day Window, the Secretariat for Food and Nutrition Security reports that between 2012 and 2013, the population of children under 5, pregnant women and nursing mothers in the 166 priority municipalities fell by 1.7 per cent;²⁸

²⁶ El Ministerio de Desarrollo Social — MIDES — su mandato es fortalecer, institucionalizar, articular, diseñar y regular las políticas y gestión de todas las acciones del Estado dirigidas a la población en situación de pobreza, pobreza extrema, exclusión y vulnerabilidad a través de los programas sociales: Mi Bono Seguro, Mi Bolsa Segura, Mi Comedor Seguro, Mi Beca Segura, Jóvenes Protagonistas y apoyo al Adulto Mayor.

²⁷ Con el propósito de institucionalizar y fortalecer las estrategias derivadas del Pacto Hambre Cero, se aprobó el Decreto 235-2012 que contempla un paquete de intervenciones integrando “Ventana de los 1000 días”, declarándola de interés nacional.

²⁸ Informe de la SESAN, Oficio 505-2014 Guatemala 23 de julio de 2014 Pág.7 y 8.

(b) (Emergency) support for vulnerable population groups: the Coordination and Information Centre, a joint effort of various public institutions working in the area of food assistance, provides support to people in emergency situations;

- The National Response Plan, the regulatory framework containing general government guidelines for emergencies, enables coordination through the Coordination and Information Centre to be put into practice, establishing direct communication with stakeholders involved in providing food aid. In 2013, a total of 969,333 families received support, equivalent to 1,534,490 rations, at a cost of 255,623,587.57 quetzales.²⁹ (See annex, table 7.)

(c) Viability and sustainability components designed to create conditions and mechanisms for improving incomes and/or producing food for personal consumption. (See annex, table 8.)

- Improving income and the economy: progress was achieved in 2013 as part of a process of joint integrated actions by various sectors: agriculture, employment and income and social welfare. These actions were focused on developing the potential to raise production levels and create the conditions necessary to produce surplus agricultural and non-agricultural goods. Further information is provided in relation to article 7 on the right to work;
- Strengthening the family economy: the 2011–2015 Agricultural Policy aims to enhance the comprehensive sustainable human development of rural populations by strengthening land use planning and the agricultural, forestry and hydrobiology sectors. The Ministry of Agriculture, Livestock and Food established a family farming programme to strengthen the rural economy, which seeks to contribute to food production and energize local economies. Its implementation involves the following programmes:
 - Fertilizer Programme: delivers 100 kilograms of fertilizer per beneficiary in support of rural economic development;
 - Food for Action Programme: conducts activities among rural community organizations, rewarding farmers with food for the time they invest in the community;
 - Food Aid Programme: established to prevent food insecurity and ensure a sufficient and continuous supply and availability of food in areas affected by natural disasters;
 - Family Garden Programme: supports food production, established with the objective of strengthening technical skills and social organization in highly vulnerable communities and families;
 - Special Triangle of Dignity Programme: provides credit, including 25,388 loans in 2012 (totalling 76,164,000 quetzales) and 38,529 loans in 2013 (totalling 115,587,000 quetzales). Loans increased by 52 per cent and were given in 132 of the municipalities prioritized under the Zero Hunger Pact.

(d) Social protection: the Ministry of Social Development³⁰ runs social programmes to combat exclusion and unequal distribution of wealth, with a particular focus on rural areas. Below is an overview of the beneficiaries of these programmes and aggregate statistics on their results.

²⁹ Idem. Pág. 10.

³⁰ El Ministerio de Desarrollo Social (MIDES) se creó a través de la aprobación del Decreto 1-2012, que entro en vigencia el 8 de febrero de 2012.

Statistics on social programmes — Social protection — 2012–2014 (first half)

| Year | <i>Mi Bono Seguro</i> | | <i>Comedor Seguro</i> programme | <i>Mi bolsa segura</i> | <i>Jóvenes Protagonistas</i> | <i>Mi Beca Segura</i> |
|-------------------|-----------------------|-----------------|------------------------------------|------------------------|------------------------------|-----------------------|
| | Education vouchers | Health vouchers | Rations provided | Food bags provided | Young persons assisted | Grants awarded |
| 2012 | 2 903 839 | 2 326 936 | 3 234 600 | 389 111 | 53 780 | 9 004 |
| 2013 | 1 916 947 | 1 601 862 | 6 132 667 | 797 065 | 36 743 | 13 315 |
| 2014 (first half) | 473 504 | 667 197 | 1 955 841 | 223 941 | 29 778 | 6 578 |

Source: Ministry of Social Development.³¹

(e) Drinking water and sanitation systems: 49 per cent of the budget of the Municipal Development Institute is tied to the Zero Hunger Plan. In 2013, 180 projects were implemented, of which 102 involved drinking water, 77 involved sanitation (latrines) and one a sewage system with a wastewater treatment plant, benefiting a population of approximately 165,425 inhabitants, equivalent to 39,462 households. As part of the groundwater programmes, mechanical water wells were drilled and fitted with 7 pump systems, 10 mechanical pumps on an administration basis and 1 mechanical pump on a contract basis, benefiting 26,000 persons. Forty hydrogeological surveys were conducted in 40 communities and 40 vertical electrical sounding studies were carried out for drilling mechanical wells. (See the State party report.)

Please describe the causes of the 22 per cent increase in malnutrition (2,967 cases) in 2012, as mentioned in the report of the Secretariat for Food and Nutrition Security covering the period from December 2013 to February 2014.

91. The increase in the number of registered cases of acute malnutrition is related to the improved monitoring and oversight being carried out since the implementation of the Zero Hunger Pact. It is important to note that, despite the increase in recorded cases, the number of deaths as a result of acute malnutrition decreased from 2.20 per cent in 2011 to 0.68 per cent in 2013³² (see annex, table 9). (See the State party report.)

Please comment on reports of reductions in the coverage and budgets of conditional cash transfer programmes such as “Mi Bono Seguro”.

92. In 2013, 3,809,809 payments, representing a social investment of 535,120,594.37 quetzales, were made to 733,783 accredited families under the Mi Bono Seguro³³ programme. Ninety-five per cent of beneficiaries were women.³⁴

³¹ Idem. Pág. 4.

³² Informe de la Secretaría de Seguridad Alimentaria SESAN. 23 de julio de 2014. Oficio SESAN-505-2014. Pág. 2.

³³ Mi Bono Seguro, Se implementa a partir de la creación del Ministerio de Desarrollo, en 308 como una herramienta social que articula las transferencias de dinero en efectivo en forma periódica a familias que viven en pobreza o pobreza extrema, con el cumplimiento de corresponsabilidad en salud y educación, y el empoderamiento de las mujeres como agentes de cambio y promotoras de sus hijos. Tiene como objetivo generar capital humano con niños de 0 hasta 15 años de edad y en mujeres embarazadas o período de lactancia; y promover el acceso a los servicios de salud y educación.

³⁴ Memoria de Labores 2013. Ministerio de Desarrollo Social. Pág. 19.

| <i>No.</i> | <i>Year</i> | <i>Budgetary allocation</i> | <i>Number of users</i> |
|------------|-------------|-----------------------------|--------------------------|
| 1 | 2012 | Q868 464 514 | 757 765 families |
| 2 | 2013 | Q792 883 594 | 733 783 families |
| 3 | 2014 | Q794 383,716 | 800 000 families planned |

Source: Ministry of Social Development.³⁵

93. As can be seen, there has not been any significant variation in the programme's budgetary allocation; the variation in the number of users is due in part to the targeting of users, a lack of identification documents and a failure by users to fulfil their shared responsibility. (See the State party report.)

Please also indicate what steps the State has taken to reinforce the implementation of the Zero Hunger Plan.

94. See paragraphs 87 to 90 above and the State party report.

Paragraph 20. Please describe how the State party is addressing the serious housing shortage in both rural and urban areas (E/C.12/GTM/3, para. 245), including steps taken by the State party to strengthen the Housing Fund (FOPAVI) by, among other things, providing it with a sufficient budget. Please indicate how the State party ensures that its programmes exhibit sufficient diversity and relevance to address the various needs of the most disadvantaged and vulnerable groups, such as indigenous women heads of household.

95. With effect from 2013, the Housing Fund³⁶ increased the direct subsidy to beneficiaries for housing to 35,000 quetzales, an increase of 15,000 quetzales over the subsidy granted in 2012, reflecting the new housing policy.

96. In the two and a half years it has been operating, the Housing Fund has helped more than 26,000 families living in poverty and extreme poverty. From 2012 to the first half of 2014, 40,924 subsidies were granted and 29,822 housing units were built or authorized.³⁷ (See annex, table 10.)

Paragraph 21. Please provide information on the measures taken to handle cases in which indigenous land has been sold as individually owned plots to private firms, thereby hastening the breakup of indigenous lands. Please provide information on forced evictions from land occupied by indigenous communities to make way for single-crop farming or for mining or hydroelectric projects such as the Fénix nickel mine of the Compañía Guatemalteca de Níquel and the Xalalá hydroelectric plant. What steps have been taken to reduce the impact on communities that have been forcibly displaced? Please also describe the tax concessions granted to particular economic sectors, such as the mining industry.

97. Guatemala has earmarked regular resources for the purpose of safeguarding people's ownership and possession rights, including the possibility of a constitutional *amparo* action, where appropriate, with interim effect where there has clearly been a violation of the law

³⁵ Informe del Ministerio de Desarrollo Social. Oficio DS-452-2014/LR/aam, del 23 de julio de 2014. Pág. 5.

³⁶ Fondo para la Vivienda. — FOPAVI — tiene como objetivo específico otorgar subsidios directos a personas en condiciones de pobreza y pobreza extrema para la solución habitacional. El FOPAVI administra el Fideicomiso de Inversión para la Vivienda — FIV — destinado al desembolso de subsidios directos para que las personas puedan construir o adquirir una vivienda digna.

³⁷ Fuente: Informe del Fondo para la Vivienda — FOPAVI — Oficio – DE-358-2014/VL/sr de 23 de julio de 2014. Pág. 2 *Información preliminar a junio de 2014.

that should be brought before the ordinary courts in order to prevent the violation of legitimate rights, the right to private property guaranteed under article 39 of the Political Constitution of the Republic of Guatemala and an inherent human right. Under a rebuttable presumption and after verification of the official record in the property registry, owners or possessors can claim their right to communal property.

98. In Guatemala there have not been any forced evictions from land belonging to indigenous communities for the purposes of single-crop farming or mining or hydroelectric projects, within the meaning of the term “forced eviction” as defined by the Committee in its general comment No. 17: “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.”³⁸ As noted by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: “The prohibition of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties.”³⁹

Community of Agua Caliente Lote 9, El Estor, department of Izabal, Fénix mining project

99. There has been a misinterpretation of the court eviction order issued by the judge of the criminal court of first instance ruling on drug trafficking and environmental offences of Cobán, Alta Verapaz (court order of 5 July 2007), ordering the eviction of communities living on Finca Boca Nueva, bordering the community of Agua Caliente in El Estor, Izabal. There is no decision in the court records that would justify the fear among the Agua Caliente Lote 9 community of being evicted.⁴⁰

100. On 8 May 2011, ruling on the appeal filed by the Committee for the Improvement of the Situation of the Agua Caliente Lote 9 Community, the Constitutional Court, in case 934-2010, granted an *amparo* petition on behalf of the community. The Constitutional Court ordered restitution of the legal situation in question and instructed the Land Fund (FONTIERRAS) to take the necessary legal measures to replace the record on page 96, volume 21, northern group of the general property registry of the central zone, whereby the land was awarded to the Agua Caliente community by the National Institute for Agrarian

³⁸ Comité de Derechos Económicos, Sociales y Culturales, Observación General No. 7 (1997), El derecho a una vivienda adecuada (párrafo 1 del artículo 11 del Pacto Sp Fr Ru En): los desalojos forzosos (E/1998/22-E/C.12/1997/10, anexo IV), párr. 4.

³⁹ A/HRC/4/18 Anexo al Informe “Principios Básicos y Directrices sobre los Desalojos y el Desplazamiento generados por el Desarrollo Sp En Fr Ru”. Naciones Unidas. Págs. 3–4.

⁴⁰ Ordenado según oficio No. 984-2007 Sria. P-1746-2006 Of. 3ro. JDO.Inst. de 05-07-2007 por el Juez de Primera Instancia Penal y Delitos contra el Ambiente y Narcoactividad. Dato consignado en el oficio No. 454 Ref. AJCS/valdes de 27 de julio de 2007 emitido por la Sección de Operaciones de la Comisaría Cincuenta y Uno de la Policía Nacional Civil de Alta Verapaz. La finca Boca Nueva es propiedad inmueble del Ministerio de Agricultura, Ganadería y Alimentación, cuya inscripción registral está a favor del Instituto de Ciencia y Tecnología — ICTA — denominada Boca Nueva [Identificada como finca rústica No. 154, Folio 157 del Libro 161 de Alta Verapaz, denominada Finca Boca Nueva], con una extensión de 50 manzanas [equivalente a 5 hectáreas], la cual fue desmembrada de la finca matriz No. 929, Folio 137, Libro 67 de Alta Verapaz, misma que se encuentra ocupada por 13 familias que se han denominado “8 de agosto” y que son beneficiarias de la medida cautelar 121-11. [Fuente Secretaría de Asuntos Agrarios, contenido Informe de Estado de Guatemala a la CIDH sobre la medida cautelar 121-2011 a favor de 14 comunidades Q’eqch’és del municipio de Panzós, Alta Verapaz, denominado Valle del Polochic.

Reform⁴¹ under number 1381, prior to the community's being definitively awarded title to the land.

Xalalá hydroelectric plant, municipality of Ixcán, department of El Quiché

101. In the *amparo* proceedings filed by the Q'eqchi' inhabitants of Xalalá, Quiché, against the National Electrification Institute, the First Administrative Chamber, sitting as an *amparo* court, confirmed in August 2014 that the contract to conduct a feasibility study on the construction of the hydroelectric plant must take account of the neighbouring communities, in accordance with ILO Convention No. 169. The legal basis cited in the *amparo* ruling is article 26 of the Act on Urban and Rural Development Councils, which provides: "Consultations with indigenous peoples. Pursuant to the law governing consultations with indigenous peoples, consultations with the Maya, Xinka and Garifuna peoples on development measures promoted by the executive branch and directly affecting these peoples may be conducted through their representatives on the Development Councils." The Attorney-General submitted to the Supreme Court a request for preliminary proceedings against three civil servants for signing a contract for a feasibility study for the installation of the Xalalá hydroelectric project.

Article 12

Right to physical and mental health

Paragraph 22. Please provide up-to-date statistics on maternal mortality and the steps being taken by the State party to combat it, particularly in rural areas and for indigenous women.

102. According to the National Institute of Statistics, the maternal mortality ratio dropped from 139.7 per 100,000 live births in 2007 to 111 in 2013.

103. Measures taken to reduce infant mortality include:

- Strengthening of the protocol for surveillance of deaths among women of childbearing age (i.e. 10 to 54 years of age);
- Establishment of a technical mortality surveillance committee, composed of representatives of the Offices of the Deputy Minister for Hospitals and the Deputy Minister for Primary Health Care; training in hospitals; formation of multidisciplinary monitoring and supervision teams; development of a family planning and logistics manual; drafting of a training manual for midwives;
- Certification of 9,970 midwives;
- Deliveries by midwives are permitted, in accordance with the wishes of the pregnant woman, and care is provided in the woman's mother tongue in order to ensure effective communication;

⁴¹ Instituto de Transformación Agraria INTA establecida mediante Decreto 1551 en 1967, tenía por objeto el impulso de una política agraria basada en el programa de patrimonios agrarios familiares, los cuales proporcionaba asistencia técnica y crediticia a los beneficiarios por periodos de 20 años, sin que estos pudieran ser divididos, embargados o vendidos. La comunidad Agua Caliente, Lote 9, sería adjudicada por el INTA a familias Q'eqchíes originarias de las regiones de Alta Verapaz, por medio del programa referido por un valor simbólico. Tras haber pagado el precio de la tierra, el INTA extendió certificaciones a familias que los acredita como dueños de la propiedad. Debido a la falta del folio 96 del libro 21 del grupo norte del Registro General de la Propiedad de la zona central, el tracto sucesorio de la tierra está interrumpido por tanto que se desconocen las colindancias o los límites de la propiedad, con el polígono de explotación de la empresa CGN.

- Strengthening of blood banks in regional hospitals and provision of ultrasound, Doppler and childbirth equipment to hospitals in the departments with the highest maternal death rates.

Please provide information on measures taken to address the high rate of teenage pregnancies.

104. The measures taken by the State to address teenage pregnancies include the following:

- National Plan for the Prevention of Pregnancy among Adolescents and Young People;⁴²
- A plan of action for the care of minors under the age of 14,⁴³ (26 September 2012), which provides for coordination by the Ministry of Public Health and Social Welfare, the Ministry of Education, the Ministry of Social Development and the Department against Violence, Exploitation and Trafficking in Persons. Since its establishment, assistance has been provided to 2,500 pregnant adolescents.
- Standardized form for the identification of cases of pregnant minors under the age of 14 receiving care in hospitals;
- In 2013, the “Protect me from pregnancy” campaign was launched with the objective of preventing pregnancy among minors under the age of 14 and raising awareness about the issue among parents, educators and civil society in general;
- The Ministry of Public Health and Social Welfare has implemented:
 - A manual on sexual and reproductive health;
 - An implementation guide for teen-friendly services;
 - A handbook on contraception for adolescents;
 - A support group for pregnant teens;
 - The Ministry trained 180 health-care providers on comprehensive and differentiated care and the comprehensive sexual education strategy, implemented 148 local operational plans for comprehensive care of adolescents and young people, formulated a plan for monitoring and evaluating the implementation of the comprehensive sexual education strategy, and delivered five dildos to health districts to enable them to demonstrate the correct use of condoms.

Please inform the Committee whether the State party intends to increase the number of legal grounds for the performance of abortions in order to address the problem of unsafe abortions and related deaths.

105. The State of Guatemala has said no to abortion and confirmed this position in its reservations to the Montevideo Consensus on Population and Development⁴⁴ and the Santo

⁴² Plan Nacional para Prevención de Embarazos en Adolescentes y Jóvenes de Guatemala 2013–2017, entre sus objetivos son reducir 5% los embarazos en adolescentes, sensibilizar para incrementar la edad del primer embarazo, el acceso a la instrucción integral en sexualidad, dar a conocer métodos de planificación familiar, fomentar la pertinencia de la educación en educación secundaria y adolescentes.

⁴³ Establece los parámetros de cooperación interinstitucional con el propósito de implementar acciones y ruta de atención en materia de prevención y atención de embarazos.

⁴⁴ Primera reunión de la Conferencia Regional sobre Población y Desarrollo de América Latina y el Caribe. Uruguay, Montevideo, 12 a 15 de Agosto 2013.

Domingo Consensus.⁴⁵ Based on article 3 of the Guatemalan Constitution, which guarantees and protects the right to life from conception, legal grounds for the performance of abortions are restricted, since if the right to life is not protected, there is no reason for the protection of other rights.

106. In addition, protection of the right to life is a fundamental obligation of the State. It is important to recognize the need to review national policies and legal provisions, given that unsafe abortions have a major impact on women's health. Article 137 of the Guatemalan Criminal Code provides for (legal) "therapeutic abortion" if it is established that the purpose is to prevent danger to the mother and when all other scientific and technical measures have been exhausted.

Paragraph 23. Please provide information on steps taken to guarantee the provision of essential medicines and the timely provision of appropriate services, especially in rural and remote areas, and to remove the economic, cultural and social barriers to such access and related forms of discrimination.

107. The following steps should be mentioned:

- Dissemination of the basic list of medicines of the Ministry of Public Health and Social Welfare;
- 2014 Medicine Procurement Strategy, developed by supply analysis teams in seven health area departments;
- Evaluation of distribution systems in the Health Area Directorate;
- Improvement of the health area information system;
- Accessible Medicines Programme, Congressional Decree No. 69-98 and Government Order 610-2005. (See the State party report.)

Please provide information on the impact of the National Traditional Medicine Programme and the Health Care Clinic for Indigenous Peoples and Interculturalism.

108. The Indigenous Peoples Unit and the Reproductive Health Programme are developing a midwifery policy for the four indigenous peoples in consultation with those communities. They have drafted a practical handbook of culturally relevant health indicators, contributing to health processes with an intercultural approach and have participated in the development of the critical path for the midwifery policy of the indigenous peoples (Maya, Garifuna, Xinka and mestizo). (See the State party report.)

Articles 13 and 14

Right to education

Paragraph 24. Please provide information on the steps taken by the State party to guarantee free primary education and comment on reports that State schools charge fees in the form of "donations" or "voluntary contributions".

109. Under the Constitution of Guatemala, it is an obligation of the State to provide education. Article 1 of Government Order 226-2008 of the Ministry of Education establishes that public education services are free, and therefore admission, enrolment and continuation in public pre-primary, primary and lower secondary schools are not subject to, conditional upon or related to any compulsory or voluntary payment. The Ministry of

⁴⁵ XII Conferencia Regional de la Mujer de América Latina y Caribe. República Dominicana, Santo Domingo, 15 a 18 de octubre de 2013. CEPAL.

Education has not received any complaints of public primary schools receiving donations or voluntary contributions.⁴⁶ (See the State party report.)

Please provide information on the steps taken by the State party to bring down dropout rates, particularly at the secondary-school level and among girls. Please also indicate what impact those measures have had.

110. In order to promote access to and continuation in the education system, the Ministry of Education has implemented measures such as school transport subsidies, scholarships and guaranteed free education. In addition, it runs the school meals programme (linked to the Zero Hunger Pact), which has nationwide coverage and in 2013 provided meals to more than 2.6 million child in pre-primary and primary school, thus contributing to better nutrition with a view to improving school performance. (See annex, Economic contributions, table 11.)

111. According to the Ministry of Education, between 2011 and 2013 the national school dropout rate remained stable at approximately 5 and 6 per cent. For all years, the dropout rate among girls is lower than among boys. (See annex, table 12). (See the State party report.)

Paragraph 25. Please provide information on the intercultural bilingual teacher training that is provided and on the implementation of the bilingual education system in the State party, as previously recommended by the Committee (E/C.12/1/Add.93, para. 45).

112. The Directorate-General of Bilingual and Intercultural Education of the Ministry of Education runs the academic programme for teachers' professional development in coordination with the University of San Carlos. This is a continuing education programme for teachers working under the auspices of the Ministry of Education that seeks to enhance the quality of education in response to the country's multilingual, multi-ethnic and multicultural context, improving teaching methodology in the short term, promoting the linking of theory with practical classroom activities with student participation. In 2013, 5,072 bilingual teachers were trained under the programme at the national level. (See the State party report.)

Please provide information on the impact of the National Literacy Committee (CONALFA) and on how bilingual education is being incorporated into the literacy programme.

113. From 2010 to this point in 2014, CONALFA has reported a total of 24 municipalities declared illiteracy-free.⁴⁷ In order to strengthen the Bilingual Literacy Programme, 50 literacy group supervisors were hired. Material is available to provide classes in 17 Mayan and Garifuna languages. The number of beneficiaries increased from 194,874 in 2012 to 221,657 in 2013. In 2013, there were 289,044 people enrolled in the programme – 221,657 women and 67,387 men (see annex, table No. 13). (See the State party report.)

⁴⁶ Informe de la Dirección General de Gestión de Calidad Educativa — DEGEACE — del Ministerio de Educación. 22 de julio de 2014. Pág. 45.

⁴⁷ Importante recordar que estos municipios implica que se ha alcanzado un nivel inferior del 4%, considera un índice internacional aceptado, ya que hay grupo de población que por razones de edad, salud, o discapacidad no pueden integrarse al proceso educativo.

Article 15

Cultural rights

Paragraph 26. Please provide information on the specific measures taken to protect, promote and disseminate the cultural heritage of the indigenous peoples and the various ethnic groups.

114. In 2013, the Indigenous Development Fund provided support in particular to women and young people, investing 3,011,280.50 quetzales for the benefit of 2,917 men and 8,075 women. In order to strengthen indigenous authorities in the area of democracy and governance, support in the amount of 813,951 quetzales was provided to 11 communities, benefiting 1,190 men and 1,265 women. (See the State party report.)

Please provide information on the outcome of the Cultural Development and Enhancement Programme (E/C.12/GTM/3, paras. 333–334) and on bill No. 3835 on sacred sites (E/C.12/GTM/3, para. 8).

115. The Congressional Committee for Indigenous Peoples and Committee on Peace and Demining issued a joint opinion in favour of bill No. 3835 on 19 August 2009. The opinion of the Committee on Legislation and Constitutional Matters is pending. (See the State party report.)

Paragraph 27. Please describe the steps taken by the State party to guarantee affordable access to the Internet for disadvantaged and marginalized persons and groups in rural areas and elsewhere.

116. The Indigenous Development Fund promotes access by indigenous communities to technology, virtual connectivity, inter-community communication and the right to technology and cyberspace through its Virtual Network Programme. In 2012 and 2013, a total of 27,238,407.07 quetzales was invested under this programme, benefiting a total of 32,051 women and 22,848 men.

117. In connection with the strategic objective of ensuring the education of children, the Indigenous Development Fund helps ensure the quality of national education by setting up computer labs and supplying tablet computers. In 2013, 350 tablets were distributed to 23 schools in the municipality of Pachalum. The direct beneficiaries were 786 boys and 706 girls.

118. As part of the implementation of a pilot project known as Tecnocentro or TECNOCAP to promote education and training for the labour market, three indigenous technology centres are being set up to provide training to young indigenous people. The first centre is in San Antonio Aguas Calientes, Sacatepéquez.

119. The project includes high-level computer equipment, furniture, software, installation, training and follow-up and support. A total of 880,729 quetzales has been invested, directly benefiting 400 persons, equally divided between men and women.
