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## Committee on Economic, Social and Cultural Rights

### **Fourth periodic report submitted by Guatemala under articles 16 and 17 of the Covenant, due in 2019<sup>\*</sup>, <sup>\*\*</sup>**

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

\*\* The annexes to the present document may be consulted on the Committee's website.



## I. Introduction

1. The present report, which details the progress made in implementing the International Covenant on Economic, Social and Cultural Rights in Guatemala from 2014 to July 2019, contains responses to the recommendations made following consideration of the third periodic report (E/C.12/GTM/CO/3) and follow-up information on the topics covered in that report (E/C.12/GTM/3).
2. When preparing the report, the Presidential Commission for the Coordination of Human Rights Policy used the system for monitoring the recommendations of the international human rights protection system known as SIMOREG.

## II. Preparation of the report

### Right to land and natural resources (arts. 1, 2 and 15)

3. The Ministry of Energy and Mining has developed tools for establishing links and fostering dialogue between project developers and communities located in the areas affected by projects. These tools have made it possible to reach agreements while respecting the right of indigenous peoples to make decisions about the use and management of local natural resources. The tools include:
  - A guide setting out a methodology for consulting indigenous peoples that consists of seven stages: (a) identification of the measure to be taken; (b) identification of the indigenous peoples and/or linguistic communities to be consulted; (c) public notification of the measure to be taken; (d) assessment of the measure to be taken; (e) internal assessment of the measure to be taken; (f) intercultural dialogue; and (g) final decision.
  - 15 maps of conflict areas disaggregated by department.
4. On 4 October 2016, the Secretariat for Agrarian Affairs submitted bill No. 5188 on the regularization of land tenure to the Congress. The bill's main aim is to establish procedures for regularizing land tenure. It was endorsed by agrarian institutions as a means of making existing processes viable, since it deals with aspects that were not covered by existing laws and brings together the various pieces of legislation on the subject while taking into account the reality of the situation in local communities. It was approved by the Special Congressional Committee on Land Registration and Land Management on 28 November 2016.
5. The Congress is currently considering four bills on consultation with indigenous peoples, namely:
  - (a) Bill No. 5450, providing for the adoption of an act that guarantees the right of indigenous peoples to free, prior and informed consultation in good faith, was received by the Legislation Directorate on 10 May 2018 and rejected by the Ordinary Committee on Indigenous Peoples on 4 December 2018;
  - (b) Bill No. 5416, providing for the adoption of an act on consultation with indigenous peoples, in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), was received by the Legislation Directorate on 26 February 2018 and was assigned to the Committee on Labour for consideration and the corresponding opinion;
  - (c) Bill No. 5134, providing for the adoption of amendments to Congressional Decree No. 48-97 (the Mining Act), article 24 of which envisages the addition of an article 41 bis, on consultation with indigenous peoples, to the Decree. The bill was received by the Legislation Directorate on 11 August 2016 and was passed on to the Committee on Energy and Mining for consideration and the corresponding opinion;
  - (d) Bill No. 4047, providing for the adoption of a general act on the rights of the indigenous peoples of Guatemala, was received by the Legislation Directorate on 22 April 2009. It was approved by the Committee on Indigenous Peoples and had its first reading on 3 September 2014.

## Consultation with indigenous peoples (arts. 1, 2 and 15)

6. In compliance with ILO Convention No. 169 and the guidelines of the Constitutional Court, the Ministry of Energy and Mining has developed a consultation process whereby information on the technical, legal, social and environmental aspects of a project is provided in the local language to the communities affected so that they can consider these aspects before entering into dialogue with a view to reaching agreements. The following round-table dialogues have been held in this context:

- In February 2017, four round-table dialogues with Grupo Secacao
- In February 2017, one round-table dialogue on the Secbchol mining project
- In March 2018, five round-table dialogues on the Oxec and Oxec II hydroelectric plants

7. The following consultations have also taken place: in December 2017, consultations with the 11 Q'eqchi' communities in the area affected by the Oxec and Oxec II hydroelectric projects; in December 2018, consultations with the Q'eqchi' communities in the rural area affected by the Compañía Guatemalteca de Níquel mining project; and, beginning in July 2019, initial consultations with the Xinka people regarding the Escobal mining project.

8. The Indigenous Peoples Unit of the Ministry of Labour and Social Welfare is responsible for promoting and raising awareness of the rights set out in ILO Convention No. 169 – especially those relating to work – and for providing training and information about these rights. Between 2014 and 2019, a total of 12,379 persons attended events, workshops, training sessions and talks on labour rights and ILO Convention No. 169. A total of 488 persons contributed to the development of national policy on indigenous peoples in 2018 and 1,379 key actors were involved in the implementation of ILO Convention No. 169 in 2019 (see table I).

9. The Congress, meanwhile, is considering four bills on consultation with indigenous peoples in accordance with ILO Convention No. 169, as mentioned above.

## Allocation of public resources (art. 2)

10. The Congress is currently considering five bills that would increase tax revenue and, by extension, the overall budget, namely:

(a) Bill No. 5249, providing for the adoption of amendments to Congressional Decree No. 37-92, the Act on Stamp Duties. This bill would amend article 6 of the Decree, concerning the specific duty levied through the use of special stamped paper for protocols. It was received by the Legislation Directorate on 24 February 2017, presented in the plenary session on 2 March 2017 and assigned to the Committee on Public Finance and Currency, which has not yet issued an opinion;

(b) Bill No. 5118, providing for the adoption of a municipal tax code, was submitted to the Legislation Directorate on 22 July 2016, presented in the plenary session on 2 August 2016 and assigned to the Committee on Public Finance and Currency, which has not yet issued an opinion;

(c) Bill No. 5538, providing for the adoption of amendments to Congressional Decree No. 27-92, the Value Added Tax Act. The bill would amend article 7 of this Decree and also article 2 of Congressional Decree No. 37-92, the Act on Stamp Duties. It was received by the Legislation Directorate on 30 November 2018, presented in the plenary session on 8 May 2019 and assigned to the Committee on Public Finance and Currency, which has not yet issued an opinion;

(d) Bill No. 5252, providing for the adoption of amendments to article 10 (1) and (3) of Congressional Decree No. 27-92, the Value Added Tax Act. The bill was received by the Legislation Directorate on 28 February 2017, presented in the plenary session on 2 August 2016 and assigned to the Committee on Public Finance and Currency, which approved it on 21 November 2017;

(e) Bill No. 5139, providing for the amendment of Congressional Decree No. 27-92, the Value Added Tax Act. The bill would amend article 7 (15), on general tax exemptions, so as to extend its provisions to the purchase and sale of medicines for communicable and non-communicable chronic diseases, generic medicines and alternative medicines of natural origin that are registered as such in the medicine register of the Ministry of Health and Social Welfare. Taxes and import duties would thus not apply to medicines for chronic diseases, generic medicines and alternative medicines of natural origin. This bill was received by the Legislation Directorate on 18 February 2016.

11. In 2019, the Congress passed the following two laws:

- The Act for the Economic Revitalization of the Coffee Industry,<sup>1</sup> published on 30 April 2019.
- The Act on Tax Simplification, Updating and Incorporation,<sup>2</sup> which was passed on 23 September 2019 and is awaiting ratification by the President and subsequent publication.

### **Non-discrimination (art. 2)**

12. As part of its Comprehensive Sexuality Education programme, the Ministry of Education has published a booklet entitled “VIH: Vivir en dignidad con cero estigma y discriminación” (HIV: Living in dignity without stigma or discrimination). The booklet looks at how to deal with homophobic bullying, which is defined as the abuse, denigration or subordination of anyone who differs from the norm. A workshop involving 25 persons was held in June 2017, in collaboration with SOMOS, a non-governmental organization (NGO) that supports children, and other bodies.

13. In March 2018, the Public Criminal Defence Institute took steps to strengthen its National Coordinating Office for Human Rights in order to guarantee the provision of a top-quality service that ensures the protection, observance and promotion of human rights. The Office is responsible for developing good practices for the dissemination of accessible information on domestic legislation and on the human rights conventions, covenants and declarations in force. A special section of the Office works to support lesbian, gay, bisexual, transgender and intersex groups, mainly by providing expert legal and professional assistance to vulnerable defendants. The section handled 17 cases in 2018 and 40 cases from January to October 2019 (see table II).

14. A protocol on initial contact with persons seeking general assistance has been adopted with a view to ensuring appropriate and timely assistance in accordance with international standards. An inter-agency capacity-building project to improve protection for the rights of lesbian, gay, bisexual, transgender and intersex persons, which has been facilitated by the German Agency for International Cooperation, is under way. The aim is to encourage Public Criminal Defence Institute staff to follow the assistance and action protocol in order to protect the rights of this population group.

15. Since July 2019, on behalf of the Ministry of the Interior, the National Civil Police has run awareness-raising workshops on the rights of lesbian, gay, bisexual, transgender and intersex persons for 8,480 members of the police force, including trainers, senior officers and regular officers, with technical support from civil society organizations such as Red Nacional de Diversidad Sexual y VIH de Guatemala (the National Sexual Diversity and HIV Network of Guatemala, known by the acronym REDNADS), LAMBDA (an NGO that works to uphold the rights of the lesbian, gay, bisexual, transgender and intersex community), Organización Trans Reinas de la Noche (the Queens of the Night Trans Organization, known by the acronym OTRANS) and SOMOS. Training for police officers has also been carried out, and has led to the publication of a handbook for police facilitators on assisting lesbian, gay, bisexual, transgender and intersex persons. This handbook serves as a teaching aid for police officers and draws on the relevant human rights instruments.

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<sup>1</sup> Decree No. 4-2019.

<sup>2</sup> Decree No. 7-2019.

16. The Ministry of Health and Social Welfare has published the following documents relating to non-discrimination and support for lesbian, gay, bisexual, transgender and intersex persons:

- Handbook on reducing stigma and discrimination
- National Condom Strategy
- Information, education and communication materials
- 2017–2021 National Strategic Plan on HIV
- 2016–2030 Strategy on Comprehensive and Differentiated Health Care for Transgender Persons in Guatemala

17. The Ministry of Health and Social Welfare has gathered statistical data on this population group through the following studies:

- 2016 study on men who have sex with men
- 2013 study on the size of the population of transgender women

18. The Health Information Management System of the Ministry of Health and Social Welfare contains data on the provision of care to bisexual, homosexual and transsexual persons, which are gathered using the following forms:

- FOR-SIGSA-3H (hospitals and health centres)
- FOR-SIGSA-3CS
- FOR-SIGSA-3PS (health points)
- HIV/AIDS
- FOR-SIGSA-51DA1.2

19. Lesbian, gay, bisexual, transgender and intersex persons have access to health care throughout the country at the following facilities:

- National, departmental and regional hospitals
- Health centres and health points
- Comprehensive care units
- Sexually transmitted infection sentinel surveillance centres where the Comprehensive Care for Transgender Persons Pilot Project has been conducted (Zone 3 health centre in Guatemala and Barcelona clinic in Escuintla)

20. Good practices adopted between 2016 and 2019 include the following:

- Establishment of an inter-agency committee to monitor the implementation of the 2016–2030 Strategy on Comprehensive and Differentiated Health Care for Transgender Persons in Guatemala.
- Capacity-building for staff from eight health area directorates (Quetzaltenango, Retalhuleu, Escuintla, Suchitepéquez, Santa Rosa, Central Guatemala, San Marcos, Petén) on the following topics:
  - Roll-out of the 2016–2030 Strategy on Comprehensive and Differentiated Health Care for Transgender Persons in Guatemala from a human rights perspective
  - Pilot project on standards of differentiated care for transgender persons
  - Gender identities
  - International standards relating to the rights of transgender persons
  - World Health Organization (WHO) guide on good practices
  - Trafficking in persons
  - Strategy on Linkage to Care for Female Sex Workers
  - Importance of using condoms and lubricant

- Approach to and coverage of care for men who have sex with men
  - Capacity-building placements in Cuba for two doctors from Zone 3, one doctor from Escuintla, one transgender person from OTRANS, one transgender person from Colectivo Trans-Formación and two staff members of the Humanist Institute for Cooperation with Developing Countries (HIVOS).
  - Capacity-building workshops on comprehensive care for transgender persons, run by experts from the National Sex Education Centre in Cuba, for staff from 9 health area directorates and 23 health districts, 139 transgender women and men, and staff from 15 comprehensive care units and 9 sexually transmitted infection sentinel surveillance centres.
  - Two workshops held for staff from the Zone 3 health centre on the following topics:
    - Violations of the rights of transgender women (Costa Rica, El Salvador, Guatemala, Honduras and Panama)
    - Conceptual framework on sex, gender, gender roles, sexual orientation and gender identity
    - International human rights standards
    - Legal framework for the protection of transgender persons
    - Bioethics in the context of psychological and clinical care for transgender persons
    - Analysis of data on the situation of transgender persons in Guatemala
    - Antiretroviral therapy for transgender persons
    - Central American sexual behaviour monitoring survey
    - Study on the size of the transgender population
    - Transgender realities in the health system
    - Approaches to prevention among transgender women
  - Assessment of nine sexually transmitted infection sentinel surveillance centres and selection of two to conduct the pilot project on standards of comprehensive and differentiated health care for transgender persons.
  - Pilot project on standards of comprehensive and differentiated health care for transgender persons conducted by the Barcelona clinic in Escuintla and the Zone 3 centre for sexually transmitted infections in Guatemala City.
  - Preparation of a draft strategy on communication for development for transgender persons, which is in the process of being approved.
  - Preparation of draft guidelines on health care for transgender persons in Guatemala.
  - Preparation of a plan for monitoring the implementation of the 2016–2030 Strategy on Comprehensive and Differentiated Health Care for Transgender Persons in Guatemala.
21. The following actions have been taken in order to ensure that care is provided without stigma or discrimination:
- Distribution of guides and handbooks
  - Delivery of condoms and water-based lubricants
  - Purchase and delivery of supplies to facilitate screening for HIV, syphilis and hepatitis B
  - Purchase of antiretroviral drugs

## Gender-based violence (arts. 2, 3 and 10)

22. Between 2014 and August 2019, the Working Women Section of the Ministry of Labour and Social Welfare provided 20,506 persons with advice about their labour rights. In addition, it produced a guide to taking a gender-sensitive and human rights-based approach, which presents the concept of work as a human right and details the commitments made by the State under various legal and policy instruments.

23. The National Office for Women's Affairs of the Ministry of Labour and Social Welfare works to raise awareness of women's rights from the perspective of labour rights and obligations. Between 2014 and August 2019, it provided training on human rights, including labour rights, to 33,073 persons and ran diploma courses on women's rights that were attended by 406 people, while the Directorate for the Promotion of Compliance with Labour Law gave advice to 85 domestic workers (see table III).

24. In 2017, the Office for the Defence of Indigenous Women's Rights drew up a document on implementation of the community-based strategy for the prevention of violence against indigenous women and their families in Guatemala, working in conjunction with Maya and Xinka women. It held 42 information days for children and adolescents on the prevention of violence against indigenous women and their families in 2018 and 70 such days in 2019. From 2015 to 2019, it ran a diploma course on the rights and civic participation of indigenous women. In 2015, it also ran a training course for women wishing to help coordinate efforts to prevent gender-based violence from the perspective of the specific rights of indigenous women.

25. In 2016, the Public Criminal Defence Institute took steps to strengthen its National Coordinating Office for a Gender-Sensitive Approach, running a programme on the provision of technical and legal assistance to women offenders that involved training and awareness-raising for 14 public defenders and 15 attorneys who specialize in dealing with women offenders and their families. The Institute's gender equality policy<sup>3</sup> promotes greater awareness with respect to justice officials and women defendants who use this service.

26. Public defenders make monthly prison visits, during which they advise some 1,700 women prisoners on the legal status of their case and on their rights.

27. A scheme under which victims of violence against women receive free assistance was launched at the Institute's central office in Guatemala City and in Mixco, Villa Nueva, Escuintla, Jutiapa, Chiquimula, Alta Verapaz, Baja Verapaz, Petén, Quetzaltenango, Huehuetenango and Quiché. In 2017 and 2018, the scheme was expanded to cover San Marcos, Suchitepéquez and Retalhuleu.

28. In the area of awareness-raising, the Presidential Secretariat for Women has run internal and external training courses on women's rights; disability; preventing, tackling and punishing violence against women, in its various forms; and mainstreaming gender equality in the approach of all institutions.

29. In order to improve the quality of available guidance on the prevention of violence against women, a guide on aligning the national legal framework with the international legal framework pursuant to the National Policy for the Advancement and Integral Development of Women, and an information document on intersectionality, are being drawn up.

30. The "Less Victimization, More Empowerment" communication campaign on the prevention of violence was carried out in 2016 as part of events to mark the International Day for the Elimination of Violence against Women.

31. In the period from 2015 to July 2019, the Victim Support Department of the National Civil Police dealt with 64,532 complaints of violence against women and domestic violence and advised the complainants on how to proceed. Between 2015 and 30 June 2019, a total of 1,150 police officers received training on providing immediate assistance to victims, in coordination with the Public Prosecution Service, in response to calls made to

<sup>3</sup> Approved by Order No. 5-2017 of the Board of the Public Criminal Defence Institute.

the police telephone number 110, as well as training on responding to calls made to the 1572 legal advice hotline. Over the same period, 1,322 police officers received training on how to assist victims of violence against women (see table IV).

32. In order to provide comprehensive, ongoing support for victims of domestic violence and for children and adolescents whose rights have been threatened or violated, the judiciary has established family courts of first instance that have specific powers<sup>4</sup> to expedite the handling of such cases and the ordering of safety and protection measures. The magistrates' court based at the Centre for Family Justice in Guatemala City, which also has specific jurisdiction in such cases, has been strengthened by the addition of one judge, bringing the total number to four.

33. The Secretariat for Women and Gender Analysis is responsible for formulating, carrying out and monitoring implementation of the judiciary's institutional policy on gender equality and the promotion of women's rights.<sup>5</sup> From 2014 to 2018, it held workshops and working meetings for the development, approval, dissemination and implementation of this policy in which a total of 2,593 officials took part. In 2017, it also organized training on Security Council resolution 1325 (2000) and related resolutions. Between 2015 and 2018, a total of 1,127 persons attended online classes on gender and women's rights that were organized in association with the Justice and Gender Observatory of Costa Rica. Between 2017 and 2019, three cohorts graduated with a master's degree in gender and justice and a national campaign on the prevention of sexual and workplace harassment was launched.

34. The School of Judicial Studies has organized the following training on issues relating to violence against women for judges, court officials and administrative staff of the judiciary: in 2019, 11 courses, attended by a total of 326 participants; in 2018, 37 courses, attended by 1,026 participants; in 2017, 39 courses, attended by 859 participants; in 2016, 21 courses, attended by 347 participants; and in 2015, 12 courses, attended by 2,019 participants (see table V).

35. The specialized judicial bodies oversight unit provides technical and administrative support to the specialized bodies and, working in conjunction with the School of Judicial Studies, ensures that initial training for aspiring judicial officials covers the provision of legal advice on various subjects. This training is imparted through courses, workshops, symposiums and annual meetings of judges, paralegal staff and staff of the Comprehensive Support System for Victims of Violence, which has a remit to strengthen and generate knowledge, ensure that information is updated, and encourage analysis and the exchange of good practices.

36. As regards bringing the perpetrators of violence against women to justice, cases of this kind are handled in accordance with criminal procedure by the specialized judicial bodies that have been established in 14 of the country's 22 departments. These bodies include courts, a 24-hour duty court and two appeals chambers. In Guatemala City, where there are no specialized bodies of this kind, cases of violence against women are brought before the ordinary courts and the courts that hear drug trafficking and environmental offences. Over the course of 2018, 2,735 judgments were handed down, of which 1,997 were convictions and 738 were acquittals (see table VI).

### **Equal treatment of men and women (arts. 3 and 7)**

37. To share information about violence prevention and raise public awareness, the Presidential Secretariat for Women has run various communication initiatives that drew attention to the issue. These initiatives were part of its efforts to eradicate violence, stigma and stereotypes, focusing on girls as a particular area of concern, ahead of the preparation of the national report for the 25-year review of the implementation of the Beijing Declaration and Platform for Action. These initiatives included the "I Love Life, I Promote Peace" campaign conducted in 2014; the "For the Life and Dignity of Guatemalan Women" campaign carried out in 2016 as part of the B.A.1 project; and the "Less Victimization, More Empowerment" campaign conducted in 2017 and 2018.

<sup>4</sup> Supreme Court Order No. 38-2014.

<sup>5</sup> Submitted on 24 February 2016.

38. In addition, to broaden the knowledge of staff working at various public institutions, between 2014 and 2019 the Presidential Secretariat for Women provided technical support through training on human rights and women's rights, the legal framework for women's rights, the gender perspective, the strategic and policy objectives of the National Policy for the Advancement and Integral Development of Women, and general guidelines on the use and implementation of the gender-sensitive budget classifier. The training process began with institutions represented on the Special Cabinet Committee for Women that assist other public institutions.

39. In 2016 and 2017, the Presidential Secretariat for Women set priorities under the National Policy for the Advancement and Integral Development of Women in accordance with the relevant national and international regulatory and policy frameworks. Among these priorities, the fifth area of focus is the eradication of violence against women and involves the provision of technical assistance to support the implementation of plans, programmes and projects by local governments.

40. The Presidential Secretariat for Women has changed the focus of the technical assistance provided to sector-specific and regional institutions, taking into account the priorities set under the National Policy for the Advancement and Integral Development of Women and the planning and budget cycle. In this context, assistance has been provided to municipal technical teams, which include representatives of municipal directorates for women, municipal planning directorates and municipal financial administration directorates, through methodology transfer workshops aimed at the country's 340 municipalities. The Presidential Secretariat has also started implementing the gender-sensitive budget classifier and has provided specialized technical assistance to security and justice sector institutions such as the Ministry of the Interior, the Constitutional Court and the judiciary.

41. Since March 2018, with support from the Chilean Agency for International Development Cooperation, the Ministry of Education has been managing a project to develop a culturally relevant gender equity policy for the national education system for the period 2020–2030, with a focus on reducing gender-based violence. The current situation within the national education system is being analysed so that lines of action may be defined, the aim being to help to achieve gender equality and equity within the national education community in a culturally appropriate manner, and thus to ensure that equality, once achieved, is maintained and promoted throughout the education system.

42. The Directorate General of Bilingual and Intercultural Education has supported the education of 1,379 children and adolescents through conferences and seminars on human rights issues. A total of 1,106 teachers have received training on the Primary Education Programme for Overage Students, in which 13,977 pupils are enrolled. Awareness-raising workshops and talks attended by 13,744 parents have been organized with a view to increasing the number of children who remain in and complete primary education. Campaigns have been launched to promote intercultural bilingual education, posters have been printed and distributed, and a total of 5,263 teachers have received training through the academic programme for the development of teaching staff since 2015 (see table VII).

43. The Girls Education Department of the Ministry of Education works to promote the empowerment of girls through workshops, talks and seminars on human rights, comprehensive sexuality education, gender equity, the prevention of violence and pregnancy among girls and adolescents in primary and lower secondary education.

44. The Office of the Under-Secretary for Agrarian Policy of the Secretariat for Agrarian Affairs drew up a technical proposal for the establishment of a mechanism to facilitate access to land and other productive assets for women. The document was submitted to the Land Fund upon competition and was approved by the Fund's governing body in 2017. The proposal resulted in the adoption of a policy on access to land and other productive assets for Maya, Garifuna, Xinka and mestizo campesino women. A handbook for the effective implementation of the policy was approved in July 2018.

45. The Presidential Secretariat for Women has given priority to five international instruments for the management of public policy, namely the Convention on the Elimination of All Forms of Discrimination against Women, the Sustainable Development Goals, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Security Council resolution 1325 (2000) and the Beijing Declaration and Platform for Action. A strategy for monitoring the implementation of the

Convention on the Elimination of All Forms of Discrimination against Women over the period 2018–2021 has been drawn up.

46. Since 2018, the Inter-Agency Committee on Women and Peace and Security has given priority to the strategic measures set out in the national action plan on Security Council resolution 1325 (2000). The plan includes a road map, adopted in 2019, of 15 outcomes that are to be achieved by the 14 agencies represented on the Committee.

47. The Inter-Agency Committee has also started the process of updating the National Plan for the Prevention and Eradication of Violence against Women for the period 2020–2029. The proposed methodology for this process covers the four main aspects of tackling violence against women – namely, prevention, assistance, punishment and reparation – and comprises four basic stages: (1) analysing the current situation with respect to violence against women; (2) gathering and systematizing information in order to draw up a policy outline; (3) drafting the chapter content of the Plan; and (4) finalizing, approving and disseminating the Plan.

48. Through its various programmes, the Land Fund has given priority to groups that are primarily made up of women, in accordance with the policy to facilitate access to ownership of land and other productive assets for Maya, Xinka, Garifuna and mestizo campesino women, and Resolution No. 99-2016 of its Governing Board.

49. In 2019, the Fund awarded loans to 60 members (58 women and 2 men) of the Asociación Santa Marta para el Desarrollo de San Sebastián Retalhuleu (Santa Marta Association for the Development of San Sebastián, Retalhuleu, known by the acronym AGRIDSESEM) to enable them to purchase the San Lucas farm. Women account for 80 per cent and men for 20 per cent of the beneficiaries of the Land Leasing Programme, all of whom are heads of households. Productive projects carried out under the Programme in the beneficiary communities include:

- Raising chickens for eggs or meat
- Raising tilapia in ponds
- Growing hibiscus
- Growing vegetables
- Raising pigs for meat
- Growing rubber trees
- Growing rice
- Growing cardamom
- Growing corn
- Growing beans
- Growing sesame

50. From 2015 to October 2019, a total of 309,427 families benefited from the programmes financed by the Land Fund. Of the heads of households concerned, 59.23 per cent were women and 40.77 per cent were men (see table VIII).

### **Gender equality and the right to work (arts. 3, 6, 9 and 10)**

51. From 2015 to 2019, the Supreme Electoral Tribunal organized training sessions, meetings, conferences and information workshops for various public and private sector institutions, associations and schools in all 22 departments of the country. Its aim was to encourage women to get involved in electoral matters in communities where their participation is limited or non-existent and to strengthen democracy by addressing issues relating to electoral processes, such as gender-sensitive referendums.

52. One significant achievement worth mentioning is that, between the general elections of 2015 and 2019, the proportion of women candidates increased by 3 percentage points (see table IX).

53. It is also worth noting that, in the second of the two elections mentioned, the number of women deputies elected from the national list rose from 2 to 7 and the number elected by a specific district rose from 18 to 22. Although the number of women mayors remained the same, the number of women syndics increased by 10.

54. In 2019,<sup>6</sup> the Agreement for a Transparent, Ethical and Peaceful Electoral Process was signed simultaneously in 42 municipalities that had been classified as places at risk of electoral conflict.

55. The Congress passed Decree No. 7-2017, providing for the amendment of Decree No. 1441, the Labour Code.<sup>7</sup> The amendment introduced administrative penalties for all persons deemed to have breached labour law, be they employers, workers or trade unionists, and established mechanisms for restoring the rights of those affected.

56. In 2016, the Inspectorate General of Labour completed the approval process for the consolidated procedural protocol for the labour inspection system, with support from ILO and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Departmental representatives of the Inspectorate, supervisors, labour inspectors and representatives of different units of the Ministry of Labour and Social Welfare also contributed to the process. The objective was to review and validate the protocol prior to circulating it among labour inspectors throughout the country.

57. The Ministry of Labour and Social Welfare then proceeded to print, publicize and distribute the consolidated procedural protocol for the labour inspection system, with support from OHCHR and the German Agency for International Cooperation. On 3 November 2017, details of the tools to be used to strengthen the Inspectorate General of Labour were published.

58. The Ministry of Labour and Social Welfare has also reviewed the national employment policy, entitled Generating Safe, Decent and Quality Employment 2012–2021. This policy served as input for the development of the National Policy on Decent Employment for the period 2017–2032: Sustained, Inclusive and Sustainable Economic Growth, which was officially launched in February 2017 and includes social and inclusion components that address specific vulnerable groups.

59. Employment policy is framed within the general guidelines established in the Government's national policy, which are intended to contribute to the reduction of inequalities between different social groups. It is also directly linked to the goal of promoting micro-, small and medium-sized enterprises, tourism, housing and decent work.

60. The National Policy on Decent Employment encompasses the following four areas of action:

- Area 1: Job creation
- Area 2: Human capital development
- Area 3: Promoting an enabling environment for business development
- Area 4: Transition to formal employment

61. To achieve the objectives pursued under the National Policy for Decent Employment, the Ministry of Labour and Social Welfare established the National Commission for Decent Employment to take charge of promoting decent employment. The Commission works to increase employment, productivity and competitiveness; reduce informal employment; and promote economic development in general, helping to overcome poverty and increase social inclusion through a holistic vision and effective social participation. The Commission is made up of representatives of the Ministry of Labour and Social Welfare, the Ministry of Education, Ministry of Economic Affairs and the Ministry of Social Development.

62. The Inter-Agency Expert Committee for Fair and Decent Employment is responsible for coordinating implementation of the actions envisaged in public policies for enhancing the employability of the people of Guatemala.

<sup>6</sup> On 11 March.

<sup>7</sup> Labour Code.

63. In 2018, the work of the National Commission for Decent Employment yielded the following results in its different areas of action:

- 12,000 persons were placed in formal and decent employment.
- A one-stop support centre for returned migrants was opened.
- Agreements were concluded with foundations and organizations that provide assistance to migrants.
- 15 one-stop job centres and three youth information centres were set up to expand the assistance services available to job seekers and potential employers at the local level.
- 3,000 technical and vocational training and education scholarships were awarded, of which a third were financed with international cooperation aid. Of the beneficiaries, 77.3 per cent were young persons between the ages of 15 and 29 and 330, or 11.6 per cent, were persons with disabilities.
- The National Work Training System was established.
- An alliance was formed with the Association of Guatemalan Returnees and the Social Welfare Secretariat to provide technical training to 350 returning migrants, unaccompanied young returnees and young people at risk of migration, as part of preventive assistance programmes.
- A skills certification scheme was developed in accordance with prioritized occupational families and established training modules.
- One-stop job centres located in municipalities with little entrepreneurial activity focused on rural labour, providing assistance to families living in rural areas of the country and engaged in agricultural activities.
- More than 15 job fairs were held, at which marketing support was provided for entrepreneurship and entrepreneurs.
- 120 hours of training in entrepreneurship were given.
- A proposal for the statistical definition of the informal sector and informal employment in Guatemala was drafted.

64. In addition, job fairs are held<sup>8</sup> each year with the aim of ensuring access to decent employment for both young people and adults. This aim reflects the premise that “work is fundamental to the country’s development and job fairs strengthen the alliance between the Government and the private sector” which underpins Government policy.

65. As a result of the job fairs held from 2015 to 2018, 63,786 persons (32,328 women and 31,458 men) registered in the electronic job exchange (see table X).

66. Of those registered in the electronic job exchange as a result of the national job fairs held from 2015 to 2018, the majority were between 20 and 24 years of age (24,487 persons), followed by 15 to 19 years of age (15,809) and finally 25 to 29 years of age (11,516). Table XI.

67. A total of 740 companies participated in the fairs, during which 69,474 jobs were offered and 19,336 people were placed in jobs (see table XII).

68. The second component of the National Policy for Decent Employment, concerning human capital development, calls for technical and vocational training in equal opportunities to be provided to the labour force so that workers have the skills they need to gain access to decent employment. This component of national policy is focused on socioeconomically vulnerable population groups and establishes a set of duties and responsibilities for the job training section of the Directorate General of Employment of the Ministry of Labour and Social Welfare.

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<sup>8</sup> Free public events organized by the National Employment Service of the Directorate General of Employment of the Ministry of Labour and Social Welfare.

69. In response, the job training section has launched a programme of technical training for employment under which training opportunities are offered to young people and adults throughout the country, and especially to those belonging to vulnerable groups, so as to strengthen the skills and competencies they will need to become effectively integrated in the labour market. The aim of the programme is to develop and reinforce job skills by providing grants for technical courses run by the Technical Institute of Training and Productivity to people in all departments and municipalities of the country.

70. The courses are tailored to training needs based on labour market conditions and have a duration of between 80 to 400 certifiable hours.

71. From 2016 to 2018, 12,444 persons (6,222 women and 2,493 men) benefited from the courses and received certification in different technical specializations of training for employment (see table XIII). This number included 3,552 Ladinos or Mestizos, 2,493 indigenous or Maya persons, 15 Garifuna persons, and 10 Xinca. The ethnic origin of the remaining participants was not recorded (see table XIV).

72. The Ministry of Education works to prevent violence by addressing the social construction of gender, stereotypes and gender roles and by promoting new models of equality and complementarity. It has trained 309 teachers on gender issues and provided them with handbooks on Comprehensive Education on Sexuality and Violence Prevention. It has also trained 45,000 students on addressing gender, having distributed 9,000 copies of the pathway to learning on comprehensive sexuality education with a gender, rights-based and intercultural perspective.

73. The Ministry of Education is currently developing a culturally relevant gender equality policy for the national education system for the period 2020–2030 that has a particular focus on reducing gender-based violence. The strategic lines of action proposed are expected to include actions that contribute to the elimination of gender stereotypes by eliminating bias in the curriculum, educational discourse, teaching materials and school texts, as well as actions to promote careers in science and technology, to which girls have traditionally had less access.

74. The Presidential Secretariat for Women has drawn up a thematic agenda for the economic empowerment of women<sup>9</sup> that pulls together the main policy directions and guidelines contained in various policy instruments in force at the national level and the main agreements and undertakings promoting women's economic advancement that have been adopted by the country at the international level. The agenda also sets out a series of specific actions to be taken to encourage public institutions to take women's perspectives into consideration in the State's management processes.

75. With regard to women's participation in local decision-making forums, pursuant to Decree No. 11-2002 the Presidential Secretariat for Women, working in conjunction with women's organizations, decided to standardize the terms of office of women serving on urban and rural development councils. The standardization process was concluded in 2018 with a view to advancing a shared agenda of priorities.

76. The National Women's Commission of the National Urban and Rural Development Council issues guidelines to the various women's commissions within the network of urban and rural development councils. In the period 2016–2018, 28 women's commissions were set up at the regional (6) and departmental (22) levels in line with the strategic agenda of the National Urban and Rural Development Council. The commissions' remit is to make the priorities of the National Policy for the Advancement and Integral Development of Women a reality in their regions through programmes, plans and projects.

### **Fair and equitable remuneration (arts. 6 and 7)**

77. In the period 2014–2019, the minimum wage in the agricultural and non-agricultural sectors and also in the export and maquila sectors progressively increased. In the same period, the Inspectorate General of Labour carried out checks to verify that minimum wages, annual bonuses and yearly Christmas bonuses were paid, and it recovered

<sup>9</sup> The agenda is currently in the process of being approved.

9,233,766,798.22 quetzales in favour of workers. For this purpose, it visited 64,318 companies, benefiting a total of 1,995,207 workers.

78. Both the daily and monthly minimum wages for agricultural activities increased every year from 2014 to 2019, the former rising from 74.97 quetzales to 90.16 quetzales and the latter from 2,280.34 quetzales to 2,742.37 quetzales (see table XV).

79. The daily and monthly minimum wages were unchanged in 2019, as specified in the third and fourth preambular paragraphs of Government Order No. 242-2018 of 27 December 2018.

80. When setting the minimum wage, the authorities take workers' needs and general wage levels in the country into account, as well as various economic factors, including employers' ability to pay, levels of productivity and competitiveness, and the importance of promoting, achieving and maintaining a high level of employment to the comprehensive development of the people of Guatemala. Given the need to revive the country's economy, it was deemed advisable to keep minimum wages at the 2018 level in 2019.

81. The minimum daily and monthly wage for non-agricultural activities also increased every year from 2014 to 2019, the former rising from 74.97 quetzales to 90.16 quetzales and the latter from 2,280.34 quetzales to 2,742.37 quetzales (see table XVI).

82. The minimum daily and monthly wage set for export and maquila activities has likewise risen every year from 2014 to 2019, as reflected in the chart and graph below. The minimum daily wage rose from 68.91 quetzales to 90.16 quetzales and the minimum monthly wage from 2,096.00 quetzales to 2,742.37 quetzales (see table XVII).

83. The activities of the Inspectorate General of Labour include compliance checks to verify that labour legislation is being respected, equal pay requirements are being upheld and wage levels are protected.

84. In order to verify compliance with the minimum wage requirement from 2014 to September 2019, the Inspectorate General of Labour visited 325,511 companies between them employing 1,024,884 workers (714,774 men and 310,110 women) (see table XVIII).

85. In order to verify that the employee benefits established by law – namely, minimum wages, annual bonuses and Christmas bonuses – were duly paid, from 2014 to September 2019 the Inspectorate General of Labour visited 64,318 companies between them employing a total of 1,995,207 workers, of whom 1,365,579 were men and 629,628 women (see table XIX).

86. In addition to its visits to companies, the Inspectorate General of Labour verified compliance with the minimum wage and other labour provisions, such as annual bonus and Christmas bonus requirements, by checking specific amounts paid. As a result, from 2014 to 2019 it recovered 9,233,766,798.22 quetzales in favour of workers (see table XX).

### **Labour inspections (arts. 6 and 7)**

87. The Inspectorate General of Labour has drawn attention to important developments in labour legislation in 2017, as described below.

88. The Congress approved Decree No. 7-2017, which amended the Labour Code to introduce administrative penalties for persons and entities considered to be in breach of labour law, be they employers, workers or trade unions. The Decree also provides for the establishment of mechanisms for restitution of the violated rights of affected individuals and requires the Inspectorate General of Labour to issue internal guidelines for the correct application of the Code. As a result of the Decree, the following texts were adopted:

- Circular No. 25-2017, addressed to deputy general labour inspectors, departmental representatives, deputy representatives, supervisors, coordinators, labour inspectors and administrative staff of the Inspectorate General of Labour, establishing institutional criteria for application of the Labour Code amendments contained in Decree No. 7-2017.
- Ministerial Agreement No. 200-2017, concerning the register of employment and social security irregularities maintained by the Inspectorate General of Labour that is used to record details of individuals or legal entities that have been sanctioned in

administrative or judicial proceedings for non-compliance with the law, repeat offenders and their removal from the register once the sanction has been fulfilled or the fine has been paid.

- Circular No. 38-2017, addressed to deputy general labour inspectors, departmental representatives, deputy administrative directors, supervisors and labour inspectors of the Guatemala City departmental office of the Inspectorate General of Labour concerning the provisional imposition of time limits for settling cases handled by the Inspections Unit and cases resolved through administrative proceedings (i.e. reconciliation processes).
- Circular No. 44-2017, addressed to deputy general inspectors of labour, departmental representatives, deputy administrative directors, supervisors, labour inspectors and administrative staff of the Inspectorate General of Labour, establishing a requirement for periodic review of the cases assigned to labour inspectors and departmental representatives with a view to verifying and quantifying the number of cases for which each is responsible and expediting cases that have given rise to some form of penalty for non-compliance with labour law.
- Circular No. 45-2017, addressed to deputy general labour inspectors, departmental representatives, deputy administrative directors, supervisors, labour inspectors and administrative staff of the Inspectorate General of Labour, containing administrative provisions with which all staff of the Inspectorate General of Labour of the Republic of Guatemala must comply.
- Ministerial Agreement No. 285-2017, containing guidelines for the imposition of administrative penalties by the Inspectorate General of Labour on parties responsible for employment and social security irregularities, the fundamental purpose of which is to establish the procedure to be followed by departmental representatives of the Inspectorate General of Labour in order to ensure that all those who violate labour law comply with the penalties imposed upon them and provide mechanisms for compensating those whose rights have been violated.

89. As part of efforts to strengthen the Inspectorate General of Labour's capacities, the following texts were approved:

- Volume I: Single procedural protocol for the labour inspection system
- Volume II: Procedure for conducting inspections and monitoring the rights of agricultural workers
- Volume II: Procedure for conducting inspections and monitoring the rights of agricultural workers

90. Between 2013 and 2019 the judiciary handed down a total of nine sentences in criminal proceedings brought by trade union movements (see table XXI).

### **Informal work and domestic labour (arts. 6 and 7)**

91. As part of efforts to implement priority action No. 14 of the National Policy on Decent Employment 2017–2032, concerning the national strategy for formalization, the Ministry of Labour and Social Welfare conducted a survey of informal municipal street vendors that served as input for the development of land management policies and plans and programmes aimed at strengthening productive units. A statistical definition of the informal sector and informal employment in Guatemala has also been formulated, with ILO support.

92. Measures taken to shrink the informal sector of the economy and promote formal employment, in accordance with the sustainable development agenda, the K'atun "Our Guatemala 2032" National Development Plan, general government policy, the priorities identified in sector-specific and regional dialogues and the National Policy on Decent Employment and Sustained, Inclusive and Sustainable Economic Growth, are framed within the overarching, inclusive goal of reducing poverty and equality that is integrated with other policies and focused on indigenous peoples, women and youth.

93. The National Policy on Decent Employment is built on four strategic pillars that provide the basis for the programmes and projects envisaged in the policy implementation plan. These programmes and projects are integrated into a results-based management system, which those responsible for implementation use to determine the resources (i.e. human, financial and technological resources, provided either by the public or private sector or through international cooperation aid) that will be needed to achieve the desired outcomes established in advance.

94. The overarching policy objective is “to expand opportunities for women and men in Guatemala to have decent and productive employment through the concerted efforts of the public and private sectors and an economic and social policy that fosters sustained, inclusive and sustainable growth and the reduction of poverty and inequality, especially for indigenous peoples, women, young people and those living in rural areas”. The outcomes sought are to have reduced precarious work by creating decent, quality jobs; improving human capital development; fostering an environment conducive to the development of sustainable businesses; enhancing the situation of micro-, small and medium-sized enterprises and self-employed workers; and increasing formal labour.

95. In 2018, the Ministry of Labour carried out a training campaign to enhance the skills of 650 informal traders in the municipality of Tecpán, in the department of Chimaltenango. Various government institutions and private organizations were involved, including the Ministry of Labour and Social Welfare, the Ministry of Economic Affairs, the National Competitiveness Programme, the Guatemalan Social Security Institute, the National Institute of Statistics, the Office of the Superintendent of the Tax Administration and VisaNet Guatemala, the aim being to pass on the benefits of the transition to formal employment in micro and small productive units and among the people they employ.

96. The labour observatory carried out a survey of informal street vendors in order to ascertain the characteristics of the businesses and the jobs that they generate. The resulting document is intended to provide key input for the development of land use policies and programmes and projects that enhance productive units and labour relations, thereby enabling informal vendors to make a gradual transition from the informal to the formal economy.

97. The Ministry of Labour and Social Welfare published the document containing the statistical definition of the informal sector and informal employment in Guatemala in 2018. The document’s publication was envisaged in the National Policy on Decent Employment 2017–2032 and its content was the fruit of cooperation between the institutions represented on the Subcommittee for Transition to the Formal Economy.

98. The updated statistical estimation methodology will be essential to the roll-out of the National Formalization Strategy and should facilitate the transition from the informal to the formal economy for productive units and workers. The parameters defined in the document will be progressively incorporated into the 2019 national employment and income surveys with a view to establishing a new baseline for the rate of informal labour that, besides providing an approximation of the size and nature of the informal sector, will allow for the other component of the informal economy – namely, employment – to be measured.<sup>10</sup>

99. In the document on the statistical definition of the informal sector and informal employment in Guatemala, which was prepared with support from ILO, the informal economy in Guatemala is defined as follows:

- Work in the informal non-agricultural sector: work in non-agricultural productive units that are not formally constituted, do not keep full accounting records and are not registered for social security purposes, and that, depending on the type of activity, is carried out either in places where conditions are informal or in places where conditions are formal but productive units have fewer than three workers.

<sup>10</sup> The institutions that worked on this document are the Ministry of Economic Affairs, the Planning and Programming Secretariat of the Office of the President, the National Competitiveness Programme, the Office of the Superintendent of Tax Administration and the Guatemalan Social Security Institute, under the coordination of the Ministry of Labour and Social Welfare.

- Informal wage employment outside the informal non-agricultural sector: dependent wage earners in productive units outside the informal sector and without social security financed in whole or in part by their employer as well as all unpaid workers.
- Total non-agricultural informal sector: part of the country's economy related to non-agricultural activity that meets the following conditions:
  - (i) Employers and self-employed workers whose productive units form part of the informal sector;
  - (ii) Activities of waged workers in productive units forming part of the informal sector;
  - (iii) Waged workers without social security financed in whole or in part by the employer;
  - (iv) All unpaid workers regardless of whether conditions in the sector where they work are formal or informal.

100. The special legal regime applicable to domestic workers is set out in articles 161 to 166 of the Labour Code (see table XXII).

101. The fifth pillar of the Institutional Strategic Plan adopted by the National Office for Women's Affairs within the Ministry of Labour concerns legislation to foster coordinated action in favour of women that is currently on the legislative agenda before the Congress. The National Office has been monitoring the road map for ratification of the ILO Domestic Workers Convention, 2011 (No. 189), carrying out joint actions with the Presidential Secretariat for Women, the Guatemalan Social Security Institute, UN-Women and civil society organizations including the Association of Live-in Female Domestic and Maquila Industry Workers and the Union of Independent Domestic Workers with a view to bringing the institutional commitment to ratify this instrument to fruition.

102. Proposal No. 4981, calling for ratification of ILO Convention No. 189 to be approved, is currently before the Congress. It was presented during the plenary session on 28 January 2016 together with the opinion of the Committee on Labour and was discussed a second time on 27 October 2016.

103. The Government of Guatemala held three tripartite meetings on the ILO Domestic Workers Recommendation, 2011 (No. 201), on 25 June, 3 September and 24 September 2015, and the meeting records were issued under Nos. 09-2015, 17-2015 and 19-2015. During the meetings, ILO Recommendation No. 201 was submitted for consideration by employer and worker bodies, which raised no objections.

104. In addition, on 28 October 2015 the Recommendation was sent to the Committee on Labour so that its content could be considered by the Congress.

105. The Ministry of Economic Affairs supports micro-, small and medium-sized enterprises notably by encouraging them to join the State Supplier Programme through which technical assistance, legal advice and business training is provided and by helping them to satisfy the requirements of the Act on Formalization, compliance being a basic requirement for participation in the public procurement market. To this end, the Ministry has provided training for 1,385 micro-, small and medium-sized enterprises that between them have generated 1,809 jobs. A total of 53 micro-, small and medium-sized enterprises are now registered as State suppliers in the General Register of State Procurement.

### **Trade union rights (art. 8)**

106. The Special Prosecutor's Unit for Offences against Trade Unionists, which forms part of the Office of the Prosecutor for Human Rights, which is in turn part of the Public Prosecution Service, has a remit to ensure that deaths of trade unionists are investigated and prosecuted, so helping to eliminate impunity and guarantee compliance with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). To date, 27 convictions have been secured in cases in which trade unionists have been murdered, the competent courts having established the degree of participation and criminal liability of both the perpetrators and the instigators.

107. The entry into force of Decree No. 7-2017 represented a significant advance for the Inspectorate General of Labour, since it allows for administrative penalties to be imposed upon both employers and workers in the event of non-compliance with labour legislation, thereby strengthening the Inspectorate's institutional powers. Two new protocols, internal circulars and ministerial agreements were issued to support application of the respective penalties.

108. From 2016 to 2018, a series of training events were organized for labour inspectors to familiarize them with the new provisions, and from 2012 to 2019 the Inspectorate was assigned a budget of 46,888,935.00 quetzales.

109. As part of its endeavours to ensure respect for the right to form trade unions, the Directorate General of Labour has prepared a handbook for persons wishing to form a trade union that provides guidance on trade union registration. The handbook contains models for records and notices of convocation, details time frames and offers help in expediting the process. It explains the registration procedure not only for train unions but also for federations and confederations and describes the obligations established in article 225 of the Labour Code, including those applicable to the registration of trade union leaders.

110. In December 2018, the handbook was submitted to representatives of the worker and employer bodies that make up the Subcommittee on Compliance with the Road Map of the National Tripartite Commission on Labour Relations and Trade Union Freedom so that they could make recommendations and observations to the Commission and in order to comply with the recommendations made by the Committee of Experts on the Application of Conventions and Recommendations for the application of ILO Convention No. 87, and more specifically for "deepening and strengthening dialogue with trade union organizations with a view to reviewing and expediting the trade union registration process".

111. To foster dialogue with trade union leaders, explain the aforementioned details and the procedures that union leaders must follow, the Directorate General for Labour provides personalized assistance by telephone and the Ministry of Labour offers various channels of communication through which leaders can make contact to seek advice about registration.

112. Records from 2012 to August 2019 show that a total of 222 trade unions were registered in the public sector and 139 in the private sector, giving an overall total of 361 registrations (see table XXIII).

113. In 2019, there were 59 applications for trade union registration, of which 19 were completed, 11 were rejected and 29 remain pending. The reason for the refusals was that the applications did not comply with the legal requirements.

114. In accordance with articles 4, 7 and 9 of Government Order No. 221-94, the Ministry of Labour and Social Welfare has approved the following collective agreements on working conditions:

- In 2016, 11 agreements: 6 in the government sector and 5 in companies (public administration: 6; agriculture: 1; industry: 2; beverages: 1; and financial services 1)
- In 2017, 17 agreements: 11 in the government sector and 6 in companies (public administration: 9; industry: 1; financial services: 2; professional services: 1; agriculture: 1; beverages: 1; food industry: 1; public health services: 1)
- In 2018, 14 agreements: 6 in the government sector and 8 in companies (public administration: 5; electricity services: 1; agriculture: 2; food industry: 1; beverages: 1; industry: 1; media industry: 1; textile industry: 1; telecommunications services: 1; public water service: 1)
- In 2019 (up until 18 September), 12 collective agreements (8 in the government sector and 4 in companies)

115. From 2015 to 2018, the Risk Analysis Department within the Protection and Security Division of the National Civil Police carried out a total of 325 risk analyses for union leaders and trade unionists. It recommended a total of 271 perimeter security measures and 8 personalized security measures. In 46 cases, no specific security measures were deemed necessary owing to the low level of perceived risk or some other situation, and one case was closed. Since 2015, the General Operations Subdirectorates of the National Civil Police has been providing personalized security support for two trade unionists.

## **Social Security (art. 9)**

116. The duties of the Inspectorate General of Labour include checking that workers are duly registered with the Guatemalan Social Security Institute and, from 2014 to September 2019, in the course of 15,419 visits the Inspectorate General verified the status of 644,204 workers, 459,877 of whom were men and 184,327 women (see table XXIV).

117. In the same period, in the course of 1,450 visits to companies active specifically in the agricultural sector, it verified the status of 164,400 workers, of whom 141,388 were men and 24,012 women (see table XXV).

118. Checks in the agricultural sector were performed in the following areas of activity and at the following places of work: companies incorporated pursuant to Decree No. 29-89; companies active in the banana sector; night work centres; companies in which each branch office enjoys autonomy; crop cultivation; harvesting; transportation; sugar cane processing and export; re-inspections at companies incorporated pursuant to Decree No. 29-89; mega-corporations; African palm oil activities; the hotel industry; the health-care sector; and agribusiness.

119. With regard to inspections and social security checks carried out in respect of domestic workers, chapter 1, article 2, of the regulations governing the social security registration of employers stipulates that: “Every employer, whether an individual or a legal entity, employing three or more workers is required to register with the social security scheme. Employers engaged in the land transportation of cargo or passengers or a mixture of both, and using motor vehicles for this purpose, are required to register when they engage the services of one or more workers.”

120. Based on this article, all employers who employ three or more people in their company must register their workers with the social security system and will be sanctioned if they fail to do so. Articles 23 and 24 of the Constitution establish the inviolability of the home and specify that no person may enter the dwelling of another without the latter’s permission unless they are in possession of a court order issued in accordance with the Code of Criminal Procedure. Articles 187 to 193 of the Code set out the procedure for conducting searches.

121. These articles stipulate that the Ministry of Labour and Social Welfare is not permitted to perform checks in private homes and that, accordingly, it can only deal with complaints filed by citizens on the Ministry’s premises. From 2014 to September 2019, it processed 1,373 cases in this way, benefiting 1,359 domestic workers (275 men and 1,084 women) (see table XXVI).

122. As a result of the 1,359 complaints admitted, 73 indigenous persons and 1,286 non-indigenous persons received assistance (see table XXVII).

123. The Institutional Strategic Plan adopted by the Guatemalan Social Security Institute for the period 2018–2022 envisages an expansion of social security coverage so that other still excluded population groups can also benefit from quality services.

124. The number of persons affiliated to the social security system or entitled to receive benefits has increased slightly, rising from 4,507,569 in 2018 to 4,569,331 in 2019, an increase of 61,762 beneficiaries (see table XXVIII).

## **Economic exploitation of children (art. 10)**

125. The Inspectorate General of Labour has established a procedure for assisting child and adolescent workers and for detecting and referring cases of trafficking in persons.

126. Between 2014 and October 2019, the Inspectorate General visited 25,877 businesses in the context of anti-child labour operations, assisting 330 child and adolescent workers, including in the informal agricultural sector. In this sector, it visited 1,082 businesses and uncovered 18 cases of child labour (see table XXIX).

127. The data provided above include results from the anti-child labour operations carried out by the Inspectorate General in the agricultural sector, in which it visited 1,082 businesses and uncovered 18 cases of child labour (see table XXX).

128. In 2015, 6,337 applications for work permits for minors aged between 15 and 18 years old were submitted. In 2016, 6,276 applications were submitted, while in 2017 the number of applications submitted fell to 4,863<sup>11</sup> (see table XXXI).

129. As at August 2019, the Adolescent Workers Protection Unit had 33,584 adolescent workers on its register, of whom 2,665 were indigenous and 30,949 were non-indigenous (see table XXXII).

130. The Ministry of Education is following up on the road map for making Guatemala a country free from child labour, specifically its third component, which is education policy. This component comprises 40 measures including support initiatives such as free tuition, subsidized educational materials, the provision of school supplies and school meals and building maintenance projects. Textbooks are also distributed each year. A “school success” strategy is currently being implemented. Guatemala also has a dedicated department of education for students at social risk and an educational programme for overage students.

131. Ministerial Order No. 260-2019, issued in July 2019, sets forth a procedure for the effective implementation of the ILO Minimum Age Convention, 1973 (No. 138). The purpose of the procedure is to regulate admission to employment, in accordance with the Minimum Age Convention, in order to protect the rights of adolescent workers, as enshrined in the Convention, and ensure the comprehensive physical, mental and social development of all adolescent workers. The Inspectorate General of Labour and the Adolescent Workers Protection Unit are required to follow this procedure.

132. In January 2017, the road map for making Guatemala a country free from child labour, and particularly its worst forms, for the period 2016–2020 was published. The road map was designed with a view to defining the objectives to be met and obtaining results through participatory and multisectoral action by the National Commission for the Eradication of Child Labour and local action by the departmental committees for the prevention and eradication of child labour. The functions assigned to each member institution under their mandates are clearly laid out in the road map and the competent authorities have committed to updating the map for the period 2016–2020 on the basis of lessons learned from past activities.

133. Building on the road map, and with support from ILO, the Ministry of Education and the National Institute of Statistics analysed the information on child labour that could be drawn from the 2011 National Survey of Living Conditions and, on the basis of this analysis, compiled the 2014 National Survey of Living Conditions Report on Child Labour in Guatemala. The main purpose of this report, which was published on 5 September 2017, was to provide government institutions, non-governmental organizations, employers’ organizations and the general public with information that could serve as a guide for actions, strategies, policies and processes to drive the comprehensive development of Guatemala.

134. According to the report, the incidence of child labour had fallen by 7.1 per cent – equivalent to 60,694 child workers – since 2011: the 2011 National Survey of Living Conditions registered 850,937 child workers between the ages of 7 and 17 years old whereas the 2014 National Survey registered 790,243 child workers in the same age bracket (see table XXXIII).

135. The Directorate General of Extramural Education of the Ministry of Education “is responsible for providing an education to overage children and young people who for various reasons have no access to the regular education system, through arrangements that differ from those of the formal school subsystem” (Government Order No. 255-2008, art. 12). Lower and upper secondary education is covered through the programme of flexible secondary education modules. The National Alternative Education Programme offers accelerated primary education, lower secondary education and science and arts baccalaureates with specializations in productivity and entrepreneurship or education.

<sup>11</sup> It is worth noting that, according to typical patterns of behaviour, in the months of October, November and December, the number of applications submitted tends to increase as a result of the arrival of the holiday season, when some adolescents chose to work to earn money that they can invest the following year in education, health care and other needs.

136. The proportion of students in Guatemala who are overage was 16.6 per cent in 2015, 16.26 per cent in 2016, 15.66 per cent in 2017 and 15.15 per cent in 2018. “Overage” refers to students who are at least one year older than the regular age for their grade (see table XXXIV).

137. The Secondary Education Social Scholarship Programme run by the Ministry of Social Development helps child workers to integrate into the national education system allowing them to participate in education and develop life skills. The Programme is available in all 22 departments and in 319 municipalities. There are currently 44,237 beneficiaries, of whom 42 per cent are indigenous and 92 per cent live in rural areas. The Programme helps to reduce the dropout rate among children who, for lack of economic resources, are unable to enrol in lower secondary school and continue their studies, and thus become better citizens. The Programme has a budget of 14,559,349 quetzales.

138. In accordance with applicable legislation, the Office of the Advocate for Children and Adolescents, which is part of the Counsel General’s Office, is responsible for defending and protecting children and adolescents whose rights have been violated. This entails, inter alia, representing child and adolescent victims of crime in legal proceedings when they have no other legal representation or are in legal conflict with parties that have legal representation. During the period 2015–2019, the Counsel General’s Office was involved in a total of 60 criminal cases as a joint plaintiff, representing a total of 172 children and adolescents (see table XXXV).

139. During the period 2015–2019, the Counsel General’s Office carried out a series of actions aimed at improving the way it handles cases through the Office of the Advocate for Children and Adolescents. These actions included: (a) implementing a system for managing the comprehensive assistance provided to children and adolescents; (b) increasing the number of multidisciplinary teams; (c) adopting the Regulations of the Office of the Advocate for Children and Adolescents; (d) redesigning and opening special spaces for assisting children and adolescents; (e) implementing road maps for assisting and protecting children and adolescents; and (f) organizing training on child labour and its worst forms.

140. In July 2019, the Counsel General’s Office, the Public Prosecution Service and the Ministry of Labour and Social Welfare concluded the Agreement on Inter-Agency Cooperation on an Integrated Approach to Trafficking in Persons for the Purposes of Economic Exploitation and Forced Labour.

141. During the period 2015–2019, the Counsel General’s Office rescued at least 782 children and adolescents whose rights were being violated in situations linked to child labour and its worst forms. The most common forms of child labour reported during these rescues were trafficking for the purposes of economic exploitation, trafficking for the purposes of forced begging and trafficking for purposes of the exploitation of the prostitution of others.

142. The Secretariat against Sexual Violence, Exploitation and Trafficking in Persons, in collaboration with the Public Prosecution Service, the judicial authorities, the Counsel General’s Office, the Ministry of Labour and Social Welfare and the National Civil Police, organized specialized training sessions on the detection and criminal prosecution of cases of child labour for 6,174 employees and civil servants between 2016 and 2018. As part of efforts to promote civil society engagement and prioritize private initiatives to reduce exploitation in travel and tourism, information sessions were organized for 2,435 private sector workers between 2016 and 2019. Lastly, to foster a prevention-orientated, participatory attitude among the general public with regard to the identification of possible victims and risk situations, information and awareness-raising sessions for 536,677 adults, children and adolescents were organized throughout the country between 2016 and 2019 (see table XXXVI).

143. The judicial authorities and the Ministry of Labour and Social Welfare have entered into an inter-agency agreement for tackling child labour and a technical committee has been set up to follow up on and improve outcomes in the identification and punishment of cases of child labour. Appended to this report are tables containing statistical information, disaggregated by year, gender and age, on the number of sentences handed down for the offence of employing a minor. One sentence was handed down in 2016, six sentences were handed down in 2017 and seven were handed down in 2018 (see table XXXVII).

144. According to data provided by the judicial authorities' Centre for Judicial Information, Development and Statistics, 78 cases involving the offence of employing minors in work harmful to their integrity and dignity were brought between 2015 to 2018, 14 sentences were handed down for the offence between 2016 to 2018 and 53 cases were dismissed. In addition, the juvenile courts handled 97 cases involving various subcategories of exploitation between 2015 and 2018, resulting in three sentences being handed down from 2015 to 2016 and 26 cases being dismissed between 2015 and 2018 (see table XXXVII).

145. The Social Welfare Secretariat's Special Programme for Child and Adolescent Victims of Sexual Violence, Exploitation and Trafficking in Persons was launched in January 2019. Its aim is to protect and provide shelter for young and adolescent girls<sup>12</sup> who are victims of sexual violence, exploitation and trafficking and are subject to an exceptional temporary protection measure ordered by a juvenile court providing them with temporary accommodation in a shelter.

146. There are currently two such shelters, one in Coatepeque and one in Guatemala City. They were opened when various centres previously managed by the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons were transferred to the management of the Social Welfare Secretariat and are staffed by multidisciplinary teams that provide direct and timely care to all victims. Food, health care, education, recreational activities, clothing and legal assistance are also provided, and victims are put in touch with their families of origin to facilitate their timely reintegration into a family environment.

147. In June 2019, the judicial authorities established a special court of first instance and a special sentencing court for human trafficking offences with jurisdiction in the eight departments with the highest incidence of this type of crime.

148. In accordance with its mandate, the National Council for Assistance to Guatemalan Migrants<sup>13</sup> has conducted monitoring visits<sup>14</sup> to various shelters in Guatemala City and in border areas to check that children and adolescents are being transferred to protection centres. These monitoring visits are accompanied by working meetings with regional consulates accredited in Guatemala to promote a culture of reporting cases of human rights violations and propose improvements to the way specific cases are handled.

149. The National Council for Assistance to Guatemalan Migrants covers the cost of transporting the bodies of Guatemalan migrants who have died abroad and had few if any financial resources from Guatemalan Air Force facilities to their places of origin. A study of the socioeconomic situation of the family of the deceased is carried out prior to repatriation.

150. Various measures have been taken to strengthen the National Council for Assistance to Guatemalan Migrants, including, notably, the opening of offices in San Marcos; Cobán in the department of Alta Verapaz; the municipality of Todos Santos Cuchumatán in the department of Huehuetenango; and the city of Huehuetenango. The Guatemalan Air Force provides assistance and information to migrants who have been deported or are returning to Guatemala and follows up on specific cases involving migrants. There is a telephone hotline to assist migrants and their families. The number is 1588 for domestic calls, 1833 266 2644 for calls from the United States and 800 269 4430 for calls from Mexico. Radio infomercials have been broadcast to inform the public that these hotlines are available.

151. Municipal forums have been organized to promote dialogue between local authorities and the general population on the causes and consequences of migration and thus provide impetus for national, regional and municipal efforts in the area of migration.

<sup>12</sup> The programme is intended to assist girls between the ages of 7 and 15 years old.

<sup>13</sup> According to article 2 of the Act on the National Council for Assistance to Guatemalan Migrants, the Council is the governmental body that coordinates, defines, monitors and oversees the activities of governmental bodies and institutions providing protection, support, assistance and relief to Guatemalan migrants and their families in Guatemala, as well as to migrants in Guatemala.

<sup>14</sup> The purpose of these visits is to monitor the activities of institutions with national and transnational competence in the area of migration and to monitor communities where Guatemalan migrant workers are involved in temporary work programmes or have been hired through collective or individual recruitment processes.

An awareness-raising campaign was conducted to discourage irregular migration throughout the country. Various cooperation and coordination agreements have been concluded with the aim of providing assistance and relief to Guatemalan migrants and their families in Guatemala, and to migrants in Guatemala.

### **Access to adequate housing and forced evictions (art. 11)**

152. In 2018, the Secretariat for Agrarian Affairs submitted a technical proposal for an inter-agency protocol on evictions with a focus on human rights and humanitarian assistance for approval and validation. The proposal is designed to harmonize and consolidate the various positions of the Public Prosecution Service, the judicial authorities, the Ministry of the Interior as represented by the National Civil Police, the Office of the Human Rights Advocate, the Presidential Human Rights Commission and the Presidential Commission on Dialogue. It is currently under consideration for purposes of review, approval and validation by the institutions concerned, with a view to its eventual adoption by government order.

153. The Secretariat also conducted historical, technical, registral, cadastral and legal surveys in the area of Sierra Santa Cruz in El Estor and Livingston, Izabal, pursuant to which a territory of 11,146 units was recovered. Ownership of these lands will now be regularized in favour of the 21 indigenous communities living there. An investigation into the Agua Caliente plot No. 9 case in El Estor, Izabal, resulted in the restitution of ownership rights and the continued regularization of land in favour of the Agua Caliente community. There have been a further 16 similar cases in which the rights of communities to their ancestral lands have been recognized.

154. From the start of 2015 to the end of 2019, the Housing Fund granted 20,543 housing subsidies, which were distributed as follows:

- Families who received subsidies for the acquisition of a plot of land with access to basic services: 1,568
- Families who received subsidies for the acquisition of a plot of land with existing housing: 748
- Families who received subsidies for the acquisition of housing units in a condominium: 81
- Families who received subsidies for the improvement, extension or repair of housing: 557
- Families who received subsidies for the construction of housing: 17,587 (see table XXXIX)

155. The Ministry of Social Development has a Social Allowance Programme through which it grants periodic conditional cash transfers to families living in poverty and extreme poverty to help them to pay for health care and their children's schooling. The Health Allowance Subprogramme, which is aimed at families with children under the age of 6 years old and pregnant mothers, has been rolled out in 10 priority departments. The allowance is 500 quetzales. The Education Allowance Subprogramme, which is aimed at families with children aged between 6 and 15 years old, has been rolled out in 21 priority departments. These allowances are worth 300 quetzales and are subject to fulfilment of shared responsibilities and the availability of budgetary resources (see table XL).

156. The Social Development Fund, which is managed by the Ministry of Social Development, provided assistance to persons forced from their homes as a result of the eruption of the Fuego volcano in 2018, ensuring that they were provided with temporary shelter by supplying competent institutions with kits for the construction of provisional single-family shelters and supply kits for the construction of health posts, as well as kits containing everyday essentials. Support for urban relocation, housing and more is being provided to the community of families affected by internal armed conflict living in Finca Bethel, in Malacatán, in the department of San Marcos.

157. The National Civil Police adopted a protocol for police action in the event of evictions through Decision No. 18-2018, which sets out responsibilities and standardized measures that all police officers must observe and implement when carrying out an eviction,

in accordance with the law and human rights. The police force has also adopted General Order No. 11-2019, which sets out guidelines on the use of force in the course of police activities.

158. The Land Fund offers loans and subsidies to families through various programmes, the details of which are provided below:

- Access to land ownership loans and subsidies programme: Loans and subsidies are made available to campesino and indigenous families so that they can buy land, either individually or collectively, and use natural resources in accordance with social, economic and environmental sustainability criteria.
- Access to land leases loans and subsidies programmes: Campesino families can apply for loans or subsidies to lease land where they can carry out productive activities – mainly the cultivation of basic cereals – with a view to ensuring food security and generating employment and, to the extent possible, surplus products to strengthen the local economy. A total of 181,824 persons – 128,703 women and 53,121 men – have benefited from this programme and 381,830,400 quetzales have been awarded in loans and 86,366,400 quetzales in subsidies (see table XLI).
- Legal certification for persons occupying State land: The State grants titles to State land through the Land Regularization and Allocation Programme, in accordance with the provisions of article 8 of the Land Fund Act. The costs associated with this process are allocated to operating expenses.
- Programme to promote the development of sustainable agrarian communities: This programme provides beneficiary families with personalized and comprehensive technical assistance to help them to build their capacity to produce food for local consumption. It focuses on agricultural supply chains, supporting the family economy and promoting development as part of the process of building agrarian communities. Between 2015 and October 2019, a total of 9,389 persons – 2,333 women and 7,056 men – benefited from this programme. The total amount awarded in subsidies was 21,614,532.82 quetzales (see table XLII).

159. Between 2015 to October 2019, the Land Fund invested a total of 821,327,511 quetzales, 60 per cent in the form of loans and 40 per cent in the form of subsidies (see table XLIII).

### **Poverty in rural areas (art. 11)**

160. As part of efforts to assist vulnerable groups living in poverty, the Ministry of Labour and Social Welfare has provided economic support to older persons in the 22 departments of Guatemala through the Economic Support Programme for Older Persons, which is also intended to help fight poverty. A total of 3,594,343,600 quetzales were awarded between 2012 and the first semester of 2019 – 1,911,681,600 quetzales to women and 1,682,662,000 quetzales to men (see table XLIV).

161. Between 2017 and July 2019, the Social Welfare Secretariat of the Office of the First Lady provided assistance to persons living in poverty and extreme poverty through its various social programmes:

- The Directorate for the Community Day-Care Programme assisted 15,566 children between 6 months and 7 years old.
- The Directorate for the Social Services Programme assisted 314,901 persons.
- The Directorate for the Programme to Improve the Socioeconomic Conditions of Women assisted 374,939 women.
- The Directorate for the “My Golden Years” Programme assisted 26,285 older persons (see table XLV).

162. Through the Food Networking Programme, the Ministry of Economic Affairs has carried out various activities aimed at achieving objectives two and six of the National Comprehensive Rural Development Policy. As of August 2019, it had assisted 3,091 persons in 16 municipalities with high poverty rates in 13 departments through training and

productive technical assistance, mainly for indigenous women and young people in the communities. These activities included:

- Organization of 80 capacity-building workshops covering cost analysis, production management and design and innovation
- Organization of 195 specialized technical assistance sessions in the field, offered on an ad-hoc basis when commercial orders are placed, to assist with marketing
- Launch of 16 new product lines, comprising around 240 new products across three different ranges, including products that represent the artisan potential of each group, such as, for example, traditional huipils (traditional embroidered tunics)
- Delivery of raw materials to groups of artisan workers until August 2019, including around 700 pounds of export-quality cotton yarn, around 40 pounds of natural wool yarn and around 10 kilograms of decorative beads and string
- Preparation of 40 prototypes for new designs, owned by each artisan group, for use as commercial samples to showcase the group's artisan potential, and the development of 40 prototypes in other techniques that do not require manufacturing.

163. The Agrarian Policy was introduced through Government Order No. 372-2014 as a means of implementing and harmonizing the National Comprehensive Rural Development Policy as part of efforts to bolster rural development. Its aim is to promote private investment in rural properties and to boost the rural economy. Its focus is on the rural economy and therefore on persons living in poverty or extreme poverty and with high levels of malnutrition. The majority of such persons are rural and indigenous people.

164. On the basis of the Agrarian Policy, the Secretariat for Agrarian Affairs designed and proposed the establishment of the National Agrarian Commission to serve as the main instrument for coordination and cooperation among institutions active in the agricultural sector and to follow up on the implementation of the Policy. The Commission was established under the National Comprehensive Rural Development Policy through the fifth agreement of the Special Cabinet Committee for Comprehensive Rural Development on 20 November 2016.

165. The budget of the Ministry of Social Development was increased from 960 million quetzales to 1,159.1 million quetzales between 2015 and September 2019 (see table XLVI).

166. The Artisan Social Subsidies Programme run by the Ministry of Social Development helps older persons, particularly women in rural areas and marginal urban areas who are living in poverty or extreme poverty, to take part in training to learn new skills and production techniques or improve existing ones by providing them with conditional cash transfers. Between 2016 and 2019, 25,707 people benefited from the Programme, including 14,687 persons from indigenous communities including Maya, Xinka and Garifuna communities. Their artisan products are presented to international public and private partner institutions and non-governmental organizations.

167. The First Job Social Subsidies Programme is aimed at young indigenous persons between the ages of 18 and 25 years old who live in rural areas and have unmet basic needs or disabilities. They are offered temporary employment as apprentices and are paid 2,000 quetzales a month for five months. Increasingly positive results have been achieved: in 2016, 345 subsidies were awarded in 8 departments and 21 municipalities; in 2017, 100 per cent of the budget was disbursed, with 749 persons in 15 departments and 36 municipalities receiving subsidies. The work offered is mainly in the farming and livestock and artisan production sectors.

168. Efforts are being made to ensure that the most vulnerable persons living in poverty and extreme poverty in indigenous communities receive conditional cash transfers to address economic inequalities and any ethnic discrimination resulting from these inequalities. Among the beneficiaries of the Social Subsidies Programme, 73.30 per cent are indigenous, 62,676 (33.91 per cent) are living in extreme poverty and 122,160 (66.09 per cent) are living in poverty.

169. The Family Farming Programme to Strengthen the Rural Economy, which is run by the Ministry of Agriculture, Livestock and Food, encompasses various measures aimed at strengthening production systems and thus boosting household incomes and supporting the

annual production cycle. This it does through innovation, modernizing production processes, in accordance with best practices, and providing agricultural goods and supplies. A further aim of the Programme is to build the capacity of groups of women and farmers in rural areas so as to help them to generate income and ensure that they have access to health care, education and basic services. The following data series shows the number of persons who received assistance under the Programme between 2015 and July 2019: in 2015, 700,497 persons; in 2016, 727,890 persons; in 2017, 1,423,097 persons; in 2018, 313,064 persons; and in 2019, as at July, 244,577 persons (see table XLVII).

170. Pursuant to article 20 of the Organic Act on the Budget<sup>15</sup> and article 23 of its implementing regulations, which are set out in Government Order No. 540-2013, in coordination with the Ministry of Public Finance, the Planning and Programming Secretariat of the Office of the President issues general public policy guidelines to provide public sector institutions with guidance on the strategic and operational planning of their annual budgets and their multi-annual planning and budget for the period 2020–2024, in accordance with national development priorities, particularly poverty reduction and social protection.

171. In compliance with the mandate conferred upon it by the network of development councils, in July 2019 the Planning and Programming Secretariat of the Office of the President prepared and presented to the United Nations system the national voluntary review of Guatemala for 2019 entitled “*El Camino hacia el Desarrollo Sostenible*” (The Road towards Sustainable Development). The review was prepared with the participation and input of public institutions, municipalities, development councils, international partners, the business sector and civil society. It analyses the first years of the National Development Plan and 2030 Agenda, the objectives of which are grouped together under 10 development priorities that form the basis for the long-term implementation of both instruments.

### **Malnutrition and the right to food (art. 11)**

172. In order to prevent chronic and acute malnutrition, multisectoral and inter-agency measures have been taken to address the economic and sociocultural causes of child malnutrition – for example, the “1,000-day Window of Opportunity” initiative – with an emphasis on prevention, managing prevalent childhood diseases, nutritional deficiencies and fortified foods, special counselling in health and nutritional self-care at home, and education on food and nutrition.

173. To tackle chronic hunger and child malnutrition, prevent and mitigate seasonal hunger and avoid deaths from acute malnutrition, the following measures are in place:

- Prenatal monitoring
- Monthly growth monitoring
- Anti-parasitic treatment for children between 1 and 2 years old, as of 2019
- Provision of iron and folic acid supplements to women of childbearing age
- Provision of vitamin A supplements
- Provision of vitamins and minerals in powder form
- Vaccination
- Promotion and support of breastfeeding and complementary feeding from the age of 6 months
- Promotion of handwashing and good hygiene habits
- Monitoring and treatment of diarrhoea and pneumonia
- Monitoring of the fortification of staple foods (salt, wheat flour, sugar and cornflour) with micronutrients

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<sup>15</sup> Decree No. 101-97.

174. In addition, the following preventive measures are taken to protect children between 2 and 6 years old:

- Growth monitoring (every three months for children between 1 and 3 years old and twice a year for children between 3 and 5 years old)
- Provision of vitamins and minerals in powder form
- Anti-parasitic treatment
- Vaccination

175. The Ministry of Health and Social Welfare also carries out other activities to prevent chronic and acute malnutrition, in accordance with its mandate, including:

- Ensuring clean and safe deliveries
- Providing post-partum care
- Encouraging birth spacing
- Providing newborn care
- Monitoring the nutrition of children under 5 years old
- Using water purification methods
- Educating families about the proper use of latrines and solid waste management
- Monitoring the quality of water
- Prioritizing demands on the basis of morbidity rates

176. Since 2016, the Ministry of Health and Social Welfare has been taking action under the “1,000-day Window of Opportunity” initiative to strengthen primary care in the priority departments of Alta Verapaz, Chiquimula, Huehuetenango, Quiché, San Marcos, Sololá and Totonicapán through the National Strategy to Prevent Chronic Malnutrition 2016–2020. The general objective of this strategy is to reduce national chronic malnutrition by 10 per cent over four years, i.e. between 2016 and 2020.

177. Since 2016, nine health districts have been made priority areas on account of their having the highest incidence of malnutrition. The following measures have been taken at the level of primary care in these districts:

- Recruitment of human resources: 6,702 nursing assistants and 322 qualified nurses
- Recruitment of 189 personnel to deliver vaccines through the Inter-American Development Bank’s 23-28 Project
- Recruitment of 1,098 personnel to deliver vaccines with public funds
- Equipment of 63 health posts through the Inter-American Development Bank’s 23-28 Project at a cost of 4,372,915 quetzales: 26 in 2017, 31 in 2018 and 6 in 2019
- Acquisition of 4-wheeled vehicles at cost of 6,874,128 quetzales: 17 in 2017 and 44 in 2018
- Acquisition of medicines in 29 health districts at a cost of 13,611,210.48 quetzales
- Renovation of 57 health posts at a cost of 10,262,694.82 quetzales: 26 in 2017 and 31 in 2018
- Construction of six health posts in Chisec, in the department of Alta Verapaz, through the Inter-American Development Bank’s 23-28 Project at a cost of 6,406,875.80 quetzales
- Training of 786 community nursing assistants in collaboration with the Department of Training of the Ministry of Health and Social Welfare
- Reproduction of health-promotion materials on standards of care and a manual on pharmaceutical logistics in the health districts of Huehuetenango, San Marcos, Sololá, Quiché, Ixil and Totonicapán at a cost of 624,000 quetzales
- Acquisition of computing equipment in 29 health districts at a cost of 18,216,721.03 quetzales

178. The cold chain is being strengthened in nine priority areas, which should benefit 448,438 children under 5 years of age in 139 priority municipalities. As at 31 July 2019, the following equipment had been acquired:

- 119 refrigerators for the storage of biological materials
- 16 freezers for the storage of biological materials
- 287 coolers for the transportation of vaccines
- 100 thermometers
- 65 voltage regulators to support the electric power supply
- 11 air conditioning units for the storage of vaccines
- 14 solar panels to support the electric power supply
- 8 motorcycles for the transportation of personnel
- One three-quarter ton truck with a refrigeration system
- 16 generators to support the electric power supply
- 12 cold boxes for the transport of vaccines
- 2 pick-up trucks for the transport of personnel

179. Another measure taken to prevent chronic malnutrition is the launch of the “Grow Up Healthy” nutrition and health project, which has a budget of US\$ 100 million, distributed across three institutions: the Ministry of Health and Social Welfare, which has been allocated US\$ 81 million, the Secretariat for Food and Nutritional Security and the Ministry of Social Development.

180. The development goal of the project is to bring about improvements to practices, services and behaviours recognized as determinants of chronic malnutrition, with an emphasis on the first 1,000 days after a child’s birth, in the targeted areas.

181. The “Grow Up Healthy” project will benefit infants between 0 and 24 months of age, pregnant women and their families in the target areas. Its target population is concentrated in 7 of the country’s 22 departments whose population is predominantly indigenous, namely, Alta Verapaz, Chiquimula, Huehuetenango, Quiche, San Marcos, Sololá and Totonicapán. These departments were selected because they have high rates of stunted growth and maternal and infant mortality, children under 5 years of age account for a significant proportion of the population and rural and indigenous peoples constitute a considerable majority.

182. The “Grow Up Healthy” project launched as part of the Health Allowances Subprogramme of the Ministry of Social Development’s Social Allowances Programme consists of regular conditional cash transfers of 500.00 quetzales to facilitate access to health services for children aged up to 2 years old. The aim is to prevent chronic malnutrition in the seven target departments where the percentage of indigenous peoples is significant by means of the National Strategy for the Prevention of Chronic Malnutrition 2016–2020. Overall, 19,796 families received assistance in 2016, 12,216 in 2017 and 13,987 in 2018 (see table XLVIII).

183. Under the Social Subsidies Programme, conditional cash transfers are disbursed to individuals and families living in poverty or extreme poverty in urban or rural areas to facilitate access to products forming part of the basic food basket. The transfers help to alleviate the undernourishment of persons and families living in impoverished situations, as all families with children aged under 16 years are eligible provided that they fulfil their shared responsibility to enrol their school-age children in an educational facility. Adults over 65 years of age are also entitled to assistance under the Programme, the beneficiaries of which are almost all of indigenous origin.

184. The Ministry of Social Development has been working to prevent and combat the harm suffered by children in rural areas and municipalities as a result of problems specific to the Dry Corridor region and/or related to poverty and extreme poverty. Since January 2019, it has been assisting segments of the population whose access to food has been affected by crisis, emergency, disaster and other adverse situations, providing rations of

nutritious, balanced, safely prepared food free of charge. At present, there are 30 community kitchens in operation in urban and rural areas affected by natural phenomena. The kitchens are located near schools and hospitals and in other situations where the community's vulnerability creates demand.

185. By providing meals in school, the Ministry of Education has enhanced the educational community's capacity to address health, nutrition, food and hygiene-related matters, especially in the case of the 121,200 mothers involved in the process of selecting, storing, preparing and distributing school meals. The aim is to deliver quality school meals that meet nutritional criteria appropriate for school-age children, include foods native to the region (50 per cent) and reflect the country's different social and cultural contexts.

186. The School Meals Act was adopted and promulgated by means of Decree No. 16-2017 and its implementing regulations were adopted in 2018 by Government Order No. 183-2018. The purpose of the Act is "to guarantee school meals, promote health and encourage healthy eating among students enrolled in State educational institutions at the primary and pre-primary levels".

187. In application of articles 33 and 46 of the School Meals Act, since 2019 a specific budget allocation of at least 4.00 quetzales per day per eligible pupil has been allocated. The budget for school meals, school supplies, educational materials and free education increases annually, having risen from 691,727,289.73 quetzales in 2015 to 897,847,968.97 quetzales in 2016, 969,101,835.62 quetzales in 2017, 1,549,830,151.68 quetzales in 2018 and 2,120,713,801.12 quetzales in 2019 (see table XLIX).

188. The Annual Operating Plan for Food and Nutrition Security of the Secretariat for Food and Nutrition Security is an annual operational planning tool which the 17 institutions forming part of the National System of Food and Nutrition Security use to manage products, by-products, goals and budgets, in accordance with the legal mandate of each, the aim being to promote food and nutrition security nationwide among the most vulnerable segments of the Guatemalan population. Their budget allocation was 3,219,476,477.00 quetzales in 2016, 3,628,475,325.97 quetzales in 2017, 4,655,502,526.47 quetzales in 2018, and 3,204,373,172.52 quetzales in 2019 (see table L).

189. The National Strategy for the Prevention of Chronic Malnutrition was designed with the aim of reducing the prevalence of chronic malnutrition by 10 percentage points (from 41.7 per cent to 31.7 per cent) in children under 2 years of age living in Alta Verapaz, Huehuetenango, Quiché, Chiquimula, San Marcos, Totonicapán and Sololá.

190. The Ministry of Agriculture, Livestock and Food works to ensure food and nutrition security for persons vulnerable to risk and disaster, and to strengthen the technical and social organization skills that targeted communities and families apply in the production of food for their own consumption. The number of people who received assistance for the production of food for self-consumption and/or were provided with food directly was 168,693 in 2015, 257,668 in 2016, 270,018 in 2017, 474,343 in 2018 and 304,515 from January to July 2019. (Figures disaggregated by actions undertaken and vulnerability to disasters and other risks are given in table LI).

## **Right to health (art. 12)**

191. From the start of 2015 to September 2019, the budget of the Ministry of Health and Social Welfare increased from 6,562.2 million quetzales to 8,277.4 million quetzales (see table LII).

192. By Decree No. 1-2019, the Congress approved Loan Agreement No. 873QGT, to be concluded between Guatemala and the International Bank for Reconstruction and Development and used to fund the "Grow Up Healthy" Nutrition and Health in Guatemala Project.

193. The following bills have also been submitted to the Congress:

- Bill No. 4919, providing for the adoption of the Act on Universal Coverage and Funding for Comprehensive Health Care, which was received by the Legislation Directorate on 24 November 2014 and presented to Congress in the plenary session on 2 February 2016

- Bill No. 5354, providing for the approval of the Act on the Prevention and Control of Tuberculosis in Guatemala, which was received by the Legislation Directorate on 26 September 2017, received a favourable opinion from the Health and Social Assistance Commission and was submitted to Congress for a third debate in the plenary session on 3 May 2018

194. The Directorate General of the Prison System currently has the following specialized medical personnel working in the prisons under its charge: eight doctors of general medicine, one paediatrician, four dentists, eight professional nurses and a number of laboratory technicians. It also has various medical clinics, dental clinics, an area for overnight stays, STI/HIV/AIDS programme clinics and isolation areas for tuberculosis patients (see table LIII).

195. Pregnant women receive prenatal care and, if necessary, are taken to hospitals for emergency gynaecological check-ups, following an expert report from the National Institute of Forensic Sciences.

### **Sexual and Reproductive Health (arts. 10 and 12)**

196. From 2016 to 2019, the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons provided support to a total of 692,465 people in application of the National Plan for the Prevention of Sexual Violence, Exploitation and Trafficking in Persons. In 2019, for the first time, its services were extended to all Guatemala's 22 departments, 279 municipalities, 898 settlements, thereby reaching the most vulnerable populations: 908 girls aged 9 to 10; 39,908 girls aged 11 to 12; 71,081 girls aged 13 to 17; and 84,719 young women aged 18 and over.

197. The Ministry of Education has been implementing the National Plan for the Prevention of Pregnancies within the framework of the Comprehensive Sexuality Education Programme, which contains a road map for learning in 11 subject areas, including sexual and reproductive health. The Plan addresses sexual and reproductive rights, the prevention of teenage pregnancy, safety in the context of life plans, contraceptive methods, sexually transmitted infections, responsible parenthood and its relationship to long-term commitments, marriage and child-rearing, among others. As a result of its implementation, 1,600 teachers have been trained and 5,000 students have received instruction under the Comprehensive Sexuality Education Programme.

198. The following bills related to this subject area have been submitted to the Congress:

- Bill No. 5476, providing for the adoption of the Act on the Inclusion of Human Rights Education in Primary and Secondary School Curricula, which was heard before the Congress in the plenary session on 29 August 2018 and referred to the Commission on Education, Science and Technology, which issued a favourable opinion on 5 December 2018
- Bill No. 5205, providing for the adoption of the Act on Comprehensive Sexuality Education for Children and Adolescents, which was heard before the Congress in the plenary session on 22 November 2016 and sent to the Commission on Education, Science and Technology and the Commission on Children and the Family, with the latter issuing a favourable opinion on 11 April 2018
- Bill No. 5455, providing for the adoption of the Act on the Promotion and Protection of Obstetric Health, which was heard before the Congress in the plenary session on 29 August 2018 and referred to the Commission on Health and Social Welfare

199. In 2017, the Ministry of Social Development concluded the administrative, financial and regulatory actions necessary for the implementation of its social care programme for pregnant girls and adolescents and mothers under 14 years of age who have been victims of sexual violence and whose cases may have come before the court. Beginning with 49 cases involving girls from different departments of the country, by September 2019 the programme had helped 145 girls receiving assistance under the conditional cash transfers programme. Cash transfers in the amount of 1,500 quetzales were disbursed to the persons legally appointed to assume responsibility for the victims' care and protection and ensure that the children undergo health check-ups until they reach 6 years of age (see table LIV).

200. The Supervision, Monitoring, and Evaluation Unit of the Directorate General of the Comprehensive Health Care System, which forms part of the Ministry of Health and Social Welfare, is responsible for ensuring that the activities of the country's 29 health districts meet the requirements of the programme of Comprehensive and Differentiated Care for Adolescents and Youth. In this task, the Unit is supported by the staff of the Sexual and Reproductive Health-Care Programmes and the Adolescent and Youth Programme, and is guided by the principles set out in the "Prevention through Education" Charter Agreement for the period 2016–2020. This Agreement establishes that the Ministry of Health and Social Welfare is the lead health-sector agency and, as such, leads, regulates and promotes the activities of the national health system. The goal is to achieve human development through prevention, promotion, recovery, rehabilitation, coordination and other complementary actions that help to secure the most complete physical, mental and social well-being.

201. In addition, Decree No. 42-200 stipulates that the Ministry of Education, working in coordination with the Ministry of Health and Social Welfare, must incorporate in its education and development policies the measures and provisions necessary to ensure that population issues are addressed at all levels and in all modalities of the national education system. As a minimum, curricula must cover development, population, health, family, quality of life, environment, gender, human sexuality, human rights, multiculturalism and interculturalism, responsible parenthood and reproductive health.

202. Currently, the health districts are engaged in various activities in response to the Charter Agreement and the National Plan for the Prevention of Pregnancies in Adolescents and Young Women in Guatemala, focusing on indicators associated with the following actions:

- Strengthening the technical skills that staff of the municipal health districts require to implement the Comprehensive Sexuality Education strategy and the Quality Standards for Comprehensive and Differentiated Care for Adolescents, and thus ensure that standards of care for this population group are maintained and that health services are delivered with a gender-sensitive and intercultural approach
- Promoting and providing education on the prevention of teenage pregnancy through teen- and youth-friendly forums, working in coordination with local leaders who can provide direct support for young people in their search for health-care services
- Promoting and raising awareness of issues related to Comprehensive Sexuality Education through strategic alliances forged to support the strategy's implementation at the departmental level
- Providing organizational, coordinated support and input for the Biministerial Expert Committee on Health through the intermediary of the Health Department Team, in compliance with the Inter-Agency Cooperation Agreement with departmental education authorities
- Working, through the Adolescent and Youth Programme and the Comprehensive Sexuality Education strategy, to ensure respect for the sexual and reproductive rights of children, adolescents and young people

203. The Guatemalan Social Security Institute has reported that, nationwide, it provided maternity care services to 8,959 of its members and their beneficiaries, wives or partners in 2018 and 5,339 in 2019 (see table LV).

204. The Guatemalan Social Security Institute also provides the following services:

- Family planning
- Prenatal, perinatal, childbirth and post-natal care
- Multidisciplinary post-abortion management
- Support for pregnant teenage workers, wives and partners of members
- Early detection and timely care of cervical and breast cancer
- Support during menopause and climacteric period
- Prevention of sexually transmitted infections

- Early detection and timely care of prostate disease and prostate cancer
- Prevention and treatment of child abuse and domestic violence

205. The Guatemalan Social Security Institute aims to ensure the availability of contraceptives, and encourages their use among patients visiting its medical units. The contraceptive methods offered are selected according to the nature of the consultation and the patient's state of health. The Institute reports that, in 2018, it provided contraceptives to a total of 16,998 new users and 17,612 repeat users, and, in the year to September 2019, it had distributed contraceptives to 11,177 new users and 13,730 repeat users (see table LVI).

### **Access to education and budget allocation (art. 13)**

206. Teacher training programmes are run at all levels of the school system. Their focus is on developing teaching skills and competencies with a view to improving the teaching of reading, writing and mathematics. All training programmes have been designed in line with pedagogical guidelines defined in the basic national curriculum. The overall aim is to provide quality, context-sensitive and relevant education.

207. With regard to improving teachers' salaries, in application of the Collective Agreement on Working Conditions concluded with the unions, the Ministry of Education increased the nominal wage in force by 10 per cent in 2019 and a 5 per cent increase in the nominal wage is planned in 2020.

208. Initiatives aimed at strengthening values and attitudes among teaching and administrative staff have included the "Change is in me" and "I Decide" programmes, which have been running since 2017, as well as efforts to streamline administrative procedures.

209. The Directorate General for Quality Monitoring and Verification engages in monitoring activities through which changes in educational quality indicators can be gauged. The National Education Support System was launched in 2018 and, by September 2019, was providing services in 68 priority municipalities in 9 of the country's departments. A total of 419 posts have been created, comprising 89 district coordinators, 214 educational advisers and 116 administrative advisers. The holders of these posts are tasked with guaranteeing that the programmes and projects developed are actually implemented in schools and that the pedagogical support provided to teachers actually serves to improve quality.

210. From 2016 to 2019, the Directorate of Education Planning undertook various school infrastructure improvement projects, including 730 building renovations paid for through cash transfers to parents' associations funded from external sources (the Inter-American Development Bank and KfW banking group) and 113 renovations funded from national sources. In addition, a technology institute is being built in the municipality of Amatitlán, Guatemala, and is due to be completed in 2020; 21 feasibility studies for investment in National Cultural Heritage Schools and 2 feasibility studies for investment in the construction of two secondary schools in the department of Escuintla have been carried out; and 337 prefabricated mobile classrooms have been acquired.

211. The Directorate General of Educational Assessment and Research conducts nationwide student assessments. From 2015 to 2018, its assessments covered only those students who completed their education. The results of the assessments for mathematics, urban reading proficiency and rural reading proficiency are shown in table LVII.

212. A steady improvement was evident from 2015 to 2018, with an increase in reading proficiency from 18.75 per cent to 27.31 per cent in rural areas and an increase of 8 per cent in urban areas.

213. Since 2017, using the Programme for International Student Assessment for Development (PISA-D) test system, the Guatemalan education authorities have been conducting an initial assessment of the difference in learning between rural and urban areas. This assessment represents a step forward as previously there had been no way of measuring the difference in learning between urban and rural areas. The PISA-D tests

provide a ready-made system that can be used to monitor changes over time, with each assessment. The next assessment will take place in 2021.<sup>16</sup>

214. Schools in rural areas have an average test score of 4.1 while schools in urban areas have an average score of 5.2. For their teaching materials, rural institutions have an average score of 3.6 and urban schools have a score of 4.6.

215. With a view to ensuring educational quality, the Directorate General for Accreditation and Certification runs an accreditation and certification programme through which it aims to nurture a cycle of systematization, organization, implementation, evaluation and continuous improvement in school management that has an impact on student learning and on the implementation of the basic national curriculum.

216. From 2015 to 2019, the Directorate General awarded 3,786 certifications for educational facilities, technical and vocational training centres and educators at all levels and in all areas of the national education system; educational texts and materials issued by the Ministry of Education; and educational programmes and projects implemented by non-governmental organizations that have an impact on the content of the curriculum.

217. Another strategy deployed by the Directorate General for Accreditation and Certification in the quest for quality is the use of institutional education plans, through which individual educational institutions receive help with the development of a strategic planning system that serves as a pedagogical tool for organizing and strengthening educational processes and helps them to improve these processes. From 2015 to 2019, 1,881 institutional education plans were approved. This strategy also supports the achievement of the departmental goals that are set during the induction workshops organized for educational institutions looking to develop an institutional education plan. The workshops are led by staff of the departmental directorates of education who have received prior training. As part of the process of continuous improvement, the relevant handbooks were updated in 2018.

218. Since 2015, the Directorate General for Accreditation and Certification has been implementing the regulations for private educational centres introduced by Government Order No. 52-2015. To support implementation, a guide for applying procedures and filling out forms was prepared, and a computer system was designed and built that makes the process of reviewing and approving applications pursuant to the regulations more flexible, transparent and objective. The staff of the 25 departmental directorates of education have received training in how to apply the regulations. Since 2016, a proposal to update the Order has been drawn up, a temporary committee of experts has been established in the Congress to drive the change, and guidelines for the closure of educational centres, in accordance with the regulations, have been drafted.

219. In 2015, an educational records system was created pursuant to Ministerial Agreement No. 1258-2015 to automate the compilation of educational records. The records include the final results of each school year, making it possible to track the academic progress made by students at all education levels. The data contained in the system constitute official data for consultation purposes, and can be used to generate certificates, records and diplomas with security features (i.e. bar codes and QR codes) through which their authenticity can be verified online.

220. Educational institutions have been assigned computer codes and degree and diploma certificates are printed with security features that attest to the validity of the students' studies. A total of 669,658 diplomas were printed from 2015 to 2018 and the digitalization process was automated to improve processing at the level of the departmental directorates of education, resulting in the update of the relevant computer systems. Every year, the staff in charge receive training and the guidelines for issuing degrees and diplomas are updated. Alliances have been formed with the Comptroller General's Office, the Office of the Superintendent of the Tax Administration and various universities. In 2015, 731 primary-level teachers were certified as pre-primary education teachers, increasing the availability and quality of education at this level.

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<sup>16</sup> <http://www.mineduc.gob.gt/digeduca/documents/pisa/InformePISADGuatemala.pdf>.

### **School dropout (arts. 13 and 14)**

221. The Ministry of Education's National Strategy for a Successful Transition is designed to prevent school dropout by focusing attention on the transition from primary to secondary school and providing school heads with guidance and lists of students at risk of dropping out that significantly increase the likelihood of a successful transition. The information helps those involved to make the right decisions, ensuring that any action taken has a low cost and verifiable results. The guide for school heads has been enriched with input from teachers.

222. Under the Ministry of Social Development's Social Subsidies Programme, conditional cash transfers are awarded to young people between the ages of 11 and 24 years old who are in situations of poverty and extreme poverty and are studying at the secondary level in a public or private educational institution accredited by the Ministry of Education in order to ensure that they stay in school and continue and complete their studies. Recipients must have an attendance rate of at least 80 per cent and must meet the requirements to move up to the next grade each school year. The programme is being implemented in 22 departments and 319 municipalities, and has so far benefited 44,237 students, of whom 42 per cent are indigenous and 92 per cent live in rural areas.

223. Similarly, through its Young Leaders Social Programme, the Ministry of Social Development helps to build knowledge, skills and abilities by creating alternative forums for voluntary participation in recreational workshops and training programmes run by governmental and non-governmental organizations. These workshops and programmes give young people who are in situations of vulnerability and at social risk due to their poverty or extreme poverty a forum through which to fight against their situation, develop themselves and ultimately improve their quality of life. As at September 2019, 3,700 young persons in 89 municipalities, 16 departments and 128 schools had received assistance through either standard or extraordinary measures.

224. In connection with the school dropout rate, the Directorate of Educational Planning reports that, since 2017, in a joint initiative of the main departments at the central government level and the departmental directorates of education, it has been working with the World Bank to implement a strategy for ensuring pupils' successful transition from the sixth year of primary school to the first year of lower secondary school in all accredited primary schools. In the first year of the strategy's implementation, teachers and principals at 3,000 schools received training, in which they were encouraged to focus on students identified as being at risk of dropping out. In 2019, a total of 7,021 institutions received assistance under the strategy, joining forces with the national school monitoring system.

225. By Ministerial Agreement No. 3852-2017, the Ministry of Education created the National Alternative Education Programme – a continuing, flexible and comprehensive programme that facilitates access to the educational system for all persons of 13 years of age or older. Participants can begin or complete their primary or secondary education on flexible terms through courses delivered partly on site and partly online or entirely remotely. Ministerial Agreement No. 3568-2018 created the Information and Registration System for Non-Formal Education, which provides a central repository for information on extracurricular education programmes with a view to increasing efficiency.

### **Intercultural bilingual education (arts. 13 and 14)**

226. The Subdirectorate of Linguistic Policies of the Ministry of Education's Directorate General of Bilingual and Intercultural Education runs teacher training courses on linguistic and pedagogical skills in 22 Mayan languages and in Xinka, having conducted a sociolinguistic and cultural survey in 10,172 pre-primary and primary schools in the country's departments to identify the types and levels of bilingualism in schools and their community. The Subdirectorate provides for a bilingualism allowance to be awarded to teachers who implement the intercultural bilingual education programme in the classroom, based on Ministerial Agreement No. 374-2019 of 5 February 2019, which includes new guidelines for the allocation of the bilingualism allowance.

227. At present, training programmes are being run, and encouraged, for teachers at the lower secondary level who need to develop the linguistic, cultural and pedagogical skills

necessary for the use of Kaqchikel, K'iche', Mam, Q'anjob'al, Poqomchi', Q'eqchi' and Tz'utujil as second languages under the language and communication subcomponent of the basic national curriculum and the adapted curriculum for indigenous peoples.

228. Workshops have been held in coordination with the departmental directorates of education of Guatemala North and Guatemala West, Sacatepéquez, Chimaltenango, Escuintla, Quetzaltenango, Totonicapán, Quiche, Sololá, Retalhuleu, Huehuetenango, San Marcos, Alta Verapaz, Baja Verapaz, Petén, Izabal and Suchitepéquez.

229. In addition, 2,648 pre-primary teachers and 7,524 primary teachers have received training on linguistic, cultural and methodological skills for the use of Xinka as a second language organized in conjunction with the departmental directorates of education, the Xinka People's Council, the El Recuerdo Cooperative and the Organization of Ibero-American States for Education, Science and Culture (see table LVIII).

230. The subdirectorates of the Directorate General of Bilingual and Intercultural Education that is responsible for the adapted curriculum for indigenous peoples has printed 27,600 methodological guides and posters to support development of the skills needed to teach the adapted curriculum for the Maya, Xinka and Garifuna communities at the pre-primary and primary education levels.

231. A total of 54,684 teachers attached to the departmental directorates of education have attended training workshops on the adapted curriculum for indigenous peoples and follow-up training workshops on methodological innovation have been held for 60,120 teachers within the national education system. These workshops have been attended by teachers at the pre-primary, primary, lower secondary and upper secondary education levels and context-specific first-grade primers have been printed in various Mayan languages including Mam, K'iche', Kaqchikel, Q'eqchi', Tz'utujil, Q'anjob'al and Ixil (see table LIX).

232. The Subdirectorates of Linguistic Policies of the Ministry of Education's Directorate General of Bilingual and Intercultural Education has been working with the Faculty of Humanities and University Centres of San Carlos University of Guatemala to adjust the initial teaching training programmes for the higher levels of education in order to equip future teachers with the skills that will enable them to deliver a high-quality, culturally relevant education to Guatemalan children and youth. These courses are scheduled to begin in November 2021. The initial teacher training programme run by the Subdirectorates of Intercultural Bilingual Education is already tailored to the needs of students training to be teachers in intercultural bilingual primary education (see table LX).

233. In the area of early childhood services, the Intercultural Bilingual Pre-primary Education Programme is run in educational institutions identified by the code 41, most of which operate as annexes to intercultural bilingual primary schools. The number of schools offering intercultural bilingual pre-primary education rose from 3,622 in 2015 to 3,774 in 2018 and the number of children registered in the programme rose from 81,154 (41,344 boys and 39,810 girls) in 2015 to 101,751 (182,623 boys and 176,965 girls) in 2019 (see table LXI).

234. There has been a similar increase in the number of young persons and adults in formal education, up from 66,311 in 2015 to 67,675 in 2018 (see table LXII).

#### **Access to the Internet**

235. According to the findings of the XII national population census and the 2018 VII housing census, 565,270 of the 3,275,931 households surveyed had Internet access.

236. Since 2016, the Ministry of Education has been leading a drive to establish Technological Centres for Learning that will serve as centres for information and education. The drive has been guided by coverage, quality and equality concerns and is part of a 360-degree strategy aimed at extending Internet services to the country's 340 municipalities, so benefiting the entire Guatemalan population in an equal and culturally relevant manner. Connectivity has been steadily improved using content delivery mechanisms, so creating the conditions necessary for teaching through the Internet. The plan is for these mechanisms to be connected to the Internet and thus to encourage a process of ongoing improvement.

237. In 2019, applying the strategy for the redesign of the basic national curriculum for secondary schools, the Ministry of Education's Directorate General for the Curriculum designed and rolled out a new curricular framework for Learning and Communication Technologies. To support this process, new teaching methodology handbooks were compiled that focus on the use of information and communication technologies as a means of developing key skills and knowledge in secondary school students from the four indigenous communities at the national level.

238. The approval and implementation of Ministerial Agreement No. 3211-2018 guaranteed access to State sector educational institutions without charge, besides providing cover for the cost of basic services such as electricity, telephone and Internet, amongst others.

### **Right to participate in cultural life (art. 15)**

239. In 2018, the Ministry of Culture and Sport's Department for the Registration of Cultural Property provided support for the export of national handicrafts and manufactured goods and issued 488 acts of ownership to facilitate the processing of 10,870 articles. It also registered 3,468 items of movable and immovable cultural property from the pre-Hispanic, pre-Hispanic and Republican, and Hispanic and Republican periods, as well as ecclesiastical property from the Hispanic and Republican periods, which are part of the cultural heritage of Guatemala.

240. In addition, 901 certificates of cultural property were issued for movable and immovable cultural property from the pre-Hispanic, Hispanic and Republican periods.

241. In the same year, with a view to promoting the richness of cultural expressions, festivals showcasing the songs of the Xinca, Poqomchi, K'iche and Mopan peoples in which 1,600 children and young people were involved were held in Jalapa, Tac Tic in Alta Verpaz, San Pablo Jocopilas in Suchitepéquez, and San Luis in Petén.

242. In 2018, more than 1,100 permanent recreational centres were established nationwide thanks to the efforts of 353 departmental and municipal sports and recreational promoters, encouraging the practice of activities beneficial to the physical, mental and emotional health of children, young people, women and older persons.

243. A total of 2,312,192 people have used the free facilities available at the Erick Barrondo, Campo Marte, Campos del Roosevelt and Gerona sports and recreational centres.

244. To contribute to the psychomotor and overall development of children and to strengthen their cognitive development, sense of teamwork and human values, inter alia, the Ministry of Culture and Sports has provided services to 15,952 children living with HIV through its permanent childcare centres and has assisted 11,658 young persons nationwide through its Youth Programme.

### **Other recommendations**

245. In the name of the State of Guatemala and within the framework of endeavours to comply with international human rights responsibilities, the Presidential Commission for the Coordination of Human Rights Policy has established a mechanism tasked with publicizing the recommendations and commitments arising from the universal and Inter-American systems and monitoring the actions taken by the State to fulfil them.

246. Acting in the name of the State of Guatemala, the Presidential Commission has joined the technical cooperation programme for the implementation of a system for monitoring international human rights recommendations and has thus adopted the system for monitoring human rights recommendations (SIMORE) developed by the State of Paraguay, which has provided technical assistance to State officials in how to use this system.

247. The Guatemalan system for monitoring the recommendations of the international human rights protection system, known as SIMOREG, was established with financial support from the German Agency for International Cooperation in Guatemala and technical support from OHCHR. It will be coordinated and supervised by the Presidential Commission for the Coordination of Human Rights Policy.

248. In order to fulfil its responsibilities to the various human rights protection mechanisms, the State of Guatemala organized a national round of presentations to raise awareness of SIMOREG and the recommendations issued as a result of its third universal periodic review. It conducted a total of 15 visits in 2019, the aim being to increase civil society engagement at the national level in efforts to monitor the State's compliance with the recommendations.

249. The awareness-raising exercise took place over the course of two working days, with (i) 35 persons from civil society organizations and (ii) 35 public officials from government institutions in attendance.

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