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## Committee on Economic, Social and Cultural Rights

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Consideration of reports submitted by States parties  
under articles 16 and 17 of the Covenant

### Replies of Guatemala to the list of issues in relation to its fourth periodic report\*, \*\*

[Date received: 28 April 2022]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document are available on the Committee's website.



**Reply to paragraph 1 of the list of issues (E/C.12/GTM/Q/4)**

1. The State of Guatemala informs the Committee on Economic, Social and Cultural Rights that, in accordance with the new institutional framework for human rights put in place by the President of the Republic pursuant to Government Order No. 100-2020, the Presidential Commission for Peace and Human Rights advises and coordinates with the various agencies of the executive branch to promote actions and mechanisms to ensure the effective enjoyment and protection of human rights. One of its responsibilities is to advise such agencies on actions needed to prevent human rights violations, protect peace and resolve rural and agricultural disputes.
2. The following measures have been taken to ensure that economic, social and cultural rights are upheld:
3. Decree No. 12-2020, the COVID-19 Emergency Act, provides for social support programmes, including the following:
  - Food support and small-scale agriculture programmes, overseen by the Ministry of Agriculture, Livestock and Food
  - The Food Support Program of the Ministry of Social Development
  - A programme to support micro-, small and medium-sized enterprises, overseen by the Ministry of Economic Affairs
  - A capital protection fund created by the National Mortgage Bank
  - A programme for older persons, overseen by the Ministry of Labour
4. Decree No. 13-2020, the Family Economic Rescue Act, provides for the participation of four institutions: the Ministry of Social Development, the Ministry of Economic Affairs, the National Mortgage Bank and the National Electrification Institute. It was implemented through the following programmes: a family cash transfer programme (*Bono Familia*), an employment protection programme, a working capital loan programme and the electricity rate subsidy programme of the National Electrification Institute.
5. Decree No. 20-2020, which increased the budget allocations for public institutions in order to strengthen the infrastructure necessary for COVID-19-related activities, economic recovery and subsidies to support families.

**Reply to paragraph 2 of the list of issues**

6. Government Order 100-2020 of the President of the Republic, dated 30 July 2020, created the Presidential Commission for Peace and Human Rights to advise and coordinate with the various agencies of the executive branch to promote actions and mechanisms to ensure the effective enjoyment and protection of human rights, the fulfilment of government commitments arising from the Peace Agreements and efforts to address conflicts in the country. This Presidential Commission has a specific department responsible for compliance with the State's international obligations.

**Reply to paragraph 3 of the list of issues**

7. The State of Guatemala, based on the digital records and files of the Division for the Protection of Persons of the National Civil Police, conducted a risk analysis for persons identified as human rights activists, determining the level of risk to which they are exposed and recommending security measures to help counter or mitigate such risks, which have shown a downward trend according to the data examined.

2020		
<i>No.</i>	<i>Procedure</i>	<i>Number</i>
1	Risk analysis	44
2	Perimeter security	27
3	Personal security	12
4	Specific security	5
2021		
<i>No.</i>	<i>Procedure</i>	<i>Number</i>
1	Risk analysis	19
2	Perimeter security	13
3	Personal security	5
4	Specific security	1

8. The Presidential Commission for Peace and Human Rights is providing support and advice on the review of the draft comprehensive public policy for the protection of human rights defenders, which includes components relating to protection, prevention and efforts to combat impunity through a broad and participatory process. During 2022, the Commission will continue to advise and coordinate with the government agencies responsible for this issue, in line with the technical guidelines of the Planning and Programming Secretariat of the Office of the President.

### **Reply to paragraph 4 of the list of issues**

9. The Ministry of Public Finance approved the Fiscal-Environmental Strategy, by means of Ministerial Order No. 442-2018. The strategy is aligned with the K'atun "Our Guatemala 2032" National Development Plan, the Sustainable Development Goals and the Government's general policy and calls for action in five strategic areas: quality of spending and public procurement, municipal financial assistance, fiscal-environmental models, environmental risks and contingencies, and access to green and climate finance. In order to ensure the inclusion of environmental lines of action in the fiscal policy, the following initiatives and mechanisms are being pursued:

- Focus on enhancing the efficiency of State spending on electricity: various initiatives that support the country's aspirations are being undertaken, including: the Energy Policy 2012–2023 of the Ministry of Energy and Mines; the Incentives for the Development of Renewable Energy Projects Act (Decree No. 52-2003); technical standards for the connection, operation, control and marketing of distributed renewable energy generation; and the National Energy Plan developed pursuant to article 18 of the Climate Change Framework Act (Decree No. 7-2013), which addresses the electricity production commitment under the Paris Agreement.
- Formulation of minimum environmental compliance criteria for government suppliers: the application of this measure will make it possible to reconcile the country's policy on extractive industries and the production of the main monoculture crops in a responsible manner.
- Support to enable municipalities to prioritize environmental and climate change issues in their budgets.
- Design of economic tools for improving tax collection with environmental objectives and/or incentivizing good practices, in accordance with internationally recognized concepts of extended corporate and producer responsibility.

10. The Ministry of Public Finance and the Ministry of the Environment and Natural Resources are working together on the issue of climate change through the Reducing

Emissions from Deforestation and Forest Degradation (REDD+) Strategy, with support from the Inter-American Development Bank, and the Emission Reductions Payment Agreement and the Disaster Risk Financing Strategy, the latter two with support from the World Bank.

11. The Planning and Programming Secretariat of the Office of the President takes into consideration the provisions of the draft general budget of income and expenditure of the State for financial year 2020 and the multi-year budget for the period 2020–2024, which indicates the budget programmes linked to the national development priority and the Sustainable Development Goals linked to the priority “poverty reduction and social protection”, as shown in figure 1 of the annex.

12. Figure 2 of the annex shows the financial targets and actual spending by the various agencies for programmes linked to the priority “poverty reduction and social protection”; total spending amounted to 13.242 billion quetzales. The Ministry of Public Finance, in a report on the implementation of the general State budget and the closing of accounts, notes that the total amount implemented during 2020 was 96,625,440,000 quetzales; of the total national budget implemented during that period, 14.41 per cent was spent on programmes linked to the poverty reduction and social protection priority.

### **Reply to paragraph 5 of the list of issues**

13. On 10 December 2021, the first substantive agreement was concluded between the parties to a consultation process with the Maya Q’eqchi’ indigenous people, held in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), in relation to the Fénix mining project in the municipality of El Estor, Izabal. The consultation process is being coordinated by the Office of the Deputy Minister for Sustainable Development of the Ministry of Energy and Mining. This is the first agreement of its kind under the current Administration and as such is a step forward for human rights, indigenous peoples and the environment.

14. The agreements reached were the result of seven consultation meetings involving the three main stakeholders: the communities represented by the municipal development councils and community councils of the Maya Q’eqchi’ communities of El Estor and Panzós in the area of influence of the project, the representatives and alternative representatives of the Compañía Guatemalteca de Níquel, and the Government of Guatemala, represented by the Ministry of Energy and Mining, the Ministry of the Environment and Natural Resources and the Ministry of Culture and Sports, among other stakeholders. The agreements revolve around a comprehensive local development plan, the main components of which are: (a) productivity and employment, (b) education, (c) health, (d) culture and spirituality.

15. The Ministry of Energy and Mines has established a methodology and a support document to serve as a basis for consultation on the implementation of other energy and mining projects. This methodology will be used specifically to carry out the pre-consultation and consultation processes for the Oxec and Oxec II power plant projects.

### **Reply to paragraph 6 of the list of issues**

16. Article 45 of Legislative Decree No. 24-99, the Land Fund Act, establishes that adjudication procedures are not applicable to the following lands: privately held land of any nature, land belonging to indigenous communities, protected areas and territorial reserves. Under no circumstances may land be made available in core zones or multiple use zones designated under the Protected Areas Act. Likewise, on agricultural properties acquired through the Land Fund mechanism, when the existence of traditional sites for ceremonial use is identified and recognized by neighbouring indigenous communities, the portion of land where the ceremonial site is located will be severed from the rest of the property. As part of the procedure, the necessary right-of-way easements will be obtained and the severed area and its easements will be registered to the State in the relevant property registry.

17. The aim of Bill No. 5188, the proposed Land Tenure Regularization Act, is to provide a legal solution to all the types of irregularities mentioned above and to any others that may

arise in the course of the cadastral process. The proposed law is also intended to address the need to enact a law for the regularization of land tenure that complements and provides for alternative solutions to irregularities detected during the cadastral process regulated by law. The bill is currently before the Special Congressional Committee on Land Registration and Land Management for study and the issuance of an opinion.

### **Reply to paragraph 7 of the list of issues**

18. The Presidential Commission for Peace and Human Rights has carried out the following activities:

- On 7 July 2021, the Commission asked the Office of the United Nations High Commissioner for Human Rights in Guatemala to provide advice and collaborate in conducting a baseline assessment on business and human rights.
- The Commission joined the Community of Practice on Business and Human Rights, a forum for interacting and sharing experiences with other countries, which has strengthened the process of establishing the baseline in Guatemala.
- The Commission participated virtually in the Sixth Regional Forum on Business and Human Rights for Latin America and the Caribbean, held from 4 to 6 October 2021, at the invitation of the Office of the United Nations High Commissioner for Human Rights in Mexico and the Working Group on the issue of human rights and transnational corporations and other business enterprises.

19. The Commission held two workshops, on 29 October and 8 November 2021, on the development the national action plan on business and human rights, aimed at delegates to the Inter-Agency Human Rights Forum working in the area of business and human rights. The workshops were intended to enhance knowledge and draw up the timeline for the baseline assessment.

20. The baseline assessment on business and human rights in Guatemala was launched on 15 December 2021, in coordination and cooperation with the Office of the United Nations High Commissioner for Human Rights in Guatemala.

### **Reply to paragraph 8 (a) of the list of issues**

21. The available disaggregated data on overall and extreme poverty for the years 2000 to 2014, provided by the Planning and Programming Secretariat of the Office of the President, are shown in figure 3 in the annex.

22. The National Institute of Statistics, the Ministry of Social Development and the Planning and Programming Secretariat of the Office of the President agreed to use the goal established in the K'atun National Development Plan to reduce overall and extreme poverty between 2015 and 2032, in collaboration with the National Public Investment System, which is a management tool that facilitates the transformation of ideas into concrete projects. The system works on a project life cycle basis. In addition, it provides a set of standards, instructions, procedures and technical instruments whose objective in the context of a modern State is to organize the process of public investment in order to identify the most economically and/or socially profitable investment options, in line with the guiding principles of the Government's general policy.

23. The target is to reduce extreme poverty and overall poverty from 20.2 per cent and 51.1 per cent, respectively, in 2019 to 16.9 per cent and 42.8 per cent in 2024, and then 11.7 per cent and 29.7 per cent in 2032.

### **Reply to paragraph 8 (b) of the list of issues**

24. Tax revenue amounted to 10.1 per cent of gross domestic product (GDP) in 2020. Such revenue reached its highest proportion of GDP, 11.1 per cent, in 2012. Direct taxes

represent 3.7 per cent of GDP and indirect taxes 6.4 per cent; the breakdown of direct and indirect taxes is shown in figure 4 in the annex.

### **Reply to paragraph 8 (c) of the list of issues**

25. The Office of the Superintendent of the Tax Administration has implemented specific measures to boost tax collection and ensure adequate financing for the social sector, including expanding the tax base in order to incorporate new taxpayers and increasing the number of registered taxpayers through measures such as:

- Online electronic invoices and an online electronic invoice system
- Enforcement of the Tax Simplification Act; the impact of the entry into force of this Act can be gauged by the amount of such tax collected over the period 2020–2021: in 2020 the figure was 170,739.3, while in 2021 it was 1,457,625.4<sup>1</sup>
- Tax compliance risk management through the Compliance Risk Management Strengthening Plan, which has four components: data governance; risk management model; unified risk-based case detection and selection; modernization of the tax credit refund and compensation process
- Establishment of a unified tax registry with appropriate, reliable information to be used to improve risk management and audit programmes

### **Reply to paragraph 8 (d) of the list of issues**

26. The Ministry of Public Finance reports that annual growth in 2020 was 15.6 per cent. Central government social spending on education, science and culture; health and social welfare; water and sanitation; and housing rose from 53,510,980,000 quetzales to 93,529,030,000 quetzales between 2010 and 2020; as a proportion of GDP such spending increased from 35.5 per cent to 40.6 per cent in 2019. However, in 2020 social spending fell to 34.6 per cent of GDP, the largest proportional decline during the decade.

### **Reply to paragraph 8 (e) of the list of issues**

27. In 2020, the allocation of public spending was affected by the COVID-19 emergency. High-level emergency committees were formed, including the Economic Emergency Committee, coordinated by the Ministry of Public Finance and involving the Ministry of Health and Social Welfare, the Ministry of Economic Affairs, the Bank of Guatemala, the Office of the Superintendent of Banks, the Office of the Superintendent of Tax Administration, the Planning and Programming Secretariat of the Office of the President, the National Competitiveness Programme and invited representatives of the private sector, to design the National Emergency and Economic Recovery Programme with the aim of mitigating the economic effects of the emergency. The General Plan, officially published in May 2020, is divided into three major components:

- Social: led by the Ministry of Health and Social Welfare, as the lead agency for the response to the health emergency, including activities relating to prevention in the general population, care of quarantined patients with a positive COVID-19 diagnosis and comprehensive access to health services
- Economic: a high-level economic task force was created to follow up on economic stability strategies and measures aimed at at-risk and vulnerable populations
- Security, migration and environment: includes the civil protection and national defence plans overseen by the Ministry of the Interior and the Ministry of National Defence, respectively, which aim to provide security to the population, ensure

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<sup>1</sup> <file:///C:/Users/DIDEH/Downloads/Memoria-de-Labores-2020.pdf>.

people's physical safety and safeguard their property, and protect the country's borders

28. The Ministry of Public Finance created an expenditure dashboard, reflecting the programmes, funds and acquisitions associated with laws related to the COVID-19 emergency, including Decree-Law No. 12-2020, the COVID-19 Emergency Act, which provides for the following programmes:

<i>No.</i>	<i>Programme</i>	<i>Responsible ministry</i>
1	Small-scale Farming	Ministry of Agriculture, Livestock and Food
2	Fund for Micro-, Small and Medium-sized Enterprises	Ministry of Economic Affairs
3	Older Persons	Ministry of Labour
4	Hospital and Health Centre Remodelling and Infrastructure	Ministry of Health and Social Welfare
5	Food Assistance	Ministry of Development and Ministry of Agriculture, Livestock and Food
6	<i>Bono Familia</i> cash transfer programme	Ministry of Development
7	Employment Protection Fund	Ministry of Economic Affairs

### **Reply to paragraph 8 (f) of the list of issues**

29. The Office of the Superintendent of Tax Administration adopted the following measures:

- Implementation of improvements in taxpayer services, including both in-person and remote services, together with tools to simplify compliance
- Increased taxpayer risk perception to increase voluntary compliance
- Automation of customs controls by automating the assignment of correlative codes for the transmission of goods declarations
- Strengthening of customs controls

### **Reply to paragraph 8 (g) of the list of issues**

30. The Public Prosecution Service, by means of Order No. 59-2019, strengthened the Office of the Special Prosecutor against Impunity by converting it to a Section Prosecutor's Office which works in coordination with the Anti-Corruption Secretariat of the Public Prosecutor's Office, resulting in an increase in cases prosecuted, criminal organizations dismantled, cases investigated and convictions handed down during the current administration.

31. In the area of technology, the Office of the Special Prosecutor against Impunity was strengthened through the development of modules for interconnection with the computerized investigation control system of the Public Prosecution Service, and a technical support unit, composed of 60 criminal and financial analysts and investigators, was set up. The members of this unit come from the Criminal Investigations Directorate, the Criminal Analysis Directorate, the National Civil Police and the Special Financial Intelligence Office. The Unit provides investigative, evidentiary and analytical support to the Office of the Special Prosecutor against Impunity with respect to all cases under its purview and any future cases that may come under investigation.

32. In November 2021, the Public Prosecution Service introduced a new computer system called Technological Applications for the Strategic Solution of Cases and Victim Assistance

of the Public Prosecution Service, which is a tool that shifts the focus of criminal proceedings from the case itself to the people involved and integrates all relevant information, even suggesting lines of inquiry for specific offences and criminal activities. It also facilitates victims' access to the Public Prosecution Service.

33. The Presidential Commission against Corruption was established pursuant to Government Order No. 28-2020 of the President of the Republic to: (i) promote and strengthen measures to prevent and combat corruption and to promote integrity, accountability and proper management of public affairs and public assets; (ii) coordinate the Public Policy to Prevent and Combat Corruption; (iii) restore trust in and the credibility of State institutions; and (iv) propose legal actions to recover defrauded public funds.

34. The Ministry of Public Finance has a policy for strengthening public finances and fiscal transparency and a fiscal transparency strategy. Within this framework, the main activities include the following:

- Citizen budget: an educational document that explains the general budget of revenue and expenditure of the State in a simple way and provides relevant fiscal information.
- Fiscal transparency portals: a set of web portals launched in November 2019 that show historical information on the public budget since 2015 through graphs, tables, interactive maps and infographics. The portals are an instrument of transparency, accountability and support for the planning of the national budget strategy.

### **Reply to paragraph 9 of the list of issues**

35. The Presidential Commission on Discrimination and Racism, in coordination with municipal authorities and agencies of the executive branch, is working to implement the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination with a view to promoting harmonious coexistence and contributing to the prevention and eradication of racism and racial discrimination. Government Order No. 143-2014, under which the policy was approved, mandates State agencies to implement strategic actions, including:

- In 2020, a manual for the incorporation of the right to self-identification in official statistics was developed for use by agencies to disaggregate information on the users of their services by place of origin and linguistic community.
- The Presidential Commission on Discrimination and Racism presented to the Specific Social Development Cabinet the findings of an assessment carried out in 2020, in which, pursuant to Act No. 04-2021 of 15 July 2021, the planning and administrative units of the public administration were instructed to standardize self-identification variables in order to adapt instruments for the collection of institutional information.

36. During the period 2020–2021, the National Civil Police carried out preventive campaigns on violence against women, discrimination and racism, migrants, gender identity and reporting of violence, which addressed various topics, including domestic violence, violence against women and promoting a culture of reporting of cases of violence, with the participation of 7,626 women and 5,732 men.

37. With regard to efforts to strengthen translation services in courts and prosecutors' offices, the judicial branch reports that over the period 2019–2021 services were provided in 20 Mayan languages. The most requested languages were K'iché, with 895 requests for interpretation services, Q'eqchi', with 539, Kaqchikel, with 295, and Mam, with 254. The languages in increasing demand were Tz'utujil, with 148 requests for interpretation services; Ixil, with 103; Q'anjob'al, with 90; and Pocomchi', with 87.

38. During 2021, the Ministry of Education provided national coverage for the broadcasting of 46 radio spots in the K'iche', Mam, Q'anjob'al, Jakalteko, Chuj, Akateko, Awakateko, Tektiteko, Q'eqchi' and Spanish, languages on the topic of prevention of sexual violence against girls and adolescents, benefiting approximately 246,897 girls, 115,290 of them Mayan and 131,607 Ladino, in the Department of Guatemala, helping to prevent



violence and pregnancies among adolescent girls, while also encouraging them to complete their primary education.

39. The Ministry of Education, in coordination with the Academy of Mayan Languages of Guatemala, carried out a training process to strengthen linguistic competencies among teachers of bilingual schools and enable them to serve students effectively in accordance with their multi-ethnic, multilingual and multicultural characteristics. A total of 1,189 Mayan teachers from bilingual schools participated in this process.

### **Reply to paragraph 10 of the list of issues**

40. The Land Fund established the Programme for the Development of Sustainable Farming Communities as a measure to ensure access to land acquisition programmes through the provision of comprehensive technical assistance to beneficiary organizations of the Land Access Credit and Subsidy Programme for the purchase of land. To that end, the Fund promotes a rural development model with a focus on balancing five types of capital for development: human, social, physical, natural and financial. The model's approach comprises four lines of action:<sup>2</sup>

- Organizational strengthening for development
- Sustainable management of natural goods and services in farming communities
- Development of sustainable rural economies
- Attention to special cases

41. The Ministry of Agriculture, Livestock and Food provides technical assistance to rural women to ensure the productivity of land through support for home improvement oriented towards backyard farming, healthy practices in the home and complementarity with the Family Farming to Strengthen the Rural Economy initiative, which contributes to sustainably increasing family assets through the use of techniques to increase production through better practices and the supply of agricultural goods and inputs. As of November 2021, 68,351 people had benefited from training and technical advisory services to improve their production systems.

### **Reply to paragraph 11 of the list of issues**

42. Under the National Programme for the Development of Micro-, Small and Medium-sized Enterprises, the Government of Guatemala, through the Ministry of Economic Affairs, has granted loans for more than 581 million quetzales to promote the growth and development of micro-, small and medium-sized enterprises nationwide.

43. The restructuring of 17 loans was approved through the National Council for the Development of Micro-, Small and Medium-sized Enterprises. These loans, which were placed under various implementing entities of the trust fund for the development of such enterprises, totalled 152.7 million quetzales and benefited 2,595 owners of micro-, small and medium-sized enterprises engaged in trade, services, handicrafts, industry and agribusiness.

44. During 2020 the Land Fund and the Ministry of Economic Affairs contributed to the recovery of the local economy of rural communities in 243 municipalities across the country's 22 departments. These funds totalled 246,088,498.24 quetzales and benefited 24,954 families.

45. The Ministry of Social Development, in response to the economic problems arising from the COVID-19 pandemic, created a temporary assistance programme known as the Informal Economy Grant (*Bono para la Economía Informal*), which provided a single cash payment of 1,000.00 quetzales via bank transfer to persons registered in municipalities as informal sector workers. The programme covered a total of 146 municipalities in 21 departments and disbursed 100 million quetzales in 2020, benefiting 100,000 people.

<sup>2</sup> <https://www.fon tierras.gob.gt/portal/viewer/index/aXuIkA%3D%3D>.

### Reply to paragraph 12 (a) of the list of issues

46. Order No. 278-2021, published on 17 December 2021, set the minimum wage levels for economic activities in Guatemala, establishing a minimum wage of 94.44 quetzales per day for agricultural activities; 97.29 quetzales per day for non-agricultural activities; and 88.91 quetzales per day for the export and maquila sector, making the monthly wage 3,209.24 quetzales for non-agricultural activities, 3,122.55 quetzales for the agricultural sector and 2,954.35 quetzales for the maquila and export sector, which is equivalent to a wage increase of 4.75 per cent for the private sector.

### Reply to paragraph 12 (b) of the list of issues

47. The Congress of the Republic of Guatemala, at a meeting held on 9 September 2020, participated in a virtual forum in which the recommendations made at its sixty-eighth session by the Committee on the Elimination of Discrimination against Women on the combined eighth and ninth periodic reports of Guatemala concerning the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

48. On 4 November 2021, the Committee on Youth and the Committee on Minors and the Family of the Congress of the Republic met with representatives of the organization We Social Movements to consider the ratification of ILO Conventions No. 189 and No. 190.

### Reply to paragraph 12 (c) of the list of issues

49. The Inspectorate General of Labour has implemented a joint plan for targeted, regionalized inspections to verify the payment of the minimum wages for agricultural, non-agricultural, and export and maquila activities. In accordance with the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the provisions of article 14 bis of the Labour Code, which regulates compliance with payment of the minimum wage for both men and women, the Statistics Unit of the Inspectorate General of Labour reports on complaints on the matter.

#### Equal Pay Complaints

#### Inspectorate General of Labour, Ministry of Labour and Social Security, 2017 and 2021

<i>Year</i>	<i>Number</i>
2017	3
2021	2
<b>Total</b>	<b>5</b>

*Source:* Ministry of Labour and Social Security.

50. The Ministry of Labour and Social Security, through its Division for Working Women, carries out preventive and informative activities concerning work-related rights and obligations of working women, based on national and international standards. The activities are conducted in both face-to-face and virtual formats.

51. The Ministry of Labour and Social Security conducts training processes, training courses, workshops, talks and awareness-raising sessions on the importance of learning about national and international standards in labour matters. The topics covered include equality and non-discrimination, based on the Labour Code and ILO Convention, No. 111; the training emphasizes that working women should not be discriminated against in the labour sphere or in any other area of their lives and promotes their access to employment and to professional training in accordance with the principle of equal treatment and equal opportunities as positive measures to eliminate discrimination. These processes are coordinated with the public, private (agricultural, non-agricultural and maquila) and non-governmental sectors, and with educational centres, in a face-to-face manner at the national level.

### **Reply to paragraph 12 (d) of the list of issues**

52. The Ministry of Labour and Social Security has a policy on decent employment and economic growth, which encompasses the Government's general policy and the National Development Policy (K'atun "Our Guatemala 2032" Plan). In addition, Decree No. 1441, the Labour Code, specifies that in order to set the wage for each type of work, the intensity and quality of the work, and also environmental and living conditions, must be taken into account. The Code also provides that every worker has the right to earn a minimum wage that covers his or her material, emotional and cultural needs. Article 89 of the Labour Code relates to equal wages, emphasizing that there must be equal pay for equal work, including payments made to workers for their regular work. The Ministry of Labour and Social Security is responsible for monitoring compliance in this area.

53. In order to protect the rights of all working women in the Republic of Guatemala, the Ministry of Labour and Social Security, through its Division for Working Women, provides specialized attention, advice and support, within a framework of labour rights with a gender perspective, to working women seeking information on the services provided by the Ministry in labour matters.

### **Reply to paragraph 13 of the list of issues**

54. During 2020, the Ministry of Labour and Social Security, through the Inspectorate General of Labour, carried out 19 operational inspection plans in the maquila sector, which were targeted and regionalized in the departments of Chimaltenango, Escuintla and Guatemala. In 2021, 246 inspections were carried out in the departments of Alta and Baja Verapaz, Chimaltenango, El Progreso, Escuintla, Guatemala, Izabal, Jalapa, Retalhuleu, Sacatepéquez, Santa Rosa and Zacapa.

55. The following protective measures were taken to ensure safe working conditions during the COVID-19 pandemic:

- Ministerial Order No. 140-2020, establishing an electronic procedure for registration, control and authorization of suspension of employment contracts
- Government Order No. 79-2020, adding complementary standards to the occupational health and safe regulations for the prevention and control of SARS COV-2 outbreaks in workplaces
- Decree No. 13-2020, the Economic Rescue for Families Affected by COVID-19 Act

### **Reply to paragraph 14 of the list of issues**

56. The Inspectorate General of Labour carried out targeted and regionalized operations to inspect the working conditions of workers. In 2020, 20 inspections were conducted, 11 in the sugar sector and 9 in the coffee sector. In 2021, 77 inspections were conducted, 59 in the sugar sector and 18 in the coffee sector. During that year, a specific operation was carried out to investigate possible trafficking in persons and labour exploitation of child and adolescent workers. The joint inspection plan targeted workplaces with night shifts and yielded the results shown in figure 5 of the annex.

57. On 15 October 2020, the Inspectorate General of Labour signed the first addendum to the Agreement on Inter-Agency Cooperation on an Integrated Approach to Trafficking in Persons for the Purposes of Economic Exploitation and Forced Labour between the Ministry of Labour and Social Security, the Office of the Counsel General and the Public Prosecution Service; under the addendum the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons joined the Agreement.

58. The Inspectorate General of Labour conducts inspections in the areas of sugar, coffee and palm oil plantations and launches an immediate investigation if it becomes aware of any cases. By law, under the Code of Criminal Procedure, appropriate reparations must be made to victims of any cases brought before the Labour Exploitation Unit.

### Reply to paragraph 15 of the list of issues

59. The Inspectorate General of Labour remodelled its facilities with the aim of providing better services for the receipt of complaints and the calculation of employment benefits. The Inspectorate now has nine complaints desks to provide specialized attention to complaints, seven offices to provide user support in special conciliation matters, a meeting room and a satellite office of the Guatemalan Social Security Institute.

### Reply to paragraph 16 of the list of issues

60. The right to form trade unions is regulated under the Constitution of the Republic of Guatemala and the Labour Code, article 209 of which refers to the right to security of employment for workers who participate in the formation of trade unions, a right which arises from the moment notice is given to the Inspectorate General of Labour. These provisions are complemented by international standards, including the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the Collective Bargaining Convention, 1981 (No. 154).

61. As of 2021, the Public Prosecution Service, through the Office of the Public Prosecutor for Crimes against Justice Officials and Trade Unionists, had instituted 517 protective measures in respect of 1,102 complaints filed. The Service initiates an immediate professional investigation to determine the criminal responsibility of perpetrators of crimes committed against trade unionists. It also follows up on the sentences imposed and on applications for reparation for victims. The judiciary, through the enforcement courts, is responsible for ensuring sentence compliance.

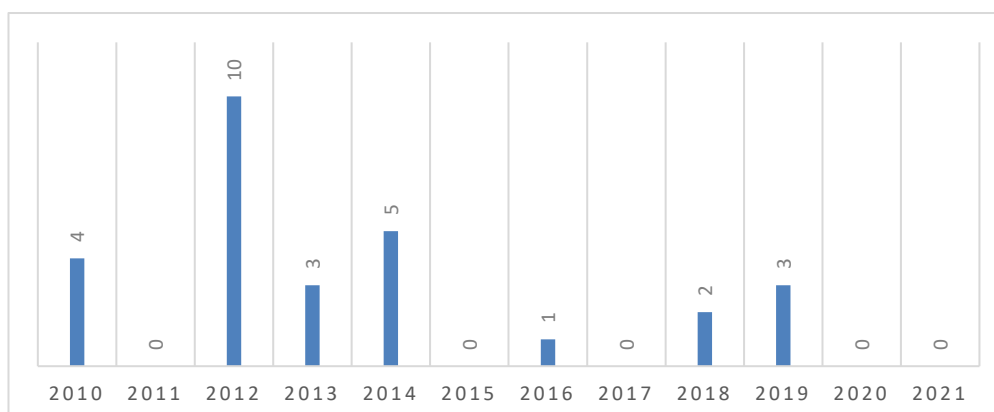
62. The Inspectorate General of Labour of the Ministry of Labour and Social Security, with the support of the ILO, launched, via digital media, a campaign for decent work in the agricultural sector as a strategy for: (i) disseminating messages; (ii) raising awareness among employers about fair work, in which workers must be remunerated for their effort and work and working hours must be respected; (iii) informing agricultural workers about their rights, promoting decent work and a fair wage that is commensurate with the effort expended, without gender discrimination or any other type of discrimination, and with social protection, freedom of organization, social dialogue and tripartism in decision-making.

63. The Directorate General of Labour maintains a register of applications for registration of trade unions, which contains information from 2010 to 2021, including the following:

<i>Year</i>	<i>Number of applications rejected</i>
2010	4
2011	0
2012	10
2013	3
2014	5
2015	1
2016	1
2017	0
2018	2
2019	3
2020	0
2021	0
<b>Total</b>	<b>29</b>

*Source:* Prepared by the International Labour Affairs Unit on the basis of information provided by the Directorate General of Labour of the Ministry of Labour and Social Security in Official Communication No. 103-2020 NVMG-NAPL, dated 11 May 2020, and Official Communication MRGE/bmlt/OFICIO 589-2021, dated 21 June 2021.

**Figure: Rejected applications for trade union registration in the agricultural sector, Directorate General of Labour of the Ministry of Labour and Social Security, 2010 to 15 June 2021**



*Source:* Prepared by the International Labour Affairs Unit on the basis of information provided by the Directorate General of Labour of the Ministry of Labour and Social Security, in Official Communication No. 103-2020 NVMG-NAPL, dated 11 May 2020, and Official Communication MRGE/bmlt/OFICIO 589-2021, dated 21 June 2021.

### Reply to paragraph 17 of the list of issues

64. The joint work of the Guatemalan Social Security Institute and the COVID-19 Crisis Response Commission under the Institutional Strategic Plan 2018–2022 has resulted in the development and revision of plans, guides and protocols that have contributed to the standardization of guidelines for the care of patients in various scenarios, establishing diagnosis and treatment pathways for the care of the population and enabling universal coverage of the social security system. In response to the COVID-19 pandemic, approaches have been developed to enable the population in conditions of vulnerability to have access to social services. Vaccination brigades were formed, and they visited 2,033 businesses at the departmental level in 2020, mainly in the following economic sectors: services, 23.95 per cent; commerce, 16.23 per cent; finance, 13.38 per cent; food, 11.21 per cent; and the public sector, 8.07 per cent. In the Guatemala City metropolitan area, the brigades visited 443 businesses, mainly in the following sectors: commerce, 33.41 per cent; services, 18.28 per cent; food, 18.06 per cent; and maquila, 16.25 per cent.

### Reply to paragraph 18 of the list of issues

65. In order to establish mechanisms to offset and mitigate the economic crisis resulting from the COVID-19 pandemic, a number of economic measures were put in place, pursuant to Decree No. 13-2020, to address the emergency, including the following:

66. *Bono Familia* cash transfer programme: The programme's aim was to support the population most adversely affected economically by the emergency measures introduced in response to the COVID-19 pandemic. The programme made available up to 6 billion quetzales for cash transfers of up to 1,000 quetzales via the banking system, its entities and financial groups, benefiting 2,692,818 individuals or families with a total of 7,971,085 transfers.

### Reply to paragraph 19 of the list of issues

67. Bill No. 4849, which is intended to harmonize approaches to the prevention and eradication of child labour in Guatemala, was received by the Legislative Directorate of the Congress of the Republic on 2 June 2014 and submitted to the plenary of the Congress on 2 July 2014. It was then referred to Committee on Labour and the Committee on Children and the Family for study and the issuance of an opinion. The opinion of the Labour Committee

was received on 12 August 2014, and a favourable opinion was received from the Committee on Children and the Family on 19 August 2014. On 3 September 2014, the first debate on the Bill was held and the opinion of the Committee on Children and the Family was read. The second debate took place on 20 July 2016. The Bill was discussed and approved in the third debate on 3 March 2020; it is currently pending article-by-article adoption and final drafting.

68. Bill No. 5272 of the Congress of the Republic was shelved on 15 March 2022.

69. It is important to note that the ILO Minimum Age Convention, 1973 (No. 138) requires States to establish in their legislation a minimum age for admission to employment that is not less than the age of completion of compulsory schooling and, in any case, not less than 15 years. The Constitution of Guatemala establishes that children under 14 years of age may not be employed in any kind of work and that schooling is compulsory up to the end of the lower secondary level, which is normally completed at the age of 16 years.

70. The Ministry of Labour and Social Security, through the Directorate General of Social Security, has initiated the first phase in the development of the first national action plan for the National Strategy 2021–2025 for the Prevention and Eradication of Child Labour and the Protection of Adolescent Workers.

71. The National Strategy 2021–2032, which takes into account the national plan of action for the National Strategy 2021–2025, aims to bring about a yearly reduction in the rate of child and adolescent labour (among children aged 5 to 17) through comprehensive social protection and strengthening of education and health care.

72. In the sugar sector, there is bilateral cooperation between the ILO and the Organization of American States on child labour. Within the framework of this cooperation, virtual meetings have been held between the ministries of labour of Guatemala and Panama to share good practices. The Ministry of Labour and Social Security of Guatemala is proposing an action plan, for which the Unit for the Protection of Adolescent Workers, together with the Inspectorate General of Labour, will provide support, with the Ministry of Labour of Panama providing guidance on the actions proposed by Guatemala to address child and adolescent labour in the sugar sector.

### **Reply to paragraph 20 of the list of issues**

73. The Strategic Plan of the Public Prosecution Service for the period 2018–2023 calls for the design and implementation of a cross-cutting policy on support for vulnerable groups, in particular children, adolescents and persons with physical disabilities. Accordingly, on 18 June 2019, the Comprehensive Support Model for Children and Adolescents was launched. The Model is intended to uphold and protect the human rights of children and adolescents in Guatemala through the provision of immediate support, with a gender and cultural relevance perspective, to ensure personal protection and legal, psychological, social and health guidance; reduce secondary victimization as much as possible; and provide differentiated, high-quality and sensitive support for child and adolescent victims of crime.

74. The Comprehensive Support Model for Children and Adolescents involves 14 institutions that provide specialized support in their respective areas of responsibility: the Public Prosecution Service, through the Office of the Public Prosecutor for Children and Adolescents; the judiciary; the Ministry of the Interior, through the National Civil Police; the Ministry of Social Development; the Ministry of Health and Social Welfare; the Ministry of Labour and Social Security; the Social Welfare Secretariat of the Office of the President; Office of the Counsel General of the Republic; the Public Criminal Defence Institute; the Forensic Sciences Institute of Guatemala; the Victims Institute; the Municipality of Guatemala; the Ministry of Education; and the Ministry of Culture and Sport.

75. Judgment No. 4-2021 of the Supreme Court of Justice provided for the establishment of the Family Court of First Instance with Specific Jurisdiction for Protection in Domestic Violence Matters and the Criminal Court of First Instance for Crimes of Femicide and Other Forms of Violence against Women and Sexual Violence, which is made up of six judges, supported by auxiliary judicial personnel.

76. On 11 January 2021, an inter-agency cooperation and collaboration agreement was signed to implement the I'x Kem Comprehensive Support Model for Women Victims of Violence, the purpose of which is to immediately attend to all urgent investigative and other proceedings managed through the Office of the Prosecutor for Women and any applications for protection measures.

77. The Comprehensive Support Model for Women Victims of Violence uses the integrated case management model methodology, in which a prosecutor is assigned to oversee the case, from the initiation of the complaint to the conclusion of the case. The prosecutor provides comprehensive support during the investigation and other proceedings. The services provided include the following:

- Urgent care for the medical, psychological, physical and social stabilization of the victim
- Remote assistance 24 hours a day, 365 days a year, nationwide via the 1572 hotline, the Panic Button and service through the WhatsApp application for women with hearing disabilities
- Culturally relevant support, including interpreting services for the most widely spoken Mayan languages
- -Childcare services for children of women seeking services under the Comprehensive Support Model for Women Victims of Violence

### **Reply to paragraph 21 of the list of issues**

78. Guatemala has been using the Multidimensional Poverty Index since 2019 as a measure that complements traditional measures and that considers the various dimensions of poverty and well-being and describes the composition of poverty at rural, urban and regional levels and by ethnicity. The results reflect the importance of rethinking the design and implementation of interventions, programmes and policies to combat poverty through a coordinated and comprehensive approach. The Index includes five dimensions: health and food and nutritional security, education, decent employment, access to services, and housing. The National Survey of Living Conditions was used as a basis for calculating the Index.<sup>3</sup>

79. The Ministry of Social Development, as the lead agency for public policies aimed at fostering the social development of individuals and population groups in situations of poverty, extreme poverty and vulnerability, through the promotion of actions to improve their quality of life, has undertaken various interventions to address the emergencies that the country is facing, including:

- The Life Programme, which targets pregnant girls and adolescents and mothers under 14 years of age who are victims of sexual violence and whose cases have been prosecuted in rural areas of Guatemala, in line with the letter of understanding for the implementation of the care pathway for pregnant girls and adolescents and in compliance with the State's obligation to ensure the safety and welfare of the population, especially among populations living in poverty, by supporting them with conditional cash transfers on a regular basis. One hundred percent of the Life Programme's allocated budget of 1,140,000 quetzales has been implemented and the Programme has made available 760 transfers through the father or the mother of the affected girl, benefiting 164 families. As of November 2021, 100 per cent of the Programme's allocated budget had once again been implemented, with 894 cash transfers totalling 1,341,000 quetzales.
- The Supplementary Food Programme, implemented in 2020, distributed highly nutritious foods for an amount totalling 59,999,993.68 quetzales.

<sup>3</sup> <https://www.mides.gob.gt/ipm/#resultados>, [https://mppn.org/wp-content/uploads/2019/10/Guatemala-Report-IPM-gt\\_29jul19-v1.1.pdf](https://mppn.org/wp-content/uploads/2019/10/Guatemala-Report-IPM-gt_29jul19-v1.1.pdf).

### Reply to paragraph 22 of the list of issues

80. The Ministry of Health and Social Welfare, under Programme 14, “Prevention of Child Mortality and Chronic Malnutrition”, allocated a budget of 754,310,501 quetzales at the institutional level and as of October had implemented 548,209,116 quetzales, equivalent to 73 per cent of the total budget. Programme activities included vaccination of children under 5 years old, provision of micronutrient supplements for children under 5 years old, monitoring of micronutrient fortification of staple foods, diagnosis and treatment of acute malnutrition, supplementary feeding of children aged 6 to 24 months, with provision of supplementary foods and monitoring of child development.

81. The Programme for Prevention of Maternal and Neonatal Mortality had a budget of 500,937,884 quetzales and a budget implementation level of 67 per cent (334,521,666 quetzales) in 2021. The activities carried out under this Programme include timely antenatal care for women, institutional childbirth attended by qualified personnel, newborn and neonatal care, provision of family planning methods to the population and supplementary feeding for pregnant women and nursing mothers.

82. The Programme for Prevention and Control of Vector-borne and Zoonotic Diseases had a budget of 84,260 quetzales for its sub-programme on surveillance of pregnant women diagnosed with Zika virus disease; as of October 66,371 quetzales had been implemented, equivalent to 79 per cent.

83. As of December 2020, the Programme for Prevention of Child Mortality and Chronic Malnutrition had a budget of 994,114,578 quetzales at the institutional level, according to a report generated by the integrated government accounting system on 11 January 2021 (report No. R00815611). As of December, 743,554,700 quetzales (75 per cent) had been implemented. The Programme for Prevention of Maternal and Neonatal Mortality has a current budget of 441,763,125 quetzales, of which 354,022,025 quetzales (80 per cent) has been implemented.

84. The “1,000-day Window of Opportunity” initiative is part of the comprehensive health-care standards of the Ministry of Health and Social Welfare for first and second levels of care. The initiative is intended to meet the strategic target under the Government’s general policy for reducing the chronic malnutrition rate in Guatemala by 2023.

### Reply to paragraph 23 of the list of issues

85. The implementing unit of the Rural Aqueduct Programme of the Municipal Development Institute comprises the pre-investment, social management, development and implementation, and groundwater programmes, which are intended to increase the coverage of drinking water and sanitation projects in the country’s rural communities.

86. Decree No. 15-2020 of the Congress of the Republic of Guatemala, entitled “Additional Measures for the Protection of the Population from the Effects of the COVID-19 Pandemic”, provides for economic and financial measures to enable Guatemalan families and micro-, small and medium-sized enterprises to cope with the economic consequences of the global health emergency generated by COVID-19, ensuring them access to basic services.

87. A total of 16,334,366 quetzales was expended in 2021 across the country’s 29 health areas for activities relating to surveillance of water for human consumption and recreation, which is equivalent to 79 per cent of the yearly budget of 20,666,162 quetzales.

88. The Ministry of Health and Social Welfare, the Ministry of the Environment and Natural Resources and other executive branch agencies and the Authority for the Sustainable Management of the Lake Atitlán Basin and its Surrounding Area report actions taken under the water resources and sanitation budget classification, including integrated water resources management, environmental water quality monitoring and water surveillance. For 2020, the information on overall implementation for the classification (January to December) indicates that, of the total budget allocation of 39,853,998 for the year, 29,140,738.85 quetzales were expended, which is equivalent to a budget implementation rate of 73 per cent. For 2021



(January to June), the amount allocated was 54,034,833 quetzales and the amount implemented was 20,674,822.19 quetzales, an implementation rate of 38 per cent.

89. The Ministry of Health and Social Welfare annually schedules and carries out the supervision of works for the recovery and renovation of irrigation systems, an ongoing process that includes the reconstruction and lining of water canals and the repair of dams and floodgates. Data for various years are shown below.

<i>Year</i>	<i>Activity</i>
2019	Supervision of the rehabilitation of sections of 10 irrigation systems, recovering 5,688 hectares of irrigation, benefiting 6,903 farmers.  In addition, 559 farmers received water reservoirs and cisterns for rainwater collection, storage, channelling and distribution for micro-irrigation systems in four departments of the country.
2020	Improvement of the irrigation system in Xibalbay, Sololá, benefiting 1,694 farmers across an area of 42 hectares.  Construction of an irrigation system in Guantada, Sacapulas, Quiché, benefiting 75 farmers across an area of 55.75 hectares.
2021 (up to November)	Six irrigation system improvement projects were approved in the departments of Zacapa and Quiché, benefiting 2,299 families and irrigating 1,418 hectares planted in various crops.  In addition, 5,466 families received materials for the construction or reconstruction of artisanal irrigation systems, covering an area of 7,200 hectares planted in various crops and vegetables.

### **Reply to paragraph 24 of the list of issues**

90. The aim of Bill No. 5188, the proposed Land Tenure Regularization Act, is to provide a legal solution to all the types of irregularities mentioned above and to any others that may arise in the course of the cadastral process. The proposed law is also intended to address the need to enact a law for the regularization of land tenure that complements and provides for alternative solutions to irregularities detected during the cadastral process regulated by law. The bill is currently before the Special Congressional Committee on Land Registration and Land Management for study and the issuance of an opinion.

### **Reply to paragraph 25 of the list of issues**

91. Eviction proceedings are carried out in accordance with an order issued by a competent judge, and due process must be respected at all times in order to safeguard the rights of the persons involved. Regarding the measures adopted in the evicted communities covered by precautionary measures granted by the Inter-American Commission on Human Rights, the Presidential Commission for Peace and Human Rights, through the Department for Human Rights Commitments, is currently following up on 26 preventive measures before the Inter-American Commission on Human Rights and provisional measures before the Inter-American Court of Human Rights.

### **Reply to paragraph 26 of the list of issues**

92. Among the measures adopted by the Ministry of Health and Social Welfare is a request for the necessary resources for operations and investment under the annual operating plan, which sets out the amount of financing needed to continue providing and improving

health-care services. The amount requested for annual operational planning for 2022 was 18,682,399,981.92 quetzales.

93. The Directorate General of the Comprehensive Health-Care System and the “Growing Up Healthy” health and nutrition project prepared a training plan for the health personnel of the nine prioritized areas (Quiché, Ixil, Ixcán, Huehuetenango, San Marcos, Alta Verapaz, Chiquimula, Totonicapán and Sololá), which covers topics related to the “1,000-day Window of Opportunity” initiative and to water, sanitation and hygiene. Training was provided to:

- 319 nursing assistants from the Quiché health area
- 210 nursing assistants from the Huehuetenango and Ixil health areas
- 90 environmental sanitation inspectors and rural health technicians, who received training through the Water, Sanitation and Hygiene (WASH) course

### **Reply to paragraph 27 of the list of issues**

94. In response to the COVID-19 pandemic, the State of Guatemala set up five temporary hospitals, which to date are still in operation, in order to provide essential health services in accordance with the needs of each sector; these hospitals were set up in the following departments:<sup>4</sup>

- Temporary COVID-19 hospital at the Centro de Ferias y Mercadeo de Quetzaltenango (CEFEMERQ), Quetzaltenango
- Temporary COVID-19 hospital Zacapa
- Temporary COVID-19 hospital Escuintla
- Temporary COVID-19 hospital Petén
- Temporary COVID-19 hospital Guatemala City

95. The State of Guatemala, together with the Guatemalan Institute of Social Security, carried out a project to equip hotels for the care of affiliates of the Institute; under the project, medical clinics were set up to provide isolation and housing services for asymptomatic and mildly symptomatic patients who tested positive for COVID-19. Care was provided to the unaffiliated population through vaccination centres; by October 2021, 11 metropolitan vaccination centres and 39 departmental centres had been set up, for a total of 50, thus making it possible to carry out the National Vaccination Plan.<sup>5</sup> The hotels that provided services for the operation were the following:

- Hacienda del Aprisco
- Hotel Guatemala Inn
- Hotel Biltmore
- Clarion Suites
- Hotel Conquistador

### **Reply to paragraph 28 (a) of the list of issues**

96. Decree No. 17–73, the Criminal Code, establishes, in articles 134 to 140, the penalties to be imposed for the crime of abortion, with the exception of article 137, which establishes

<sup>4</sup> [https://establecimientosdesalud.mspas.gob.gt/establecimientos/listado-de-establecimientos.html?task=filter&option=com\\_bt\\_property&view=properties&searchword=&prstatus=282&location\\_lv1=&location\\_lv2=&location\\_lv3=&category\\_select=11&method=AND&Itemid=355](https://establecimientosdesalud.mspas.gob.gt/establecimientos/listado-de-establecimientos.html?task=filter&option=com_bt_property&view=properties&searchword=&prstatus=282&location_lv1=&location_lv2=&location_lv3=&category_select=11&method=AND&Itemid=355).

<sup>5</sup> [https://establecimientosdesalud.mspas.gob.gt/establecimientos/listado-de-establecimientos.html?task=filter&option=com\\_bt\\_property&view=properties&searchword=&prstatus=282&location\\_lv1=&location\\_lv2=&location\\_lv3=&category\\_select=11&method=AND&Itemid=355](https://establecimientosdesalud.mspas.gob.gt/establecimientos/listado-de-establecimientos.html?task=filter&option=com_bt_property&view=properties&searchword=&prstatus=282&location_lv1=&location_lv2=&location_lv3=&category_select=11&method=AND&Itemid=355).

that therapeutic abortion is not a punishable offence, provided that it is performed by a physician following a supporting diagnosis by at least one other physician, and provided that it is performed without the intention of directly bringing about the death of the product of conception and for the sole purpose of preventing a duly demonstrated risk to the life of the mother, after all other scientific and technical alternatives have been exhausted. This is the only case that does not carry a penalty, as long as the applicable requirements are met.

97. In December 2020, the Ministry of Education and the Ministry of Health and Social Welfare signed the “Prevent through Education” inter-agency cooperation agreement with a view to ensuring the provision of sexual and reproductive health information that is accessible to all people throughout their life cycle, with the aim of:

- Strengthening the framework for coordination between the two ministries and intersectoral cooperation for the implementation of comprehensive programmes on sex education, disease prevention and sexual and reproductive health care, and health services with a gender and intercultural approach
- Promoting biministerial initiatives to prevent teenage pregnancy, early marriages and unions, and violence and sexual abuse and to promote a gender perspective, human rights, women’s rights and an intercultural approach in the care of children, adolescents, young people and adults, in accordance with the principles of the “Prevent through Education” agreement
- Strengthening comprehensive education on sexuality and violence prevention, applying an approach that is gender-sensitive, culturally and linguistically relevant, age-appropriate and in line with international standards, through the national education system and at the community level, by means of formal and non-formal education programmes, the use of technology and alternative means of communication

### **Reply to paragraph 28 (b) of the list of issues**

98. The President of Guatemala requested the Congress of the Republic to consider shelving Bill No. 5272, and on 15 March 2022 the Congress proceeded to shelve Decree No. 18-2022.

### **Reply to paragraph 28 (c) of the list of issues**

99. The Ministry of Health and Social Welfare conducts regional training sessions on the update to the protocol for the care of survivors of sexual violence and the guide for comprehensive and differentiated care for pregnant girls under 14 years of age for the personnel of clinics that provide care for victims of sexual violence and for new and existing staff, who are trained to provide appropriate care. The Ministry also distributes educational materials to enable psychology personnel to carry out appropriate psychological follow-up with victims of sexual violence and pregnant girls under 14 years of age and with family members.

### **Reply to paragraph 28 (d) of the list of issues**

100. The Executive Secretariat of the Committee on Drug Addiction and Illicit Drug Trafficking has programmes aimed at the youth population, including the National Programme for Comprehensive Preventive Education. The Programme targets students between 12 and 17 years of age, parents of students and teachers in educational establishments, and community leaders involved in the Community Prevention Programme who provide services in the community.

### Reply to paragraph 29 (a) of the list of issues

101. According to the Statistical Yearbook of Education of the Ministry of Education in 2019, the school dropout rate was 4.24 per cent at the primary level and 7.1 per cent at the secondary level, while in 2020 the dropout rate was 1.68 per cent at the primary level, a decrease of 2.56 per cent, and 4.57 per cent at the secondary level, a reduction of 2.55 per cent.<sup>6</sup>

102. The Ministry of Education, through the Directorate General of Educational Assessment and Research, has formulated eight general policies to reduce inequalities in access and resources, which are focused on:

- Coverage: guaranteeing children's and youth's access, continuation and graduation, without discrimination, at all levels of education
- Quality: improving the educational process to ensure relevant and pertinent education
- Management model: strengthening effectiveness and transparency mechanisms
- Human resources: strengthening the training, evaluation and management of human resources
- Multicultural and intercultural bilingual education: strengthening bilingual education
- Increasing investment in education: increasing the budget allocation in accordance with article 102 of the National Education Act (7 per cent of GDP)
- Equity: ensuring quality education for the population, especially the most vulnerable groups

103. Institutional strengthening and decentralization: increasing participation at the local level and ensuring quality, coverage and social, cultural and linguistic relevance at all levels.<sup>7</sup>

### Reply to paragraph 29 (b) of the list of issues

104. According to the National Institute of Statistics, in 2020 the total number of students enrolled was 149,067 in public sector institutions and 184,753 in private sector institutions. The number of students completing higher education in 2020 was 19,295 – 6,363 in public sector institutions and 12,932 in private sector institutions.

105. In order to make higher education accessible to young people in rural areas, San Carlos de Guatemala University has 22 regional campuses; the following institutions are available in the private sector.<sup>8</sup>

<i>No.</i>	<i>University</i>	<i>Number of locations</i>
1	Mesoamericana	5
2	San Pablo	1
3	Rafael Landívar	9
4	Panamericana	43
5	Mariano Gálvez	36
6	Del Valle	2
7	Del Istmo	1
8	Da Vinci	25

<sup>6</sup> <http://estadistica.mineduc.gob.gt/anuario/home.html#>.

<sup>7</sup> [https://www.mineduc.gob.gt/digeduca/documents/memoriaLabores/Memoria\\_labores\\_2020.pdf](https://www.mineduc.gob.gt/digeduca/documents/memoriaLabores/Memoria_labores_2020.pdf).

<sup>8</sup> <https://www.ine.gob.gt/ine/estadisticas/bases-de-datos/educacion/>, <https://www.usac.edu.gt/>, <https://www.umes.edu.gt/sedes/>, <https://uspg.edu.gt/website/>, <https://principal.url.edu.gt/campus-y-sedes/>, <https://www.upana.edu.gt/ubicaciones/>, <https://umg.edu.gt/cu>, <https://www.uvg.edu.gt/nosotros/campus/>, <https://unis.edu.gt/>, <https://udv.edu.gt/ubicaciones/>.

### **Reply to paragraph 29 (c) of the list of issues**

106. The Ministry of Education has strengthened prevention strategies within the framework of the National Education Strategy for Peaceful Coexistence and Violence Prevention. The following activities were implemented:

- Capacity-building through online diploma courses, participatory workshops with teachers and students at the central level and, at the departmental level, through professionals responsible for violence prevention strategies
- Inter-agency coordination within the framework of the letter of understanding and the process being carried out by various State agencies (Secretariat against Sexual Violence, Exploitation and Trafficking in Persons; Ministry of Health and Social Welfare; Public Prosecution Service; Ministry of Education; National Civil Police; Counsel General's Office; National Registry Office) as part of the technical task force for comprehensive support of pregnant girls under 14 years of age

### **Reply to paragraph 29 (d) of the list of issues**

107. Educational institutions are using a hybrid model, combining learning in the classroom and at home, with a view to ensuring that children, adolescents and young people at the various educational levels of the national education system can pursue their learning process safely. The manner in which the model is applied in each community depends on the instructions issued by the Ministry of Health regarding the status of the COVID-19 pandemic.

108. The Ministry of Education has developed biosafety strategies and protocols to ensure continuity in the delivery of unprepared foods to parents, guardians and caregivers of schoolchildren, in accordance with Ministerial Order No. 1522-2021, which provides for the implementation of mechanisms, strategies and approaches to ensure compliance with the biosafety measures required according to the health alert system, which identifies risk levels by location. This information is published by the Ministry of Health and Social Welfare.

109. The Ministry of Education, with the collaboration of the United Nations Children's Fund and the Embassy of Canada, implemented a digital learning platform that provides access to digital materials that students can use to strengthen their learning.

110. During the period from 1 January 2021 to 31 October 2021, a total of 2,419,460 students in 28,486 public schools benefited from the school supplies programme, which represents a budget implementation level of 130,475,572.66 quetzales.

111. Pursuant to Government Order No. 44-2020 of 19 March 2020, the School Health Insurance Programme was introduced in public sector schools to benefit the student population at the pre-primary and primary levels. The Programme is being implemented progressively in stages, as needed. It currently covers 213 municipalities in 22 departments, benefiting 1.9 million students enrolled in public sector schools.

112. In 2020 the Ministry of Education trained 188 special education teachers in the use of strategies and tools for inclusive education processes in schools during the COVID-19 pandemic. Digital tools were also made available to enable special education teachers to reach students with disabilities in 180 inclusive schools. In addition, 500 copies of materials in Braille and large print for visually impaired students were produced, as were guides for the prevention of COVID-19 infection. These materials were delivered to the special education coordinating offices, with the support of the Committee for the Blind and Deaf of Guatemala.

113. To uphold the linguistic rights of indigenous children in the National Education System, a total of 475,330 bilingual materials have been produced in the Kaqchikel, K'iche', Mam, Q'eqchi', Tz'utujil, Q'anjob'al, Ixil and Achi languages, all aimed at developing the reading and writing skills of Mayan children.

### **Reply to paragraph 30 of the list of issues**

114. The Academy of Mayan Languages has implemented various measures to reduce the digital divide and protect and promote the languages and culture of indigenous peoples. One example is the Programme for the Development of Mayan Languages, under which activities are carried out in five strategic areas: Mayan language training and refresher training, linguistic and sociolinguistic research, language education, promotion and dissemination, and translation and interpretation.

115. The promotion and dissemination of Mayan languages takes place through radio and television communications. Each linguistic community has a communicator who is responsible for designing and producing various promotional materials. Audiovisual materials (news programmes, television spots, reports and documentaries) and radio broadcasts (radio spots, programmes and interviews) have also been produced.<sup>9</sup>

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<sup>9</sup> <https://www.almg.org.gt/wp-content/uploads/2022/02/Memoria-de-Labores-2021.pdf>.