



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined eighteenth to twentieth periodic reports  
submitted by Guatemala under article 9 of the  
Convention, due in 2022<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 21 February 2022]

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

\*\* The annexes to the present report are available on the Committee's web page.



## I. Introduction

1. In accordance with the International Convention on the Elimination of all Forms of Discrimination, which it seeks to implement in all areas, Guatemala recognizes that discrimination and racial discrimination are practices that continue to exist globally and that primarily affect indigenous or aboriginal peoples and persons of African descent.
2. In accordance with the recommendation made by the Committee on the Elimination of Racial Discrimination in its previous concluding observations ([CERD/C/GTM/CO/16-17](#)), the State of Guatemala hereby submits its combined eighteenth to twentieth periodic reports. The report addresses all the issues raised in the concluding observations on the sixteenth and seventeenth periodic reports of Guatemala.
3. In line with the international commitments of Guatemala, this report has been prepared on the basis of cooperation with the public institutions for the collection of the necessary information. The inter-institutional coordinating committee for the preparation and submission to universal and regional human rights monitoring bodies of State reports on indigenous peoples' rights, the struggle against racial discrimination and the International Decade for People of African Descent, coordinated by the Presidential Commission on Discrimination and Racism against Indigenous Peoples, provides added value in the implementation of article 9 of the Convention.
4. This report covers the period from 2017 to 2021. It should be noted that the information provided in the report submitted in response to paragraph 47 of the last concluding observations, in which the Committee requested the State party to provide information on the implementation of the recommendations contained in paragraphs 10 (legislation) and 16 (a), (c) and (d) (armed conflict and the Peace Agreements), will be cited only as a reference.
5. Guatemala was not spared from the effects of the coronavirus disease (COVID-19) pandemic, which has claimed lives indiscriminately, leaving families and entire societies in mourning. More than 2 million lives have been lost to date, as reported by António Guterres, Secretary-General of the United Nations. This has prompted States to take all necessary measures to protect their populations.
6. Guatemala salutes the efforts of all States in the fight against the COVID-19 pandemic. It also welcomes international support in the form of vaccine donations, which shows that cooperation among countries is essential in the fight against this pandemic.

## II. Information on the issues raised in the concluding observations ([CERD/C/GTM/CO/16-17](#)) concerning the implementation of articles 1 to 7 of the Convention

7. Guatemala is an ethnically diverse and multilingual country. The country's large indigenous population is of interest to the international community and specialized agencies. The existence and fundamental rights of indigenous peoples must be recognized. According to the 2018 population and housing census, there were 6,491,199 indigenous persons and 27,647 persons of African descent in Guatemala, representing 43.60 and 0.18 per cent of the total population, respectively.
8. As required under article 1 of the Convention, Guatemala continues to take the necessary measures to combat discrimination, which is defined as an offence in article 202 bis of the Criminal Code.

## Statistical data

9. Since the publication in 2008 of the National Institute of Statistics manual on mainstreaming gender and ethnic perspectives,<sup>1</sup> aimed at the systematic creation of strategies and proposals for legislation, policies and programmes<sup>2</sup> in all areas and at all levels, Guatemala has systematically collected and maintained data incorporating the ethnic variable.<sup>3</sup>

10. Self-identification is a source of data with universal coverage that makes it possible to identify and draw attention to indigenous populations and to disaggregate data geographically by territorial level, thus facilitating inclusive sociodemographic analysis as part of national policies.

11. The Institute, which is responsible for designing and implementing the National Statistics Policy for the collection, production, analysis and dissemination of reliable, timely, transparent and effective statistics, has undertaken various actions with a view to ensuring the availability of data on different variables to support government institutions in developing measures to promote human rights.<sup>4</sup>

12. The twelfth national population census and the seventh national housing census were conducted in 2018 to collect information at the national level, disaggregated by sex, age, education, ethnic origin, access to services, housing and household composition, among other variables.<sup>5</sup>

13. During the dialogues and round-table discussions organized prior to the censuses,<sup>6</sup> the need emerged to include in the census methodology a gender perspective and the possibility for respondents to self-identify according to the people and linguistic community to which they belonged.<sup>7</sup> As a result, the Government of Guatemala now has population data disaggregated by ethnicity, on which the National Institute of Statistics continues to work, which can be used to make future projections.

14. According to estimates and projections of the National Institute of Statistics, the population of Guatemala increased by 1,022,328 inhabitants between 2017 and 2021 (see annex 1).

<sup>1</sup> <https://www.ilo.org/public/spanish/bureau/gender/newsite2002/about/defin.htm> (accessed on 28 September 2021).

<sup>2</sup> Manual for the Mainstreaming of an Equitable Human Rights Approach. Presidential Commission for the Coordination of Human Rights Policy.

<sup>3</sup> <https://www.ine.gob.gt/ine/genero-y-pueblos/> (accessed on 29 September 2021).

<sup>4</sup> <https://www.ine.gob.gt/ine/portal-estadistico-1-0/> (accessed on 20 September 2021).

<sup>5</sup> <https://www.censopoblacion.gt/explorador> (accessed on 23 September 2021).

<sup>6</sup> The following State institutions, international cooperation agencies and civil society organizations participated: the Planning and Programming Secretariat of the Office of the President, the National Institute of Statistics, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Ministry of Economic Affairs, the Ministry of Labour and Social Security, the Ministry of Social Development, the Ministry of Culture and Sports, the Ministry of Agriculture, Livestock and Food, the Ministry of the Interior, the Ministry of Education, the Academy of Mayan Languages of Guatemala, the Office of the Ombudsman for Indigenous Women's Rights, Rafael Landivar University, Tz'ununiya' (a non-governmental organization supporting indigenous women), Consejo Coordinador del Pueblo Xinka (Coordinating Council of the Xinka People of Guatemala), Organización Negra Guatemalteca (Black Guatemalans' Organization), Asociación Política de Mujeres Mayas MOLOJ (Political Association of Mayan Women), Coordinación y Convergencia Nacional Maya Waqib' Kej (Maya Waqib' Kej Platform for Coordination and Convergence), the Economic and Social Council of Guatemala, Grupo de Análisis Estratégico para el Desarrollo (Strategic Analysis for Development Group), Alianza Nacional de Organizaciones de Mujeres Indígenas por la Salud Reproductiva, la Nutrición y la Educación (National Alliance of Indigenous Women's Organizations supporting Reproductive Health, Nutrition and Education) and United Nations agencies. This process was supported by the Latin American and Caribbean Demographic Centre.

<sup>7</sup> Committee on the Elimination of Racial Discrimination, [CERD/C/GTM/FCO/16-17](https://www.unhcr.org/refugees/cerd/c/gtm/fco/16-17), 6 November 2020.

15. In 2017, the Guatemalan population comprised 7,925,506 males and 8,161,912 females. By 2021, it was estimated that there were 8,419,722 males and 8,690,024 females. This represents a population growth of 494,216 males and 528,112 females.

16. In the demographic context, indicators on the structure of the population by ethnic origin and by age were presented for the first time in 2018, based on the census population of 14,901,286 persons, which represents 91.15 per cent of the total population.<sup>8</sup>

17. In 2018, Guatemala introduced relevant indicators concerning estimated and projected annual population growth, which also take into account the international migration rate of Guatemalans. These indicators provide more realistic data that can contribute to the implementation of measures to ensure respect for human rights.<sup>9</sup>

18. In order to organize and maintain a civil registry of Guatemalan nationals within an accurate and reliable legal framework, the National Registry Office has collected information in three ways:

(a) Data capture for the obtention and issuance of personal identification documents, via the biometric and biographic data capture system (SICABI)

(b) Registration of events and acts related to civil status through the civil registration system (SIRECI)

(c) Simplified registration of civil status events using an automated data processing system, enabling the establishment of a single register for the identification of all natural persons; a total of 2,762,953 persons were registered between 2017 and 2021.<sup>10</sup>

19. The personal identification document is the only official public, personal and non-transferable document. All Guatemalans and foreign nationals resident in Guatemala who are over 18 years of age and registered with the National Registry Office have the right and obligation to request this document. It is the only valid document for all civil, administrative and legal acts and for cases in which a person is required by law to identify him or herself. It is also required to exercise the right to vote.

20. As of June 2021, 6,464,220 personal identification documents had been issued.<sup>11</sup>

## **Legislation**

21. Various legislative proposals have been introduced with a view to protecting and promoting the rights of indigenous peoples and abolishing discrimination and racism. The adoption of these bills requires the participation of all citizens in the transformation of mentalities, attitudes and behaviours as well as the political will of the State agencies that, by law, are directly involved in drafting and adopting these bills. The various bills are annexed to the report.<sup>12</sup>

22. The most recent bill is No. 5494 of November 2018, which seeks to establish a new Criminal Code.

## **Institutional measures**

23. In the framework of institutional evaluations, various measures have been taken by the institutions created to promote and protect the rights of indigenous peoples and combat discrimination and racism.

24. In 2017, the Presidential Commission on Discrimination and Racism against Indigenous Peoples held six meetings with representatives of indigenous peoples, in line with the institution's coverage, and interviews with former Commission members and senior

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<sup>8</sup> Annex 2.

<sup>9</sup> Annex 3.

<sup>10</sup> Annex 4.

<sup>11</sup> Annex 5.

<sup>12</sup> Annex 6.

officials working in international cooperation to gather their opinions, comments and criticisms of the work carried out by the Commission since 2002. This evaluation made it possible to identify the challenges that the Commission needs to overcome.<sup>13</sup>

25. Since 2017, the Office of the Ombudsman for Indigenous Women's Rights has promoted the participation of indigenous women's organizations in dialogue, the road map for the rights of indigenous women and the coordinated agenda, in the context of which progress has been made and the following challenges remain:

- Promoting the organization of dialogues and meetings of indigenous women's organizations
- Establishing strategic partnerships based on the coordinated agenda of Mayan, Garifuna and Xinka women and the specific rights of indigenous women
- Improving the handling of cases of violence through qualitative actions and reorienting strategic actions to increase their impact on public policies

26. As part of efforts to eradicate all forms of violence and discrimination against indigenous women, the Office of the Ombudsman for Indigenous Women's Rights increased service coverage in 2020 by launching a four-digit hotline<sup>14</sup> (1529), which provides 24-hour service in the Kaqchikel, K'iche', Mam and Q'eqchi' languages. It provides culturally relevant psychological and legal support and comprehensive attention to women victims of human rights violations. The Izabal regional office also caters to women of African descent and Garifuna women.

27. Since 2021, in accordance with its institutional mandate, which includes strategic, political and operational functions, the Office of the Ombudsman for Indigenous Women's Rights has been part of the I'x Kem Comprehensive Support Model for Women Victims of Violence, in coordination with the Public Prosecution Service and specialized courts. Through inter-institutional coordination, this system allows for the provision of immediate and comprehensive attention to ensure a differentiated and efficient response to women victims of violence, avoiding secondary victimization and improving criminal investigation mechanisms.<sup>15</sup>

28. The Strategic Institutional Plan of the Office of the Ombudsman for Indigenous Women's Rights establishes four target outcomes for the provision of better support for women victims of violence:

(a) By 2021, 10 per cent of indigenous women have access to basic health services, education and work, based on the principles of cultural relevance and gender equity, in accordance with pillars 1, 2 and 3 of the coordinated agenda of Mayan, Garifuna and Xinka women<sup>16</sup>

(b) By 2021, 25 per cent of indigenous women participate in the activities of the Office of the Ombudsman for Indigenous Women's Rights and are involved in the formulation and implementation of public policies, based on the principles of cultural relevance and gender equity, in accordance with pillar 5 of the coordinated agenda of Mayan, Garifuna and Xinka women

(c) By 2021, with the support of the Office of the Ombudsman for Indigenous Women's Rights, 10 per cent of indigenous women have access to justice, based on the principles of cultural relevance and gender equity, in accordance with pillar 6 of the coordinated agenda of Mayan, Garifuna and Xinka women

<sup>13</sup> Means of verification No. 1.

<sup>14</sup> Currently, the free call agreement is in place only with the telephone company TIGO Guatemala.

<sup>15</sup> <https://www.mp.gob.gt/noticia/fiscal-general-y-jefe-del-ministerio-publico-dra-maria-consuelo-porras-inauguro-el-modelo-de-atencion-integral-para-las-mujeres-victimas-de-violencia-maimi/> (accessed on 6 October 2021).

<sup>16</sup> [https://www.demi.gob.gt/informacion\\_publica/articulo10/2017/10.29/mayo/02%20Agenda%20Articulada%20de%20la%20Mujeres%20Mayas,%20Gar%20C3%ADfunas%20y%20Xinkas.pdf](https://www.demi.gob.gt/informacion_publica/articulo10/2017/10.29/mayo/02%20Agenda%20Articulada%20de%20la%20Mujeres%20Mayas,%20Gar%20C3%ADfunas%20y%20Xinkas.pdf) (accessed on 8 October 2021).

(d) By 2021, the number of indigenous women receiving prevention services and social and psychological legal assistance aimed at eradicating all forms of violence and discrimination against them has increased by 7.45 per cent, in accordance with pillar 7 of the coordinated agenda of Mayan, Garifuna and Xinka women.

29. Through these initiatives, which make available information on self-identification from administrative and electronic records,<sup>17</sup> the Office of the Ombudsman for Indigenous Women's Rights has provided assistance to women based on the people and linguistic community to which they belong.<sup>18</sup>

30. The Ministry of Finance takes internal measures to provide more inclusive services to the public and to eliminate discrimination and racism within its organizational culture.

31. In the context of the general State budget, the Ministry of Finance provides relevant information regarding the amount allocated for the period from 2017 to 2021 to the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Public Prosecution Service, the Office of the Ombudsman for Indigenous Women's Rights, the judiciary, the Indigenous Development Fund of Guatemala, the Guatemalan Academy of Mayan Languages and the Office of the Counsel for Human Rights.<sup>19</sup>

32. One of the main challenges faced by the Office of the Ombudsman for Indigenous Women's Rights is the budget allocated to it, which has stood at 19 million quetzales (Q) (approximately US\$ 2.5 million) per year since 2017.

33. The Office of the Ombudsman for Indigenous Women's Rights has an inclusive and non-discriminatory hiring policy. It had 84 staff members in 2017, 83 in 2018 and 2019, 85 in 2020 and 84 in 2021.<sup>20</sup>

34. Following the publication in 2020 of the manual for processing basic variables related to the characteristics of people in court records, work is under way on the production of statistics on persons who have had access to culturally relevant services in the justice sector at the national level.

35. In 2021, the Secretariat of Indigenous Peoples of the judiciary launched a tool for the registration of participants that allows them to self-identify by people and linguistic community; it is expected that reliable statistics will be available in 2022. The Secretariat also introduced the judiciary's Policy on Access to Justice for Indigenous Peoples, which seeks to guarantee access to justice services for the indigenous population, in line with the principles established in national and international legal instruments and based on the criteria of geographic coverage, linguistic and cultural identity, recognition, coordination and participation of indigenous peoples.<sup>21</sup>

36. As of 2021, the Public Prosecution Service has 4,783 staff members nationwide. It does not currently have disaggregated data based on the people or linguistic community to which they belong. The collection of such data is a challenge that remains pending.

37. The Coordinator of the Integrated Computer System of the Public Prosecution Service reports that the number of complaints of discrimination received was as follows: 331 in 2017, 409 in 2018, 352 in 2019, 301 in 2020 and 172 between January and June 2021. These are in addition to a further 1,365 complaints, making a total of 2,930 complaints received for the crime of discrimination.

38. The Prosecution Unit for Discrimination Offences reported that the number of complaints dismissed was as follows: 300 in 2017, 262 in 2018, 303 in 2019, 325 in 2020 and 198 in 2021. These are in addition to a further 522 complaints, making a total of 1,910 dismissed complaints for the crime of discrimination.

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<sup>17</sup> Means of verification No. 2.

<sup>18</sup> Annex 7.

<sup>19</sup> Annex 8.

<sup>20</sup> Annex 9.

<sup>21</sup> Judiciary's Policy on Access to Justice for Indigenous Peoples, p. 10, para. 1.

39. The judiciary reports that, as at June 2021, according to court management system records,<sup>22</sup> 98 complaints of discrimination have been registered and there has been one acquittal, in accordance with article 202 bis of the Criminal Code.

40. In both 2017 and 2018 final judgments were handed down in respect of two discrimination complaints.

41. As part of institutional strengthening efforts, the Personnel Development Department of the Public Prosecution Service has made available statistical information on its public servants through the “My profile” tab on the Service’s administrative IT platform.<sup>23</sup>

42. Furthermore, the establishment in 2019 of the Prosecutor’s Offices for Offences against Journalists, Justice Officials and Trade Unionists, pursuant to decisions Nos. 68, 69 and 70 of the Attorney General and Head of the Public Prosecution Service and in implementation of the Service’s Strategic Plan 2018–2023, has strengthened the Office of the Special Prosecutor for Human Rights.

43. In November 2020, as part of steps taken in response to the COVID-19 pandemic, the Public Prosecution Service launched the “Yo Denuncio” (I lodge a complaint)<sup>24</sup> digital platform through the Information System of the Public Prosecution Service. This tool supports access to justice by allowing individuals to report a crime 24 hours a day, 365 days a year. The platform is available on any smart device<sup>25</sup> and also allows users to:

- Consult the status of their complaints
- Request certifications from the National Registry of Sex Offenders
- File requests for public information
- Report lost documents
- Find their nearest office by geolocalization
- Lodge complaints and reports, among other services

44. The Indigenous Development Fund of Guatemala, as the leading government institution responsible for advising on and promoting the comprehensive development of indigenous peoples in keeping with their world view, has a budget line in the State budget. As part of institutional strengthening efforts, the Fund has staff members who belong to different cultural groups.<sup>26</sup>

45. Through its various programmes, the Fund has achieved the following results:

- (a) Training programme on the full exercise of rights
- In 2017, 395 people were trained (195 men and 200 women): 281 Kaqchikel, 86 K’iche’ and 28 Q’eqchi’
  - In 2018, 575 people were trained (300 men and 329 women): 337 Kaqchikel, 68 K’iche’ and 170 Q’eqchi’
  - In 2019, 3,875 people were trained (1,151 men and 2,724 women): 1,450 Kaqchikel, 1,701 K’iche’, 260 Tz’utujil, 248 Mam, 116 Q’eqchi’ and 100 Garifuna
  - In 2020, 2,212 people were trained (746 men and 1,466 women): 507 Xinka, 481 Poqomchi’, 236 Pocomam, 281 Kaqchikel, 180 Garifuna, 180 Achi’, 157 Mam, 140 K’iche’ and 50 Q’eqchi’

<sup>22</sup> <http://sgtpaz.oj.gob.gt/> (accessed on 8 October 2021).

<sup>23</sup> <https://consultasmp.mp.gob.gt/servicios/#/login> (accessed on 20 November 2021).

<sup>24</sup> <https://consultasmp.mp.gob.gt/yoDenuncio/index.html> (accessed on 10 October 2021).

<sup>25</sup> <https://consultasmp.mp.gob.gt/yoDenuncio/index.html>.

<sup>26</sup> Annex 10.

- (b) Programme for beneficiaries of inputs for development
- In 2017, 192 men and 6,561 women benefited from this programme: 90 Achi, 360 Ixil, 2,210 Kaqchikel, 1,094 K'iche', 903 Mam, 274 Poqomchi', 1,116 Q'eqchi', and 706 Tz'utujil
  - In 2018, 31 men and 353 women benefited from this programme: 133 Kaqchikel, 103 K'iche', 90 Mam, 32 Pocomam and 26 Q'eqchi'
  - In 2019, 1,038 men and 3,484 women benefited from this programme: 1,846 Kaqchikel, 814 Mam, 688 K'iche', 501 Xinka, 193 Sipakapense, 177 Q'eqchi', 127 Tz'utujil, 51 Pocomam, 50 Ixil, 45 Achi' and 30 Poqomchi'
  - In 2020, 1,800 men and 4,886 women benefited from this programme: 2,324 were Kaqchikel, 1,900 Q'eqchi', 889 K'iche', 400 Poqomchi', 375 Tz'utujil, 294 Mam, 251 Achi', 74 Pocomam, 40 Q'aaanjob'al, 35 Awakateka, 33 Chuj, 33 Chalchiteka, 33 Akateka, and 5 Xinka
- (c) Educational technology resources programme
- In 2019, 7,708 girls and 8,285 boys from 79 public schools benefited from this programme: 6,228 Kaqchikel, 4,781 K'iche', 2,149 Mam, 803 Q'eqchi', 738 mestizo/Ladino, 524 Achi', 278 Tz'utujil, 231 Ixil, 151 Popti'/Jakalteka and 110 Pocomam

46. The information provided by the Indigenous Development Fund of Guatemala was collected from the registration forms of the beneficiaries of the various programmes.<sup>27</sup>

47. The Guatemalan Academy of Mayan Languages promotes the development of the Mayan languages of Guatemala through research, standardization, learning and dissemination of these languages. In order to achieve these objectives, it has an allocation from the State budget<sup>28</sup> and has 283 employees nationwide from different cultural backgrounds.<sup>29</sup>

48. Article 10 of the National Languages Act establishes that State entities and institutions must keep records and update and report data on the sociolinguistic identity of the users of their services in order to adapt the provision of such services.<sup>30</sup>

49. Consultancy services provided by the Guatemalan Academy of Mayan Languages include: (i) consultancy on linguistic and cultural matters; (ii) linguistic and cultural consultancy and technical assistance in training, linguistic research and translation processes; (iii) making spaces available on the Canal 5 TV Maya television station for the promotion and dissemination of audiovisual materials produced in the Garifuna language; and (iv) disseminating promotional materials through the Academy's digital media.

## Structural discrimination

50. In line with commitments in the framework of the Sustainable Development Goals and measures to prioritize the 2030 Agenda for Sustainable Development and implement the development priorities set out in the K'atun "Our Guatemala 2032" National Development Plan, the 2020–2024 General Government Policy takes account of development objectives and goals that include the advancement and development of indigenous peoples as part of governance and development security.

51. Section 4.3.2.4 of the General Government Policy,<sup>31</sup> on country solutions, goals, actions and indicators, establishes the need to implement strategies that allow for the social,

<sup>27</sup> Means of verification No. 3.

<sup>28</sup> Annex 11.

<sup>29</sup> Means of verification No. 4.

<sup>30</sup> Legislative Decree No. 10-2003.

<sup>31</sup> <https://vicepresidencia.gob.gt/politica-gobierno-2020-2024/Politica-General-de-Gobierno-2020-2024> (accessed on 25 October 2021).

economic and political inclusion of indigenous populations so that they can have autonomy and decision-making power on strategic issues for the country, as follows:

- Promote governance and social stability by substantially reducing exclusion, racism and discrimination. Increase the influence of indigenous peoples and their participation in the country's strategic decisions.
- Promote the right of indigenous peoples to a high level of autonomy in the management of their own affairs and to have their own organizations, hierarchical structure and decision-making processes with respect to economic and social development.
- Establish strategic policy frameworks that give indigenous peoples the authority to conduct their own affairs within the national legal and political system.
- Attend in a relevant and timely manner to the needs of indigenous peoples in the areas of education, health and community and productive development.
- Promote ancestral knowledge and practices in the education system for future generations.

52. As well as comprehensive anti-discrimination policies, the following policies are also of relevance:

- The national policy on midwives of the four peoples of Guatemala (Maya, Garifuna, Xinka and Ladino/mestizo) aims to improve maternal and neonatal health by strengthening the health system and ensuring respect for the cultural rights of indigenous peoples.<sup>32</sup>
- The State Policy for Coexistence and the Elimination of Racism and Racial Discrimination includes actions aimed at constructing a plural State by identifying and eliminating the mechanisms of racism and racial discrimination.<sup>33</sup>
- The national policy for the reparation of communities affected by the Chixoy hydroelectric project seeks to provide reparations and remedies for the human rights violations committed against the 33 affected communities.<sup>34</sup>

53. The national policy on indigenous peoples and intercultural affairs seeks to improve the living conditions of indigenous peoples, with full recognition and respect for their identity and their own ways of life, in the social, political, cultural and environmental spheres.<sup>35</sup> The policy is being developed by the Ministry of Culture and Sports, which must then issue a government order and formulate the corresponding action plan.

54. Regarding the right to self-identification, the Planning and Programming Secretariat of the Office of the President has the following staff members: 63 Maya, 1 Xinka, 1 Garifuna, 366 Ladino/mestizo and 1 of African descent.<sup>36</sup>

55. The Secretariat also offers scholarships in the framework of national and international cooperation, mainly focused on supporting students and professionals who wish to expand their academic horizons. Applicants for these scholarships must fill in an application form and provide general personal data and information variables.

56. These scholarships are awarded by the Scholarship and Educational Credit Administration Office, financed by the National Scholarship and Educational Loan Trust

<sup>32</sup> Lead agency for the policy: Ministry of Health and Social Welfare. Stakeholders mentioned in the policy: at the community level, leaders, midwives and health system personnel, and international cooperation agencies.

<sup>33</sup> Lead agency for the policy: Presidential Commission on Discrimination and Racism against Indigenous Peoples. Stakeholders: indigenous peoples and public institutions.

<sup>34</sup> Lead agency for the policy: Presidential Commission for Peace and Human Rights. Stakeholders: affected inhabitants of the 33 communities and public institutions.

<sup>35</sup> Lead agency for the policy: Ministry of Culture and Sports. Stakeholders: indigenous peoples and public institutions.

<sup>36</sup> Means of verification No. 5.

Fund, which was established under Government Order No. 446-2000 and Act No. 144-2000.<sup>37</sup>

57. The goals outlined in the K'atun 2032 National Development Plan and the 2030 Agenda for Sustainable Development have been integrated as parameters in the national development priorities and in poverty reduction and social protection efforts.

58. The institution responsible for social policy, which is managed on the basis of the institutional coordination mechanisms of the comprehensive social protection system, runs the following programmes for vulnerable population groups:

(a) Development Strategy No. 5 aims to have an additional 2,662,105 individuals covered by social programmes for people in situations of poverty and vulnerability by 2024.<sup>38</sup>

(b) The Social Scholarship Programme has, as at August 2021, provided scholarships for education, employment and productivity to more than 8,442 young Guatemalans. This social programme provides scholarships and conditional cash transfers to persons living in poverty and extreme poverty in all departments of the country.<sup>39</sup> The Ministry of Social Development also runs a scholarship programme for secondary education, higher education, productive training and employability:<sup>40</sup>

1. The Secondary Education Scholarship is aimed at pre-adolescents and young people aged between 11 and 24 years old living in poverty or extreme poverty in order to support their studies in public or private educational centres recognized by the Ministry of Education.

2. The Higher Education Scholarship is aimed at young people aged between 16 and 28 years old in urban and rural areas who face difficulties in accessing and continuing higher education because of their situation of poverty or extreme poverty.

3. The First Job Programme seeks to facilitate the integration into the formal labour market of unemployed adolescents and young people living in poverty and extreme poverty by providing them with temporary employment in a company as an apprentice.

4. The Craftsperson Programme provides conditional cash transfers to persons over the age of 18 to allow them to strengthen their technical capacities for the creation of handicraft products. It is aimed mostly at women in rural areas, and the majority of beneficiaries are indigenous.

(c) Development Strategy Programme No. 21 aims to reduce poverty and extreme poverty by 27.8 percentage points by 2024, with an emphasis on the prioritized departments. Between 2014 and 2024, the following reductions are expected (extreme poverty\*/poverty\*\*): Alta Verapaz: from 53.6 to 38.71\* and 29.50 to 21.3\*\*; Sololá: from 39.9 to 28.82\* and 41.10 to 29.7\*\*; Totonicapán: from 41.1 to 29.68\* and 36.40 to 26.3\*\*; Huehuetenango: from 28.6 to 20.66\* and 45.20 to 32.6\*\*; Quiché: from 41.8 to 30.19\* and 32.90 to 23.8\*\*; and Chiquimula: from 41.1 to 29.68\* and 29.50 to 21.30\*\*.<sup>41</sup>

59. The Secretariat for Food and Nutrition Security, as the institution responsible for coordinating, integrating and monitoring food and nutrition security, promotes the progressive realization of the right to food, guaranteeing food and nutrition security, especially among the most vulnerable population groups. To this end, it has instruments aimed at reducing malnutrition in children, such as:

(a) The National Food Security and Nutrition Policy,<sup>42</sup> whose strategic framework involves coordination between the public sector, civil society and international cooperation agencies, guarantees food and nutrition security for the population. The current policy is

<sup>37</sup> <http://sistemas.segeplan.gob.gt/finabece/> (accessed on 25 October 2021).

<sup>38</sup> Annex 12.

<sup>39</sup> <https://guatemala.gob.gt/tag/beca-primer-empleo/> (accessed on 5 October 2021).

<sup>40</sup> Annex 13.

<sup>41</sup> Annex 14.

<sup>42</sup> <http://www.sesan.gob.gt/wordpress/wp-content/uploads/2016/02/Politica-de-SAN.pdf> (accessed on 14 October 2021).

being updated by the Planning and Programming Secretariat of the Office of the President and it is hoped that a preliminary version will be available in January 2022.<sup>43</sup>

(b) Decree No. 32-2005 (National Food and Nutrition Security System Act)<sup>44</sup> and Government Order No. 75-2006 (Regulations of the National Food and Nutrition Security System).

60. The Food Security and Nutritional Departmental Commission, as the agency responsible for promoting and coordinating actions aimed at ensuring food and nutrition security in the economic, ethnic, linguistic, cultural and social spheres, has implemented two national strategies:<sup>45</sup>

(a) The National Strategy to Prevent Chronic Malnutrition 2016–2020,<sup>46</sup> whose overall objective is to reduce the national chronic malnutrition indicator by 10 percentage points in 4 years through increased evidence-based actions, in the 7 departments with a high prevalence of chronic malnutrition among children under 2 years of age.

(b) The National Crusade for Nutrition 2020–2024<sup>47</sup> seeks to bring together all sectors of the country in order to improve the nutrition of Guatemalan families, with an emphasis on the poorest and most marginalized groups.

61. These actions are complemented by the National Food and Nutrition Security Information System,<sup>48</sup> a monitoring and alert system for situations of food and nutrition insecurity, which undertakes research that makes it possible to better identify the most vulnerable population groups, measure the effectiveness of the actions implemented and have an understanding of the food and nutrition security situation in the country.

62. In 2017, actions targeting chronic malnutrition focused on primary health care, with an emphasis on the interventions in the first 1,000 days of life. Actions included the promotion of breastfeeding, good childhood nutritional practices, childcare and nutritional supplementation for women of childbearing age. A total of 1.1 million underweight women were provided with micronutrient supplements, of whom 107,358 were given deworming treatment.

63. In addition, 13 nutritional recovery centres were established, with an emphasis on acute malnutrition, strategically located in the departments with the highest incidence: Quiché, Huehuetenango, Quetzaltenango and Chimaltenango. Four nutritional recovery centres were set up in the hospitals of Alta Verapaz, Petén, Huehuetenango and El Progreso.

64. In 2018, according to the sixth national survey of maternal and child health 2014–2015 conducted nationwide, 46.5 per cent of children under 5 years of age were chronically malnourished. The situation was worse among the indigenous population, where 58 per cent of this same age group suffered from chronic malnutrition.

65. Under the 2016–2020 General Government Policy, priority was given to reducing chronic malnutrition in children under 2 years of age, with an emphasis on the indigenous population and rural areas; strategic areas were identified for this purpose. In order to achieve better results, the National Strategy to Prevent Chronic Malnutrition 2016–2020 established the general objective of reducing chronic malnutrition through actions identified in the seven departments with the highest prevalence among children under 2 years of age.

<sup>43</sup> <https://www.sesan.gob.gt/wordpress/2021/03/03/inicia-actualizacion-politica-nacional-de-seguridad-alimentaria-y-nutricional/> (accessed on 20 October 2021).

<sup>44</sup> <http://www.siinsan.gob.gt/siinsan/wp-content/uploads/Politica-SAN.pdf>.

<sup>45</sup> <https://www.sesan.gob.gt/wordpress/wp-content/uploads/2018/06/Propuesta-de-funciones-CODESAN-4.pdf> (accessed on 26 October 2021).

<sup>46</sup> <http://www.siinsan.gob.gt/siinsan/documentos/estrategia-nacional-para-la-prevencion-de-la-desnutricion-cronica-enpdc-2016-2020> (accessed on 26 October 2021).

<sup>47</sup> <http://www.siinsan.gob.gt/siinsan/cruzada-nacional> (accessed on 26 October 2021).

<sup>48</sup> This decentralized system manages, consolidates, uses and disseminates information from other entities involved in food and nutrition security. [www.siinsan.gob.gt](http://www.siinsan.gob.gt).

66. In 2018, efforts were made to develop a community-based culture of disease prevention, beyond a biological concept, to address health problems through community-based organization as part of the search for participatory solutions to improving health.

67. The implementation of the policy and strategy by the Ministry of Health and Social Welfare benefited 1,394,833 children under 5 years of age through the provision of vaccination services, growth monitoring, micronutrient supplementation and deworming services, among others.

68. Actions taken in 2018 by the Ministry of Health and Social Welfare to prevent chronic malnutrition:<sup>49</sup>

- Vaccinated 331,657 children under 1 year of age according to their age and current vaccination schedule
- Vaccinated 266,687 children aged over 1 and under 5 years old according to their age and current vaccination schedule
- Provided advice on childcare practices to 1,465,163 mothers of children under 5 years of age
- Monitored the growth of 1,652,786 children under 5 years of age
- Provided micronutrient supplementation to 716,647 children under 5 years of age
- Provided micronutrient supplementation to 1,674,306 women of childbearing age
- Provided 540,697 children aged over 1 and under 5 years old with deworming treatment
- Monitored water for human consumption and recreational use for the benefit of 146,320 people
- Treated 754,479 children under 5 years of age for acute respiratory infections
- Treated 318,895 children under 5 years of age for acute diarrhoeal disease
- Diagnosed 9,219 children under 5 years of age with acute malnutrition and provided treatment
- Provided food supplements to 37,530 children aged 6 to 23 months
- Monitored the development of 662,293 children under 2 years of age

69. The Ministry continues to implement the Breastfeeding-Friendly Health Service Initiative,<sup>50</sup> thanks to which 26 health services were certified as breastfeeding-friendly by the end of 2018.<sup>51</sup>

70. In follow-up to the implementation of the “1,000-day window” programme, since 2018, the Ministry has included health services for pregnant women, with a focus on timely prenatal care, institutional childbirth services provided by qualified personnel, and micronutrient supplementation. In the last part of 2018, these services benefited 1,332,007 women of childbearing age, including 256,889 pregnant women.

71. Maternal and child health-care services provided by the Ministry in 2018:<sup>52</sup>

- Timely prenatal care for 256,889 women
- Institutional childbirth services provided by qualified personnel to 208,310 women
- Care for 172,792 newborns

<sup>49</sup> 2018 Government Report. Ministry of Health and Social Welfare. Food security.

<sup>50</sup> Implemented with support from international cooperation organizations such as the United Nations Children’s Fund and the Pan American Health Organization.

<sup>51</sup> Namely 11 hospitals, 11 permanent clinics and 4 comprehensive mother and childcare centres in the departments of Huehuetenango, Totonicapán, Quetzaltenango, San Marcos, Alta Verapaz, Izabal, Petén, Quiché, Sacatepéquez and Guatemala.

<sup>52</sup> 2018 Government Report. Ministry of Health and Social Welfare.

- Access to family planning methods for 895,712 beneficiaries
- Food supplements for 43,851 pregnant and breastfeeding women

72. In 2019, it was estimated that 2.5 million people were undernourished in the country in the period 2014–2016, and that in 2014, 25 per cent of households were moderately food insecure and 12 per cent were severely food insecure.

73. According to the 2014–2015 National Survey of Maternal and Child Health, 46.5 per cent of children under 5 years of age were chronically malnourished, which represents a reduction of 3.3 percentage points compared to 2008–2009, when the prevalence was 49.8 per cent. In addition, there was a higher prevalence of malnutrition among men (47.1 per cent) than women (45.8 per cent), and among the indigenous population (61.2 per cent). There was also a significant gap of 40 percentage points in the prevalence of malnutrition among mothers with no education and among families living in poverty.

74. According to data from the Ministry's Health Information Management System, in epidemiological week No. 51, which ran from 17 to 23 December 2017, there was a cumulative total of 12,211 cases of acute malnutrition (moderate and severe) in children under 5 years of age, which equated to a cumulative incidence rate of 53.6 per 10,000 children under 5 years of age. This represented a reduction of 5.3 per cent compared to the same epidemiological week in 2016.

75. According to the 2019 Emergency Food Security Assessment,<sup>53</sup> the departments with the most people suffering from moderate food insecurity were Huehuetenango, San Marcos, Alta Verapaz and Quiché, while the departments with the most people suffering from severe food insecurity were Chiquimula, San Marcos, Suchitepéquez and Sololá.<sup>54</sup>

76. In 2020, the Government, as part of its commitment to health and nutrition, strengthened prenatal check-ups to facilitate the timely detection of risks and the adoption of preventive measures for 251,221 women nationwide through actions to protect, promote and support exclusive breastfeeding and food supplementation in health services. As at October 2020, iron and folic acid supplements had been provided to 1,724,430 women of childbearing age, 217,572 pregnant women (at the first check-up) and 126,179 postpartum women.<sup>55</sup> There was a significant increase in the provision of supplements to pregnant women compared to 2019, when the figure for this indicator was 116,828.

77. In addition, the Government delivered vitamin A to children aged 6 to 12 months and vitamin and mineral powder to children between 6 months and 5 years of age.

78. According to the Ministry of Health and Social Welfare, in 2020, micronutrient supplements were provided to children under 5 years of age as follows: vitamin and mineral powder to 14 per cent of children aged 2 to 5 years, vitamin and mineral powder to 32 per cent of children aged 1 to 2 years, vitamin A to 51 per cent of children aged up to 1 year and vitamin and mineral powder to 52 per cent of children of the same age.<sup>56</sup>

79. Thanks to these measures, in 2020, the monitoring of growth was strengthened to the extent that, as at October of that year, care had been provided to 375,079 children under 1 year of age, 336,482 children between 1 and 2 years of age and 477,485 children between 2 and 5 years of age.

80. In terms of measures to prevent chronic malnutrition, care was provided to 711,561 children under 2 years of age whose growth was monitored in 2020, double the figure of 360,000 reported in 2019 for the same age group.

81. As at August 2020, vaccination coverage for children under 5 years of age, according to age group, stood at: 54 per cent for BCG among children up to 1 year of age, 45 per cent for hepatitis B among children up to 1 year of age, 60 per cent for IPV among children up to

<sup>53</sup> <http://www.siisan.gob.gt/siisan/wp-content/uploads/INFORME-FINAL-ESAE-2019.pdf> (accessed on 20 October 2021).

<sup>54</sup> Annex 14 (a).

<sup>55</sup> This period lasts for 40 days after giving birth (although in women who breastfeed actively for a prolonged period of time, the postpartum period lasts a little longer).

<sup>56</sup> Annex 14 (b).

1 year of age, 56 per cent for pneumococcus among children up to 2 years of age, 54 per cent for OPV among children up to 3 years of age, 54 per cent for the pentavalent vaccine among children up to 3 years of age, 56 per cent for rotavirus among children up to 1 year of age, 52 per cent for DPT (first dose) among children up to 2 years of age, 55 per cent for pneumococcus (first dose) among children up to 2 years of age, 52 per cent for OPV (second dose) among children up to 2 years of age, 55 per cent for MMR (first dose) among children up to 2 years of age, 52 per cent for MMR (second dose) among children up to 2 years of age, 49 per cent for DPT (second dose) among children up to 5 years of age, and 49 per cent for OPV (second dose) among children up to 5 years of age.<sup>57</sup>

82. In terms of the availability of food, in 2020, a total of 4,937 family gardens were established, covering 106,686 m<sup>2</sup> and benefiting 946 men and 3,991 women in 114 high-priority municipalities in the departments of Chimaltenango, Sololá, Totonicapán, Quetzaltenango, San Marcos, Huehuetenango, Quiché, Alta Verapaz, Chiquimula and Jalapa.

83. To strengthen agricultural production, the National Rural Extension System carried out various activities in line with the General Government Policy for 2020–2024, covering 7,116 training centres, with a similar number of voluntary workers nationwide and 167,322 family farmers organized at the centres.

84. The Government of Guatemala, through its Ministry of Health and Social Welfare, as the body responsible for steering the health sector with social participation, provides comprehensive, high-quality care services to the entire population on an equitable basis through the operation of integrated health networks at three levels, with an efficient and transparent use of resources, thus guaranteeing the right to health and access to health care without discrimination.

85. Module 7 of the standards for comprehensive health care<sup>58</sup> introduced in 2018 establishes traditional and alternative medicine as one such standard involving: (1) the provision of comprehensive care; (2) the adoption of preventive measures; (3) detection and timely care; and (4) the provision of comprehensive guidance to individuals and their families. Through these actions, the Government has succeeded in providing culturally relevant health services.<sup>59</sup>

86. Through the Guatemalan Social Security Institute's Institutional Strategic Plan for 2018–2022, accessible, high-quality health services are provided at the national level to those enrolled in the social security system according to the principles of universality, solidarity, compulsory compliance and equity. The three pillars of the Plan are: (1) health and preventive economics; (2) social protection for all; and (3) expansion of coverage and improvement of the quality of services.

87. To provide this care, the Institute has units in Guatemala City and other departments and municipalities.<sup>60</sup>

88. In addition, the Institute has produced posters with information on health services in the Kaqchikel, Mam, Q'eqchi', K'iche' and Garifuna languages.<sup>61</sup>

89. The number of self-identified Maya and Xinka people enrolled in the social security system was 27,806 in 2017; 29,022 in 2018; 31,359 in 2019; 32,035 in 2020; and 36,373 in 2021. Care was provided to Maya and Xinka people as follows: 71,046 in 2017; 75,139 in 2018; 86,362 in 2019; 56,467 in 2020; and 25,473 up to June 2021.<sup>62</sup>

90. Added to this is the Special Programme for the Protection of Women Domestic Workers, which is implemented by the Institute and provides support and services to

<sup>57</sup> Annex 14 (c).

<sup>58</sup> Accessed on 23 October 2021.

<sup>59</sup> Annex 15.

<sup>60</sup> <https://www.igssgt.org/directorio/> (accessed on 25 November 2021).

<sup>61</sup> <https://www.igssgt.org/materiales-informativos-en-idiomas-de-guatemala-covid-19/> (accessed on 22 October 2021).

<sup>62</sup> Means of verification No. 6.

domestic workers in the areas of maternity, child health (up to 5 years of age) and accidents. This Programme has helped 342 female workers.<sup>63</sup>

91. The Government of Guatemala, through its Ministry of Education, issued Ministerial Agreement No. 381-2017 establishing the Ministerial Commission for Citizen Education, which aims to promote such education on the basis of the national basic curriculum and the teaching resources provided for by the National Strategy for Citizen Education.

92. Moreover, the right to food and nutrition in schools has been enforced and safeguarded at the national level since 2017 through various regulations:

- The implementation of the School Meals Act (Decree No. 16-2017<sup>64</sup>), in line with the School Meals Programme and the principles of cultural, social, ethnic and biological relevance, gender equity, inclusion, non-discrimination and participation
- The promotion of the principles of participation, responsibility, organization, democracy and solidarity through parents' organizations, in accordance with Government Order No. 233-2017 of October 2017

93. In 2017, through the Educational Records System,<sup>65</sup> the Directorate General of Special Education provided assistance to 5,419 indigenous students with special educational needs, whether or not associated with a disability, through special education schools and inclusive schools. It assisted 4,518 students in 2018, 4,264 students in 2019, 4,828 students in 2020 and 3,870 students up to July 2021.

94. The Directorate General of Bilingual Intercultural Education continues to implement measures to promote bilingual education, as detailed below.

**1. In 2017, some 82,000 leaflets with information about the Garifuna people were distributed by 25 departmental education directorates**

95. Among the documents circulated were 500 on the development of learning for primary-school pupils, 1,500 on curriculum planning for the Garifuna people and 3,000 guides on Mayan, Xinka, Garifuna and Ladino literature for final-year primary-school pupils.

96. The authorities produced and circulated 1,000 learning skills lotto cards in the Garifuna language for preschool children, 1,000 communication and language texts in Garifuna for children in the first cycle of primary school and 1,000 methodological guides on the social and natural environment entitled "Creating synergy with Mother Nature".

97. A total of 8,000 packages each containing eight books from the MEGA series were distributed to promote emergent reading in national languages.

98. Furthermore, 975 Garifuna graduands were evaluated by the Directorate General of Educational Assessment and Research.

**2. In 2018, through the Regional Human Rights and Democracy Education Project for Public Sector Educators,<sup>66</sup> 37 teachers in Guatemala Department, El Progreso and Sacatepéquez and 253 teachers in Jutiapa, Santa Rosa, Chimaltenango, Sololá, Chiquimula and Petén were certified in human rights education**

99. Training was provided to Garifuna teachers: on methodological innovation for 60 teachers at the upper secondary level and 125 at the preschool level, and on the adapted curriculum for 1,101 primary-school teachers.

100. Among the documents circulated were 1,200 on curriculum planning for the Garifuna people, 600 methodological guides on the social and natural environment for primary-school

<sup>63</sup> <https://www.igssgt.org/noticias/2019/07/02/el-programa-especial-de-proteccion-para-trabajadoras-de-casa-particular-precapi-es-implementado-por-el-igss/> (accessed on 12 December 2021).

<sup>64</sup> A proposal to increase the budget for the implementation of this decree is contained in bill No. 12-2021, which is currently before Congress.

<sup>65</sup> <https://sire.mineduc.gob.gt/SREW/> (accessed on 20 October 2021).

<sup>66</sup> With the support of the Organization of Ibero-American States for Education, Science and Culture.

pupils and 550 workbooks entitled “Let’s take a journey through the world of my rights” for the Garifuna and Q’eqchi’ communities in the department of Izabal. In addition, a further 8,000 copies were delivered in Kaqchikel, K’iche’, Mam, Q’eqchi’ and Spanish.

101. Furthermore, 1,009 Garifuna graduands were evaluated by the Directorate General of Educational Assessment and Research.

102. From 2016 to 2018, 176 scholarships were awarded to students of African descent with disabilities.

103. Dialogues were held with 660 parents to raise awareness of the importance of intercultural bilingual education.

104. Training was provided to 520 teachers on methodological strategies for learning and reading comprehension.<sup>67</sup>

**3. In 2019, the Internet safety guide was created to provide information on cybercrime and safety tips for children and was translated into K’iche’, Mam, Kaqchikel and Q’eqchi’**

105. A total of 2,182 people in 13 departments were awarded a certificate of competence.<sup>68</sup>

106. Training was provided to 100 members of technical staff from 15 departmental education directorates.

107. Furthermore, 1,283 Garifuna graduands were evaluated by the Directorate General of Educational Assessment and Research.

**4. In 2020, various institutional measures were carried out. These included diploma courses on the prevention of violence in all its forms (ethnic violence, discrimination and racism) aimed at technical staff in Guatemala, departmental education directorate employees and teachers at various levels of education**

108. The Protocol for the Return to Learning Spaces was drawn up and disseminated among head teachers and departmental coordinators of extramural education.

109. The textbooks in programmes run by the Directorate General of Extramural Education have been used to encourage the development of competences related to the promotion of respect for cultural rights and interculturality.

110. In addition to these measures, a virtual forum was held by Garifuna, Maya and Xinka specialists to commemorate the International Day of the World’s Indigenous Peoples. The forum was organized for the benefit of departmental education directorates, school directors and teachers at bilingual intercultural teacher training colleges.

111. Assistance was provided to 14 schools through programmes aimed at Garifuna and Afrodescendent students with disabilities in the department of Izabal.

112. Through the Directorate General of Community Participation and Support Services, the following programmes continue to serve indigenous peoples:

- School Meals Programme
- School Supplies Programme
- Teaching Materials and Resources Programme
- Free Education Programme
- Public School Buildings Maintenance Programme
- School Health Insurance Programme

113. From 2017 to 2020, through the initial teacher training programme run in coordination with the Faculty of Humanities and the regional university centres of the University of San

<sup>67</sup> Annex 16.

<sup>68</sup> Ministerial Agreement No. 3751-2018.

Carlos of Guatemala, 2,485 future bilingual intercultural teachers were taught basic skills in keeping with the multi-ethnic, multilingual and multicultural characteristics of the country.

**5. In 2021, the Directorate General of Bilingual Intercultural Education implemented a strategy entitled “I Learn at Home and in Class”, whose main objective is to serve students from the country’s four peoples at all levels of education. The strategy provides for a variety of pedagogical alternatives in three areas: educational delivery, psychosocial intervention, and the use of time at home with bilingual content**

114. Since 2020, in response to COVID-19, 131 classes have been recorded for television programmes with bilingual content in 18 national languages and Spanish on the following subjects: mathematics, the social and natural environment, communication and language at three levels of education (preschool, primary and middle school); 39 bilingual intercultural educational segments with stories and songs; and 49 bilingual educational videos providing psychological and emotional support.<sup>69</sup>

115. Moreover, radio announcements were made on health measures to combat COVID-19 in the Mayan languages and in Spanish. The announcements were broadcast on 77 local radio stations covering 3,294 communities and 1,881 public and private educational establishments.

116. In 2021, through the School Health Insurance Programme,<sup>70</sup> 153,677 preschool and primary-school pupils<sup>71</sup> received assistance nationwide in the form of up to Q 300 worth of free medical care per month. This service is provided in Kaqchikel, Mam, Q’eqchi’, K’iche’, Q’anjob’al and Tz’utujil.

117. Under the School Meals Programme, support has been provided to 2.6 million students in 29,469 schools. The COVID-19 pandemic has not prevented children from receiving meals at home.<sup>72</sup>

118. Assistance was provided to 22,865 parents’ organizations throughout the country.

119. The Ministry of Education, in coordination with the Guatemalan Academy of Mayan Languages, trained 1,189 Maya teachers from various bilingual schools in different communities.<sup>73</sup>

120. In terms of strengthening and reviving ethnic languages in the education system, a total of 475,330 bilingual materials were produced in the Kaqchikel, K’iche’, Mam, Q’eqchi’, Tz’utujil, Q’anjob’al, Ixil and Achi languages with the aim of developing children’s reading and writing skills.

121. As at July 2021, a total of 3,099 upper secondary (*Bachillerato*) students were enrolled in the initial teacher training university programme with a specialization in bilingual intercultural primary education. It is expected that 993 of these students will graduate in 2022.

122. The Directorate General of Extramural Education<sup>74</sup> provided services to 2,258 self-identified ethnic and Afrodescendent students, 73 per cent of whom were women. Of these, 29 per cent were indigenous women or women of African descent who participated in the adult distance learning programme, 16 per cent were enrolled in the flexible secondary education programme, 49 per cent attended municipal training and capacity-building centres and 7 per cent were enrolled in the national alternative education programme.

<sup>69</sup> Annex 17.

<sup>70</sup> Means of verification No. 7.

<sup>71</sup> <https://dca.gob.gt/noticias-guatemala-diario-centro-america/seguro-escolar-llega-a-153-677-estudiantes/> (accessed on 25 October 2021). According to the Ministry of Education, common illnesses include colds, ear and urinary infections, conjunctivitis, chickenpox, gastritis and COVID-19.

<sup>72</sup> [https://www.congreso.gob.gt/noticias\\_congreso/7233/2021/4](https://www.congreso.gob.gt/noticias_congreso/7233/2021/4) (accessed on 25 October 2021).

<sup>73</sup> Annex 18.

<sup>74</sup> The Directorate General provides technical and vocational education and training to young people and adults who for various reasons have no access to the regular education system and to those who, having had access to it, wish to broaden their training through flexible delivery methods that are adapted to the needs and interests of the population.

123. In addition, the National Literacy Council's ethnic, cultural and linguistic literacy programme includes the following modules:

- Early stage, Spanish and bilingual (first year of primary school)
- First stage of post-literacy, Spanish and bilingual (years 2 and 3 of primary school)
- Second stage of post-literacy, Spanish and bilingual (years 4 to 6 of primary school)

124. Through the Bilingual Literacy Programme,<sup>75</sup> support was provided to the illiterate Mayan-speaking population in the various linguistic communities in their language and in Spanish as a second language.<sup>76</sup>

125. The Government of Guatemala has an instrument for budget implementation according to thematic classifiers,<sup>77</sup> a mechanism that promotes transparency and accountability by showing the actions carried out by the State to protect and serve individuals, the community and the environment in a culturally relevant, equitable and gender-sensitive manner. The instrument establishes that the bodies associated with each thematic classifier must include in their reports on financial implementation details on beneficiaries broken down by sex, ethnicity, age and geographical location of the measure carried out; moreover, for each thematic classifier, there is a governing body<sup>78</sup> responsible for providing guidance and training on the policy governing each thematic area.

126. Furthermore, article 8 of Government Order No. 253-2020 on the Analytical Distribution of the State Budget for the fiscal year 2021 establishes that the entire public sector must provide information on individual beneficiaries of each measure that can be disaggregated by sex, age and ethnicity.

127. The guidelines issued by the Planning and Programming Secretariat of the Office of the President on the Sustainable Development Goals can be found on the Local Government Portal, which has indicators for each municipality or department:<sup>79</sup> no poverty; zero hunger; good health and well-being; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation and infrastructure; reduced inequalities; sustainable cities and communities; and responsible consumption and production.

128. Since 2019, the Directorate of Assistance to the Municipal Financial Administration<sup>80</sup> of the Ministry of Finance has run the Local Government Portal,<sup>81</sup> which provides real-time information on budget implementation at the municipal level, with indicators that show the different financial behaviours of each institution, be they municipalities, municipal companies or associations of municipalities.

129. In view of the above, the Government of Guatemala has created a budget classifier for indigenous peoples.<sup>82</sup>

## Armed conflict and the Peace Agreements

130. The crimes under investigation by the dedicated office of the Public Prosecution Service that deals with special cases related to the internal armed conflict include enforced disappearances, kidnappings, assassinations, terrorism and crimes against humanity

<sup>75</sup> <http://www.conalfa.edu.gt/> (accessed on 12 December 2021).

<sup>76</sup> Means of verification No. 8.

<sup>77</sup> Pursuant to article 17 quater of Congressional Decree No. 101-97 (the Budget Act) and article 39 of Government Order No. 540-2013 (implementing regulations for the Budget Act).

<sup>78</sup> Joint Circulars Nos. 002-2017 and 001-2018. Ministry of Finance. Planning and Programming Secretariat of the Office of the President.

<sup>79</sup> <https://transparencia.minfin.gob.gt/index.php/municipalidades#/home> (accessed on 20 November 2021).

<sup>80</sup> <https://portalgl.minfin.gob.gt/index.php/download/guia-portal-gl-ods/> (accessed on 20 November 2021).

<sup>81</sup> <https://portalgl.minfin.gob.gt/> (accessed on 10 December 2021).

<sup>82</sup> Annex 19.

committed by State security forces and non-State groups. To date, a total of 3,878 complaints have been received and are being investigated in a timely manner.

131. In the period 2017–2021, 144 complaints were received regarding acts committed during the internal armed conflict.

132. In the files investigated, victims include people from the Q'eqchi', Poqomchi', Ixil, Achi, Kaqchikel, K'iche' and Chuj populations and linguistic communities in the departments of Alta and Baja Verapaz, Chimaltenango, Quiché and Huehuetenango.

133. In addition to the convictions detailed in report [CERD/C/GTM/16-17](#), the State of Guatemala is still carrying out investigations with a view to handing down further convictions in the event that the allegations are proven so as to ensure that those responsible for violations committed during the armed conflict are prosecuted and punished.

134. The case of *Coc Max et al. (Xamán Massacre) v. Guatemala*<sup>83</sup> is in the phase of monitoring compliance with the judgment. The Presidential Commission for Peace and Human Rights has been verifying compliance by various institutions.<sup>84</sup>

135. In addition, with regard to financial compensation, monitoring has been carried out of payments for loss of earnings, material damage and costs and expenses to be received or already received by the victims or their beneficiaries, with the expectation that the relevant data will be available by 2022.

136. In May 2021, the Presidential Commission for Peace and Human Rights held a first meeting with representatives of the victims and of the Mutual Support Group to discuss the coordination of follow-up to and compliance with reparations pending in accordance with the judgment issued by the Inter-American Court of Human Rights.

137. It is worth highlighting the case of *Gutiérrez Hernández et al. v. Guatemala*,<sup>85</sup> which is in the administrative and financial procedures phase, the aim of which is to establish processes for the payment of compensation in accordance with the judgments issued by the Inter-American Court of Human Rights. Subsequently, the beneficiaries will be required to comply with the conditions for such disbursements, which will be made in due course in compliance with the State's commitments under the Inter-American Human Rights System.

138. The National Reparations Programme, which has been under the responsibility of the Ministry of Social Development since 2020 pursuant to Government Order No. 98-2020, reiterates the commitment to continue providing reparations to the victims of the internal armed conflict.

139. Through the Programme,<sup>86</sup> the State has compensated the victims of the internal armed conflict.<sup>87</sup>

140. In order to better serve indigenous peoples, the Public Prosecution Service has the following "General Instructions":

(1) General Instruction No. 05-2019: Mainstreaming a Gender and Equality Perspective in Criminal Prosecution

(2) General Instruction No. 04-2020, approving a culturally and linguistically relevant theoretical-conceptual guide and investigation protocol for crimes of violence against women in the public and private spheres

<sup>83</sup> Merits, Reparations and Costs. Judgment of 22 August 2018. Series C. No. 356.

<sup>84</sup> Public Prosecution Service. Progress in the investigations into the events of 5 October 1995 at Xamán farm. Ministry of Health and Social Welfare. Progress in providing psychiatric and psychological care to the victims and in establishing a health centre in the Aurora 8 de Octubre community. General Directorate of Roads. Widening and asphaltting of the road leading to the Franja Transversal del Norte motorway within the Aurora 8 de Octubre community.

<sup>85</sup> Interpretation of the Judgment of Preliminary Objections, Merits, Reparations, and Costs. Judgment of 22 August 2017. Series C. No. 357.

<sup>86</sup> The National Reparations Programme was placed under the responsibility of the Ministry of Social Development pursuant to Government Order No. 98-2020.

<sup>87</sup> Annex 20.

(3) General Instruction No. 06-2020, approving the protocol for culturally and linguistically relevant care for indigenous women<sup>88</sup>

(4) General Instruction No. 07-2020: Urgent investigative procedures for the processing of support in response to an Isabel Claudina alert in the 6, 48 and 72 hours that follow

141. Based on its Five-Year Strategic Plan<sup>89</sup> and its Policy on Access to Justice for Indigenous Peoples,<sup>90</sup> the judiciary has taken various steps to strengthen access to justice and guarantee services for indigenous peoples, including:

- The creation of judicial bodies that provide services tailored to the needs of each region and work on enhancing professionalism among court interpreters and on strengthening the capacities of judicial officers and assistants
- The Protocol for the Provision of Assistance to Indigenous Women in Accessing the Ordinary Justice System
- The Protocol for Conducting Ethnic, Cultural and Gender Assessments to Guarantee the Rights of Indigenous Peoples in Criminal Proceedings, which is currently undergoing a final review

142. Through the implementation of a comprehensive system of culturally relevant public defence, the Public Criminal Defence Institute has made progress in formulating defence strategies based on a model designed and developed for cases that require legal assistance and representation with an intercultural focus, with the following results:

- Expansion of coverage in indigenous territories nationwide
- Improvement of interpretation services in criminal proceedings against indigenous people
- Institutional Policy for Technical and Legal Counselling with an Intercultural, Indigenous Women and Gender Perspective
- Policy for Gender Equality in the Public Criminal Defence Institute
- Protocol for the Culturally and Linguistically Relevant Treatment of Indigenous Peoples of the Public Criminal Defence Institute
- Gender-sensitive litigation manual

143. In this way, the Institute has been able to handle cases in a culturally and linguistically appropriate manner, with interpretation and sworn translation services and a gender-sensitive approach in cases involving indigenous women.<sup>91</sup>

144. The Presidential Commission for Peace and Human Rights, established pursuant to Government Order No. 100-2020 to serve as an advisory body, is providing training and promoting a culture of peace in cooperation with various State institutions and social organizations. With regard to honouring the Peace Agreements, the Directorate of Strengthening Peace is addressing the contents of the Agreements in a thematic manner through the following activities:

- Addressing the issue of women's social and political participation as a contribution to peace, an activity coordinated with social organizations
- Promoting citizen participation among young people with the aim of encouraging their active involvement in decision-making processes in various aspects of the peacebuilding process

<sup>88</sup> The Protocol is being disseminated among all technical, administrative and prosecutorial staff in order to ensure its timely implementation.

<sup>89</sup> <http://www.oj.gob.gt/files/plan2016.pdf> (accessed on 25 October 2021).

<sup>90</sup> <https://dca.gob.gt/noticias-guatemala-diario-centro-america/presentan-politica-de-acceso-a-la-justicia-para-pueblos-indigenas/> (accessed on 15 November 2021).

<sup>91</sup> Annex 21.

- Coordinating with the departmental directorates of the Ministry of Education to address the issue of education coverage through talks with departmental education authorities, supervisors and teachers in the departments of Quiché and Huehuetenango with the aim of identifying factors that limit such coverage and proposing courses of action
- Holding meetings with National Registry Office staff to strengthen the process of registering cultural identity, an element that contributes to peacebuilding

145. Guatemala has fulfilled 439 commitments under the Peace Agreements and has 311 left to fulfil.<sup>92</sup>

146. On 22 May 2018, bill No. 5377 to amend the National Reconciliation Act was approved by the Congressional Committee on Legislation and Constitutional Matters. On 12 July 2018, it was rejected by the Congressional Human Rights Committee. On 6 March 2019, it was reviewed on second reading by Congress, sitting in plenary session. In the absence of a member to sponsor the bill, it cannot be reviewed by the plenary on third reading with a view to its adoption or rejection.

### **Incitement to racial discrimination and hatred**

147. Bill No. 4539 on the adoption of amendments to the Criminal Code, amending article 202 bis on discrimination and adding articles 202 quinquies on racial discrimination and 202 sexties on the dissemination of and incitement to racial discrimination, was approved by the Congressional Committee on Legislation and Constitutional Matters on 5 August 2014. In the absence of a member to sponsor the bill, it cannot be reviewed by the plenary on first reading.

148. The Government has taken a number of measures to combat all acts of incitement to racially motivated violence.

149. The Public Prosecution Service, through its Information and Press Department, has worked in coordination with the Indigenous Peoples' Secretariat on the layout and design of information and awareness-raising materials on the subject. It has also coordinated the translation of information campaigns into Mayan languages and disseminated the Secretariat's policies and studies.

150. Furthermore, the Prosecution Unit for Discrimination Offences of the Human Rights Section of the Public Prosecution Service took action ex officio against a publication in which a person made disparaging remarks about indigenous women. The case was brought before the courts, where the principle of prosecutorial discretion was applied.

151. The Ministry of the Interior, as the institution responsible for policies related to peacekeeping, public order and internal security and the enforcement of judicial orders and decisions pertaining to human rights, has carried out various activities through the Department of Multiculturalism of the General Subdirectorate for Crime Prevention to strengthen knowledge in the fight against racially motivated violence. Up to 2021, it had trained 135 police officers (91 men and 44 women), while also organizing community workshops and training sessions for society at large.

152. The National Civil Police's General Subdirectorate for Study and Doctrine is implementing Plan No. SGED/007/2020<sup>93</sup> to strengthen competencies in police operations, the application of human rights and the legal foundations for the protection of individuals and police actions.

153. Furthermore, in 2017, the Presidential Commission on Discrimination and Racism against Indigenous Peoples conducted a campaign on the right to self-identification with the aim of encouraging the Maya, Garifuna and Xinka populations to exercise this right in the twelfth population census and seventh household census. The campaign consisted of posters,

<sup>92</sup> Annex 22.

<sup>93</sup> <https://portal.pnc.edu.gt/atencion-a-plan-de-capacitacion-sged-007-2020/> (accessed on 25 October 2021).

radio announcements in the 25 national languages, stickers, flyers and training sessions aimed at indigenous leaders, civil servants and administrative, technical and field staff responsible for the population census.<sup>94</sup>

154. In 2018, the Commission developed a manual for the incorporation of the right to self-identification<sup>95</sup> in official statistics. The manual was presented to the Special Cabinet Committee for Social Development in 2019. Since 2020, it has been disseminated through thematic and sectoral round tables held by the Committee. In 2021, as part of efforts to implement the manual, training was provided to staff from various government bodies.

155. In addition, an analysis<sup>96</sup> of how self-identification information is recorded by the various government institutions was carried out in 2020 and presented to the Committee in 2021.

### **Prior consultation**

156. Since the ratification of the International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169) by Guatemala, the Government has been responding to the challenge posed by its obligation under the Convention to develop coordinated and systematic actions with the participation of indigenous peoples and other interested parties.

157. In 2016, the Government of Guatemala, through its Ministry of Labour and Social Security and in compliance with Constitutional Court judgments Nos. 156-2013 and 159-2013 of March 2015, engaged in dialogue and consultation in San Juan Cotzal, El Quiché, in accordance with the approach set out in the judgments and in a manner tailored to the cultural characteristics of the Ixil Maya people.

158. In June 2021, the Ministry of Labour and Social Security and the Ministry of Energy and Mining<sup>97</sup> finalized the design of the methodology for consultations, which consists of seven phases, and invited deputy mayors, community members and community development councils to participate. Phases one and two of the methodology were approved with suggestions made by community members.

159. Phase one: dialogue to reach agreement on how to disseminate information and conduct the consultation process.

160. Phase two: the preparatory phase, which involved activities such as the design and approval of the methodology for the dialogue, the operational aspects of accreditation, the cycle of meetings, responsibilities for expenses generated by the dialogue process and the provision of financial resources for the consultation.

161. In practice, the following steps were taken:

- (a) Community representation at two levels:
  - (i) The first level is a community assembly attended by various representatives of the communities of the town of San Juan Cotzal, deputy mayors and members of community development councils and of the Council of Principals
  - (ii) The second level is the delegation of the 13 members of the Municipal Consultation Commission, composed of delegates appointed by the indigenous authorities. The Commission includes representatives of the San Juan Cotzal indigenous mayor's office and of the communities

<sup>94</sup> Means of verification No. 9.

<sup>95</sup> Means of verification No. 10.

<sup>96</sup> Means of verification No. 11.

<sup>97</sup> It was agreed that other government actors, the Ministry of the Environment and Natural Resources, the Ministry of Culture and Sports, and the Guatemalan Academy of Mayan Languages would be invited to participate.

(b) In accordance with the approach adopted and the methodology presented by the Ministry of Energy and Mining, one of the mayors of the indigenous mayor's office stated, during the methodological phase of the consultation process (record of meeting No. 5-2016 of 29 September 2016), that the seven phases proposed by the Ministry were appropriate and had been analysed by the office and the Municipal Council, but that it was important to add some elements in order for the process to move forward.

(c) The Special Cabinet Committee for Social Development has assumed responsibility for the dialogue process, in accordance with its mandate and with national and international judgments.

(d) As at December 2021, the consultation process has moved forward and is in phase three of the methodology, with constant efforts being made to promote dialogue with indigenous peoples, guarantee their rights and create certainty regarding the investment made by the energy company and the electricity distribution company in a manner that also allows for good governance and the promotion of development in the municipality.

162. The Government, aware of the above-mentioned judgments, established a six-month consultation period. Unfortunately, there has been a failure to adhere to this timeline owing to the postponement of regular meetings with the representatives of San Juan Cotzal by between 20 days and three months, and because of the community's specific requirements, which could not be met in a short span of time, leading to meetings being deferred.

163. Another factor was the petition submitted by Mr. Concepción Santay Gómez<sup>98</sup> requesting that the dialogue process be governed by the sacred Ixil calendar. Several meetings were held, at which some of the relevant paperwork was gradually handed over and statements were made about the project, but the dialogue was not concluded, which led to the dialogue and consultation process being suspended. The Supreme Court of Justice has not responded to the request.

164. The Government has been honouring the consultation process with the Ixil Maya people, as required by the Constitutional Court, respecting the procedures that guide the process. Despite the delays experienced, the Government believes that it is feasible to resume the dialogue as it stands.

165. Accordingly, the Special Cabinet Committee for Social Development established the Governmental Consultation Commission, which is chaired by the Ministry of Energy and Mining, with the participation of the Ministry of Labour and Social Security. Direct efforts have been made to resume the dialogue. In 2021, two meetings were held with the indigenous authorities. The Committee approved a road map and a Ministerial Order appointing institutional delegates to carry out the consultation process. The Order is sufficient to comply with the terms of the consultation, as reflected in the Committee's record of meeting No. 05-2020 of August 2020.

166. Furthermore, the Ministry of Labour and Social Security has drafted an operational guide for consultation with indigenous peoples, a document produced through a participatory process carried out between 2016 and 2017. It is an instrument that will aid in the development of the future law on consultation, which, in 2017, the Constitutional Court ordered Congress to draft and adopt within one year.

167. In addition, the Ministry of Energy and Mining, through the Vice-Ministry for Sustainable Development and in compliance with Constitutional Court judgments Nos. 3207-2016 and 3344-2016, has implemented a methodology based on the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

<sup>98</sup> On 18 November 2019, Mr. Concepción Santay Gómez filed a petition against the Minister for Energy and Mining, requesting the proper implementation of amparo ruling No. 60-2012 official 12 of the Supreme Court of Justice, acting in the capacity of an amparo court, and of consolidated judgments Nos. 156-2013 and 159-2013 of the Constitutional Court.

168. It is indicated in these judgments that, in the absence of a specific law, Congress<sup>99</sup> is the body in charge of drafting and adopting the law in accordance with the Convention with a view to its implementation in Guatemala.

169. Information is provided below on the various rulings of the Constitutional Court<sup>100</sup> establishing the right to consultation of indigenous and non-indigenous peoples.

170. Case No. 1798-2015, dated 26 January 2017. Amparo proceedings filed for violation of the right to consultation as established in the International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169).

171. Cases Nos. 90-2017, 91-2017 and 92-2017, dated 26 May 2017. Amparo proceedings filed in response to the granting of licences by the Ministry of Energy and Mining for concessions of property in the public domain on the Oxec and Cahabón rivers for the implementation of the Oxec and Oxec II hydroelectric projects.

172. Case No. 3120-2016, dated 29 June 2017. Amparo proceedings filed because of the failure of the Ministry of Energy and Mining and its agencies to respect the right of indigenous peoples to prior consultation through appropriate and effective mechanisms.

173. Case No. 4785-2017, dated 3 September 2018. Amparo proceedings filed for discrimination against the Xinka people and violation of their right to consultation.

174. Cases Nos. 3207-2016 and 3344-2016, dated 11 June 2020. Amparo proceedings filed for failure to carry out the consultation process with indigenous peoples.

175. Case No. 697-2019, dated 18 June 2020. Amparo proceedings filed because the existence of indigenous peoples was ignored.

176. Case No. 306-2020, dated 7 July 2020. Advisory opinion of the President of the Republic, Alejandro Eduardo Giammattei Falla.

177. Case No. 1258-2018, dated 27 August 2020. General action for unconstitutionality brought by Marlon Estuardo Garcia Robles and José Alejandro Valverth Flores.

178. As a result of the methodology applied by the Ministry of Energy and Mining to the consultation process, support has been provided for the following consultations:

- Oxec and Oxec II power plants;<sup>101</sup>
- La Vega I and La Vega II power plants;<sup>102</sup>
- Rocja Pontila power plant project

179. Support is also being provided for consultations on the following projects:

- El Escobal mining project<sup>103</sup>
- Fénix mining project<sup>104</sup>
- Uspantán-Chixoy II transmission line and substation project

180. In 2021, the Ministry of Culture and Sports, as the body responsible for the protection, promotion and dissemination of cultural values and events, participated, through devolution, decentralization, transparency and citizen participation mechanisms, in the preparatory consultation process for the El Escobal mining project in the department of Santa Rosa with the aim of ensuring respect for and compliance with the cultural rights of the Xinka people

<sup>99</sup> Judgments Nos. 90-2017, 91-2017 and 92-2017. The members of the Congress of the Republic of Guatemala are ordered, within one year of being notified of this judgment (2017), to implement a legislative process to ensure that a law on the right to consultation is adopted within the agreed time frame.

<sup>100</sup> Means of verification No. 12.

<sup>101</sup> <https://www.cnee.gob.gt/wp/presa-oxec-ii/> (accessed on 21 October 2021).

<sup>102</sup> <http://www.inde.gob.gt/blogs/inauguracion-linea-de-transmision-230kv-aguacapa-la-vega-ii/> (accessed on 21 October 2021).

<sup>103</sup> <https://mem.gob.gt/blog/convocatoria-del-mem-en-relacion-al-proyecto-minero-escobal/> (accessed on 21 October 2021).

<sup>104</sup> <https://mem.gob.gt/pueblo-indigena-maya-qeqchi/> (accessed on 21 October 2021).

and the protection of their archaeological sites by verifying the condition of the sacred archaeological site of San Rafael las Flores. This allowed progress to be made in the establishment of a consultation plan, a methodology and a proposal for a study on the cultural and social impact of the mining project on the Xinka population.

181. The Government of Guatemala has taken other measures to ensure respect for human rights and the rights of indigenous peoples. The Presidential Commission for Peace and Human Rights formed a working group to coordinate mediation actions in relation to a conflict concerning the quality of the services offered by the Energuate company to users in different communities of the municipality of San Luis Jilotepeque, Jalapa, and the unreliable connections experienced by the Campesino Development Committee in the community of Camarón in the same municipality, thereby helping to reach agreements and compromises.

182. The Presidential Commission also oversaw the process of electing a representative of the community of Chisubín, Lanquín Alta Verapaz, to join the council that administers the Semuc Champey natural monument alongside the National Council of Protected Areas. The council provides a space in which communities bordering the park can make decisions about development projects.

183. In accordance with domestic regulations,<sup>105</sup> the Ministry of Energy and Mining has made certain changes to the way in which studies on mitigation and environmental impact are conducted and presented. These include:<sup>106</sup>

- The hiring of an environmental consultant registered with the Ministry of the Environment and Natural Resources
- All the legal documents submitted by the company and/or legal representative
- The original of the technical report, in accordance with the guide to terms of reference provided by the Ministry of the Environment and Natural Resources
- Publication of an announcement measuring 2 inches by 4 inches in a major newspaper (not the *Diario de Centroamérica*)

184. To comply with these provisions, an “environmental desk”<sup>107</sup> has been set up to receive and review files containing the environmental assessment instruments submitted to the Ministry before transferring them to the appropriate authorities.

185. Prior to the pre-consultation on the El Escobal mining project in October 2020, the Ministry of Energy and Mining and the Parliament of the Xinka people had agreed that the first step of the consultation process would consist of a cultural and spiritual impact assessment. This assessment is currently being carried out.

186. As part of the affirmative measures and pursuant to approval of the General Plan 2019–2030 on the restitution of the social and cultural fabric of the Mayan Achi and Poqomchi’ people, the Directorate-General for Cultural Development and Enhancement of the Ministry of Culture and Sports has provided various forms of cultural redress for the communities affected by the construction of the Chixoy hydroelectric plant:

- In 2019, a teaching project aimed at developing knowledge of the art of weaving Maya Achi clothing in the Chixoy area was launched and delivered to 200 girls and boys from 7 communities in the municipalities of Rabinal, San Miguel Chicaj and Santa Cruz Verapaz. Up to 2021, 680 people in 33 communities have benefited from the project.
- In 2020, in accordance with the principle that documents should be made accessible in local languages, the Ministry of Culture and Sports translated the *Sepur Zarco* judgment into Awakatek, Garifuna and Xinka and printed 1,100 copies in each language.

<sup>105</sup> Articles 19 and 20 of the Energy and Mining Act (Congressional Decree No. 48-97).

<sup>106</sup> [https://www.marn.gob.gt/paginas/Instrumentos\\_de\\_Evaluacin\\_Ambiental](https://www.marn.gob.gt/paginas/Instrumentos_de_Evaluacin_Ambiental) (accessed on 22 October 2021).

<sup>107</sup> [https://www.marn.gob.gt/paginas/Ventanilla\\_nica](https://www.marn.gob.gt/paginas/Ventanilla_nica) (accessed on 22 October 2021).

## Lands, territories and natural resources

187. The Land Fund adjudicates<sup>108</sup> occupied and unoccupied State lands in accordance with eligibility criteria<sup>109</sup> laid down by law through the Programme for Access to State Land through Adjudication and Regularization.<sup>110</sup>

188. In compliance with the Agreement on Social and Economic Aspects and the Agrarian Situation, and in follow-up to cases submitted to the National Institute for Agrarian Reform, the Land Fund analyses and reviews cases involving the adjudication and tenure of land ceded or in the process of being ceded by the State.<sup>111</sup>

189. Between 2017 and September 2021, 13 communities benefited from adjudication and regularization resolutions adopted under the State Land Regularization and Adjudication Programme. A total of 6,133.34 hectares were allocated to 611 families; there were 1,113 Maya Q'eqchi' beneficiaries (560 women and 553 men).

190. With respect to communal lands, the Land Registry<sup>112</sup> is responsible for lands owned, possessed or held by indigenous or campesino communities constituting collective entities with or without legal personality, as well as those that are registered to the State or a municipality but that have traditionally been owned or held under the communal regime.

191. In 2017, recognition was accorded and declaratory rulings were issued for four plots of communal land: (a) El Jícaro in San Jerónimo, Baja Verapaz; (b) Comunidad San Vicente in Guanagazapa, Escuintla; (c) Comunidad Chinachavilchoch in El Estor, Izabal; and (d) Comunidad Semanzana in El Estor, Izabal.

192. In 2018, recognition was accorded and declaratory rulings were issued for three plots of communal land: (a) Aldea Cerro Chino in Los Amates, Izabal; (b) Aldea Guaxpac in Tactic, Alta Verapaz; and (c) Aldea Tampó in Tactic, Alta Verapaz.

193. In 2020, Finca Los Cuchumatanes<sup>113</sup> was transferred to community members in the municipality of Champerico, Retalhuleu, and Finca San Luis (Alta Verapaz), Finca Padre Andrés Girón (Escuintla) and Comunidad Chirrepec and Cooperativa Xocoj (Alta Verapaz) were ceded to the benefit of 284 families.

194. The Ministry of Energy and Mining followed up 39 dialogues with the Altiplano Campesino Committee, which fall into three main categories: evicted communities (4 cases), access to land regularization (27 cases), and the search for alternative solutions to the occupation of publicly and privately owned protected areas of national interest (5 cases). Support was also provided in relation to the drafting of the Peaceful and Harmonious Coexistence Convention on the return of 825 families of the repatriated Yalcastán community from Chiapas, Mexico, to Malacatán, San Marcos.

195. The State of Guatemala promotes legal certainty for poor indigenous and non-indigenous campesinos who have either insufficient land or no land at all, as established under article 3 (c) of the Land Fund Act. It does so by facilitating access to land for individuals or peasant organizations through the use of appropriate financial mechanisms and the natural resources available on such lands, in accordance with the economic and

<sup>108</sup> Adjudication is the process of analysing, reviewing and reaching decisions concerning plots of land that are owned by the nation or the State and that are available to the Land Fund under article 8 of the Land Fund Act, and of awarding them to the beneficiaries defined under that law (Government Order No. 48-2019, chapter II, article 2).

<sup>109</sup> In accordance with the eligibility criteria, the beneficiary of the adjudication may be an individual, a group or a mixture of the two. Possible beneficiaries include: (a) landless campesinos; (b) campesinos with insufficient land; and (c) campesinos living in poverty.

<sup>110</sup> As established in article 21 of Decree No. 24-99, the Land Fund Act.

<sup>111</sup> To determine their compliance with Congressional Decrees Nos. 1551, 60-70 and 38-71 and article 42 of the Land Fund Act.

<sup>112</sup> As set out in the Land Registry Act, Decree No. 41-2005 of the Congress of the Republic of Guatemala, title III, single chapter, article 23, Definitions, item (y).

<sup>113</sup> This land was awarded under a programme providing access to land through credit.

environmental sustainability criteria laid down in article 4 (d) of the Act. This service is available to anyone who meets the eligibility criteria.

196. Since 2012, a strategic objective on the regularization and adjudication of State lands has been established as part of the Strategic Institutional Agenda 2012–2025. In order to give effect to the Agreement on Social and Economic Aspects and the Agrarian Situation, the Land Fund was put in charge of regularizing the titling of lands legitimately owned by campesino and indigenous communities and beneficiaries of the National Institute for Agrarian Reform. Under article 42 of the Land Fund Act, the Land Fund is responsible for analysing, reviewing, updating and efficiently processing regularization cases and taking all necessary technical, legal and administrative measures to resolve the legal situation of the lands ceded by the State.<sup>114</sup>

197. The rules governing access to State land through adjudication or regularization<sup>115</sup> provide for three forms of adjudication: individual, collective and mixed.

198. Through the regularization, adjudication and tenure of land,<sup>116</sup> the State aims to guarantee legal certainty and thereby contribute to the comprehensive and sustainable development of communities.

199. Between 2017 and May 2021, 13,273 families benefited from regularization and adjudication decisions issued under the State Land Regularization and Adjudication Programme. The beneficiaries of the 47,061.74 hectares of land adjudicated included: 1,209 women and 10,359 men; 10,758 members of Maya communities;<sup>117</sup> 4 members of the Garifuna community; and 11,806 members of mestizo/Ladino communities.

200. Under internal and institutional regulations, a court order issued by a competent judge is required for an eviction to take place. The Public Prosecution Service may carry out evictions under General Instruction No. 03-2021. The National Civil Police has put in place a protocol on police action in relation to evictions and the Ministry of Health and Social Welfare has its own protocol on pandemic management in relation to evictions. These instruments are all based on international guidelines on evictions.

201. Between 2017 and 2021, 40 evictions were carried out and one property remains in an unresolved “eviction situation”.<sup>118</sup>

202. As the institution with sole responsibility for public security,<sup>119</sup> the National Civil Police must employ appropriate police intervention techniques for each situation before resorting to the use of force. Training is provided to ensure that human rights are respected and upheld in cases where special procedures are required.

203. General Order No. 11-2019<sup>120</sup> lays down guidelines on the use of force by the National Civil Police in accordance with the fundamental principles of legality, necessity, proportionality, consistency, appropriateness and responsibility. Members of the National Civil Police receive continuous training on this subject.

## The Xinka people

204. In 2018, the Presidential Commission on Discrimination and Racism against Indigenous Peoples organized lobbying, advocacy and inter-institutional coordination meetings for high-level officials, indigenous peoples’ organizations and international cooperation agencies aimed at developing measures for the elimination of racism and racial discrimination. A departmental forum was held on the contributions of the Xinka people to

<sup>114</sup> Land Fund (2019). Amendment to the Strategic Institutional Agenda 2012–2025. Governing Council of the Land Fund, Resolution No. 65-2019.

<sup>115</sup> Government Order No. 48-2019 of 21 March 2019.

<sup>116</sup> Policy on regularizing State land adjudication processes (Resolution No. 24-2014) and on regulating access to State land through adjudication or regularization (Government Order No. 48-2019).

<sup>117</sup> Chalchiteka, Ixil, K’iche’, Kaqchikel, Mam, Achi’, Poqomchí, Tz’utujil, Q’anjob’al and Q’eqchi’.

<sup>118</sup> Annex 23.

<sup>119</sup> This power was granted under Congressional Decree No. 11-97 (the National Civil Police Act).

<sup>120</sup> Guidelines on the use of force in the exercise of police functions. Means of verification 13.

social, economic and political life in Guatemala as an affirmative action against racism and racial discrimination.

205. The meetings and the forum contributed to reaching a consensus on the establishment of a national day of the Xinka people, leading to the drafting of bill No. 5546, which is currently in the process of being adopted by the Congress.<sup>121</sup>

206. In 2021, the Ministry of Culture and Sports opened the Centre for the Promotion and Safeguarding of the Xinka Culture in Cuilapa, Santa Rosa, which is aimed at providing targeted support for the strengthening of the Xinka cultural identity.

207. In accordance with the National Languages Act, the institutional strategies and policies of the Guatemalan Academy of Mayan Languages contain different actions that contribute to ensuring access to justice for indigenous peoples. They include:

- Coordination with the Public Prosecution Service's Indigenous Peoples Secretariat to increase the interpreting services provided in Garifuna and Xinka at prosecutor's offices
- The hiring of Xinka- and Garifuna-speaking professionals<sup>122</sup> who will receive training and technical advice on interpretation.

## Freedom of expression

208. The legal framework<sup>123</sup> governing telecommunications activities and regulating the use of the radio spectrum applies to all individuals or legal entities that own or manage a telecommunications network.

209. In August 2021, as part of celebrations to mark the International Day of Indigenous Peoples, the congressional Children and Families Committee held a meeting with indigenous authorities to raise awareness about the bill<sup>124</sup> on the regulation of community radio stations, which would amend the General Telecommunications Act.

210. Formal complaints have been made under Guatemalan law with respect to the illegal use of radio frequencies.<sup>125</sup> However, the records at the prosecutor's office of criminal acts involving the illegal use of radio frequencies do not include information on the people to which the accused persons belong.

## Human rights defenders

211. Free legal support is available to defendants in criminal cases and to women who are victims of domestic violence. These services are intended for people living in poverty and extreme poverty. Judges, the Public Prosecution Service, the National Civil Police, the defendant or their relatives and all citizens are entitled to request these services.

212. The Public Criminal Defence Institute has provided support and defence services in cases where indigenous leaders have been arrested for defending their human rights.<sup>126</sup>

213. Together, the Public Prosecution Service and the National Civil Police follow up on reports of attacks on the life, physical integrity or freedom of human rights defenders, as well as acts of violence, threats, harassment, intimidation, bullying and defamation committed against indigenous leaders and defenders of the rights of indigenous peoples and persons of African descent. In 2021, 19 risk analyses of indigenous leaders were carried out by the

<sup>121</sup> Means of verification 14.

<sup>122</sup> Means of verification 15.

<sup>123</sup> Decree Law No. 433 of the Government of Guatemala. General Telecommunications Act (Decree No. 94-96), title IV, Radio Spectrum, chapter I, General Provisions, article 51.

<sup>124</sup> [https://www.congreso.gob.gt/noticias\\_congreso/6864/2021/3#gsc.tab=0](https://www.congreso.gob.gt/noticias_congreso/6864/2021/3#gsc.tab=0) (accessed on 12 December 2021).

<sup>125</sup> Annex 24.

<sup>126</sup> Annex 25.

Division for the Protection of Important Persons of the General Subdirectorate of Operations of the National Civil Police.

214. The office for crimes against activists and human rights defenders of the Public Prosecution Service has indicated that, as at June 2021, there had been 330 formal complaints of attacks against human rights defenders.<sup>127</sup> A total of 179 cases are currently under investigation and 135 security measures have been taken in relation to those complaints.

215. In order to provide an appropriate and timely response, the Public Criminal Defence Institute has developed a criminal defence protocol for human rights defenders and a training module on strategic litigation for criminal defence in cases brought against indigenous authorities and leaders in Guatemala, in coordination with the Peace and Ecology Commission and the United States Agency for International Development.

216. The Public Criminal Defence Institute provided assistance in 56 cases in which indigenous authorities and leaders had been accused of criminal offences, involving 7 women and 49 men, through strategic litigation in defence of human rights defenders, in coordination with the Peace and Ecology Commission, the Office of the United Nations High Commissioner for Human Rights, the Office of the Human Rights Advocate and the Altiplano Campesino Committee.

217. In accordance with the principle of non-discrimination, various measures have been taken at the institutional level to prevent the criminalization of human rights defenders:

(a) The Victim Support Department of the National Civil Police facilitates access to restorative justice for victims of violence in all its forms, providing high-quality support that helps to neutralize the immediate effects of the violent act and its aftermath

(b) This department currently has 53 offices located at police stations throughout the country, staffed by personnel who are trained to deal with different crimes

(c) To make it easier to register complaints, the telephone numbers 110<sup>128</sup> and 1518 have been set up to receive requests for assistance in relation to criminal acts and to register confidential complaints, respectively. Confidential complaints can also be made by submitting an online form<sup>129</sup>

(d) The Public Criminal Defence Institute has carried out promotional, outreach and awareness-raising activities on matters related to indigenous peoples<sup>130</sup>

(e) The Public Prosecution Service has also set up various activities and campaigns addressing matters related to indigenous peoples<sup>131</sup>

## Political participation

218. As an independent body, the Supreme Electoral Court carries out various activities promoting full, equal and inclusive citizenship from an electoral perspective.<sup>132</sup> As a result of this action, a range of didactic materials have been developed for training purposes.

219. Through these affirmative measures, the Supreme Electoral Court provided training to 99,118 people in 2019 and 489 people in 2020. As at June 2021, training had been delivered to a total of 1,067 people, including individuals from the K'iche', Q'eqchi', Aqchikel, Mam, Garifuna, Xinka and Ladino/mestizo peoples.<sup>133</sup>

<sup>127</sup> Annex 26.

<sup>128</sup> <https://dca.gob.gt/noticias-guatemala-diario-centro-america/capacitan-a-personal-que-atiende-el-numero-de-telefono-110/> (accessed on 15 November 2021).

<sup>129</sup> <https://mingob.gob.gt/denuncias-confidenciales-1518/> (accessed on 15 November 2021).

<sup>130</sup> Annex 27.

<sup>131</sup> Annex 28.

<sup>132</sup> Annex 29.

<sup>133</sup> Means of verification 16.

220. In 2020, the Presidential Secretariat for Women took part in the Commission for Electoral Updates and Modernization, which was composed of 77 institutions, political organizations and individuals.<sup>134</sup>

221. The Commission for Electoral Updates and Modernization identified 230 issues that were having an impact on women. In coordination with strategic actors, the Presidential Secretariat for Women presented proposals on these issues in accordance with the eleventh pillar of the National Policy for the Advancement and Comprehensive Development of Women and in order to address legal shortfalls regarding: (a) electoral participation; (b) the empowerment of women; and (c) the inclusion of women in the internal bodies of political parties where decisions are made and legal reforms are proposed, enabling the participation of women in positions elected by popular suffrage in electoral processes.

222. In addition to the proposals put forward, a suggestion was made regarding the Supreme Electoral Court's ability to impose sanctions on political organizations in which women and indigenous peoples are not represented.

223. The Act on the Dignity and Comprehensive Advancement of Women<sup>135</sup> establishes mechanisms to implement the National Policy for the Advancement and Comprehensive Development of Women and the Equal Opportunities Plan 2008–2023, which call for the comprehensive development of women in electoral processes, and for participation and political representation with equal conditions and opportunities for men and women.

224. Urban and rural development councils,<sup>136</sup> which are formed in accordance with the principles of national, multi-ethnic, pluricultural and multilingual unity, constitute the main channel by which the public can participate in public administration. They also promote participatory democracy in conditions of fairness and equal opportunities for the Garifuna, Maya and Xinka people and the non-indigenous population, without discrimination, and the preservation and maintenance of environmental balance and human development.

225. The National Urban and Rural Development Council is composed of 16 representatives from governmental and non-governmental entities. They include four representatives of the Mayan people, one representative each from the Xinka and Garifuna (Afrodescendent) peoples, and two representatives of women's organizations.

## Labour rights

226. As a party to 74 International Labour Organization conventions on labour rights, the State of Guatemala is committed to a policy of employment promotion and labour protection.

227. There is a minimum wage system in Guatemala. Minimum wages are set jointly by workers, employers and the Government. However, as no consensus has been reached, the Government has set these wages in accordance with the country's economic conditions.

228. The monthly wage is calculated by multiplying the daily minimum wage by 365 and dividing the resulting figure by 12. Failure to pay the minimum wage is punishable under article 272 of the Labour Code.

229. Pursuant to Government Order No. 250-2020<sup>137</sup> of December 2020, the minimum salary for 2021 – including the bonus of Q250.00<sup>138</sup> – has been set at Q3,075.10 for the non-agricultural sector, Q2,992.37 for the agricultural sector and Q2,831.77 for the export and maquila sectors.

230. In 2020: agricultural sector: Q90.16 per day; non-agricultural sector: Q92.88 per day; export and maquila sectors: Q84.88 per day.

<sup>134</sup> <https://came2019.tse.org.gt/2019/11/20/que-es-la-came/> (accessed on 21 October 2021).

<sup>135</sup> Congressional Decree No. 7-99.

<sup>136</sup> <http://www.infom.gob.gt/archivos/normativos/leyconsejodesarrollo.pdf> (accessed on 12 December 2021).

<sup>137</sup> Means of verification 17.

<sup>138</sup> The payment of a bonus of Q250 alongside the monthly salary of all private sector workers was ordered under Decree No. 37-2001.

231. In 2019, minimum wages remained at their 2018 levels.
232. In 2018: agricultural sector: Q90.16 per day; non-agricultural sector: Q90.16 per day; export and maquila sectors: Q82.46 per day.
233. In 2017: agricultural sector: Q86.90 per day; non-agricultural sector: Q86.90 per day; export and maquila activities: Q79.48 per day.
234. In May 2021, under Ministerial Order No. 163-2021, the Ministry of Labour and Social Security created the Temporary Work Abroad Programme, providing Guatemalan workers with an orderly and safe way to gain access to decent job opportunities on the foreign labour market.
235. In September 2020, Guatemala signed an agreement with the United States of America on temporary agricultural and non-agricultural worker programmes. The programmes are designed to guarantee the protection of labour rights, prevent the confiscation and retention of identity documents and provide the opportunity to report labour abuses. According to the agreement, employers, recruiters and agents are not permitted to profit from economic transactions.
236. As part of the Labour Migration Programme of the Ministry of Labour and Social Security (Circulars Nos. 016-2021 and 017-2021), a user registration form with self-identification variables was introduced, enabling the collection of statistics disaggregated by community.
237. In line with international norms on occupational health<sup>139</sup> aimed at promoting and protecting workers' health, "labour health"<sup>140</sup> was identified as a primary focus for action and follow-up in the comprehensive health-care standards of 2018.<sup>141</sup> The Ministry of Health and Social Welfare is responsible for monitoring these standards.
238. In recognition of the importance of occupational health and the possibility that workers may suffer to varying degrees because of the activity or work that they perform, free access to the services is guaranteed for everyone. They include health services for workers in rural and urban areas, such as treatment for zoonotic diseases.<sup>142</sup>
239. The General Labour Inspectorate of the Ministry of Labour and Social Security has provided assistance to the following numbers of agricultural workers in need of institutional support: 36,327 workers in 2017; 67,247 workers in 2018, 49,922 workers in 2019, 39,095 workers in 2020; and 4,836 workers up to February 2021.
240. Assistance was provided to 36,592 workers in the palm oil cultivation sector in 2018.
241. The Ministry of Labour and Social Security has helped agricultural workers to recover unpaid wages.<sup>143</sup>
242. The General Labour Inspectorate has also carried out inspections to monitor compliance with workers' labour rights.<sup>144</sup>
243. The Public Prosecution Service provides information on the number of complaints of forced labour or labour exploitation. The departments with the highest number of reports are Guatemala, Escuintla, Quetzaltenango, San Marcos, Huehuetenango, Alta Verapaz, El Progreso, Quiché, Totonicapán, Chimaltenango and Sololá.<sup>145</sup>
244. With regard to the strengthening of the General Labour Inspectorate, more than 75 per cent of the budget allocated to the Inspectorate each year is used to pay labour inspectors and departmental delegates around the country, with the remainder being used to cover administrative costs.

<sup>139</sup> World Health Organization (WHO), "Occupational Health".

<sup>140</sup> Comprehensive health-care standards of 2018, p. 813.

<sup>141</sup> Means of verification 18.

<sup>142</sup> Comprehensive health-care standards of 2018, p. 820.

<sup>143</sup> Annex 30.

<sup>144</sup> Annex 31.

<sup>145</sup> Annex 32.

245. The proportion of the budget used solely to cover the Inspectorate's national staffing costs has tended to increase every year between 2017 and 2020.<sup>146</sup>

246. All inspectors around the country have been provided with the necessary occupational health and safety equipment to prevent the spread of COVID-19.

247. In 2019, the General Labour Inspectorate spent a total of Q590,398.89 on renting and maintaining buildings with a view to improving workplaces. Plans were made to purchase vehicles in 2021 in order to facilitate labour inspections around the country. In addition, plans to purchase office supplies for the majority of inspections have been considered.

### **Situation of indigenous women and women of African descent**

248. The Presidential Secretariat for Women acts as an advisory and coordinating body responsible for managing activities undertaken in partnership with governmental and non-governmental agencies in Guatemala and abroad.<sup>147</sup> The Secretariat draws on the National Policy for the Advancement and Comprehensive Development of Women and the Equal Opportunities Plan 2008–2023, which were established with a view to reducing gaps in access to services and promoting equity between men and women. The twelfth section of the National Policy for the Advancement and Comprehensive Development of Women concerns the cultural identity of Mayan, Garifuna and Xinka women. Its purpose is to guarantee the full exercise of women's individual and collective rights, recognizing and enhancing the contribution that they make to promoting and strengthening the comprehensive development of the country in different areas of activity.<sup>148</sup>

249. Between 2014 and 2018, the Presidential Secretariat for Women reviewed the Agenda for Garifuna and Afrodescendent Women in order to follow up on commitments assumed within the framework of the International Decade for People of African Descent. The Secretariat suggested that the Agenda be updated to incorporate results-based management and the intersectional approach and to bring it into line with treaty obligations.

250. In 2018, following up on the agreements reached at a seminar on Garifuna women and public policies, the Presidential Secretariat for Women and the Presidential Commission on Discrimination and Racism against Indigenous Peoples, with the support of UN-Women Guatemala, established a road map to update and validate the Agenda for Garifuna and Afrodescendent Women,<sup>149</sup> linking it to the National Policy for the Advancement and Comprehensive Development of Women, the Equal Opportunities Plan 2008–2023 and the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination, in accordance with the 2030 Agenda and the Sustainable Development Goals. The update was conducted in three methodological stages<sup>150</sup> and was completed in 2020.

251. In 2018, another instrument for the advancement of women, the National Plan for the Prevention and Eradication of Violence against Women 2004–2014, was updated in coordination with the National Coordination Office for the Prevention of Domestic Violence and Violence against Women and assessed with a view to identifying lessons learned, results

<sup>146</sup> Annex 33.

<sup>147</sup> Government Order No. 169-2018.

<sup>148</sup> 1. Implement and institutionalize State policies that promote and guarantee the eradication of racism and discrimination against Mayan, Garifuna and Xinka women, in order to achieve equality and equity within the framework of their specific individual and collective rights. 2. Carry out measures to promote the autonomy of Mayan, Garifuna and Xinka women with a view to ensuring their full participation and representation in decision-making processes within the various State agencies and in the formulation and evaluation of public policies, plans, programmes and projects. 3. Ensure that the cultural identity and world view of Mayan, Garifuna and Xinka women are taken into account in institutions, State agencies and public policies in accordance with their economic, social and cultural rights. 4. Implement public policies to ensure that Mayan, Garifuna and Xinka women can participate in decision-making related to the administration, defence, protection and recovery of land, intellectual property and cultural, natural and genetic assets.

<sup>149</sup> <https://lac.unwomen.org/es/digiteca/publicaciones/2020/09/agenda-mujeres-garifunas-y-afrodescendientes-guatemala> (accessed on 20 October 2021).

<sup>150</sup> Annex 34.

obtained and challenges faced in implementing the four strategic areas of the Plan.<sup>151</sup> Inputs for updating the Plan were provided and a consultation process was established at the national and departmental levels.<sup>152</sup> In addition, issues were set in context and areas to be addressed in the Plan, for which a road map has already been adopted, were identified.

252. Other measures to promote the advancement of Garifuna and Afrodescendent women, adolescents and girls include a discussion held by the Inter-institutional Committee for Persons of African Descent in 2017 on the efforts to draw up a national action plan on the implementation of the International Decade for People of African Descent. This plan has been in force since 2017 and is coordinated by the Presidential Commission on Discrimination and Racism against Indigenous Peoples.

253. In order to increase the visibility of the Garifuna and Afrodescendent communities, two gender and two population profiles were established in 2015 in coordination with the Office for the Coordination of Statistics on Gender and Population Groups, working under the National Institute of Statistics. As a result, the 2018 national population and housing census included a question that allowed respondents to self-identify as a member of a particular people.

254. Since 2017, the Presidential Secretariat for Women has supported actions to strengthen the management of public policies aimed at women and girls and persons of African descent, focusing its efforts on ensuring compliance with treaties<sup>153</sup> and promoting intersectionality.<sup>154</sup> To this end, strategic and thematic agendas have been developed in coordination with the National Policy for the Advancement and Comprehensive Development of Women. This work was accompanied by a campaign called “Less Victimization, More Empowerment”, which was intended to counteract victimization, eliminate social stereotypes and raise awareness of the importance of empowering women.

255. In 2021, the “#YesWeCan” campaign was carried out to mark International Women’s Day on 8 March. The “Your Vote Counts” campaign was also launched in four languages: Spanish, Kaqchikel, Tz’utujil and K’iche’. In addition, two posters were disseminated and messages were broadcast on the radio and television.

256. The Presidential Commission on Discrimination and Racism against Indigenous Peoples has also carried out different activities with representatives of Mayan, Garifuna and Xinka women, departmental development councils, municipal development councils, indigenous peoples’ organizations, municipal women’s offices and civil servants, among others.

257. In order to commemorate International Indigenous Women’s Day, forums, meetings and seminars have been held to analyse and discuss issues related to racism, racial discrimination and women’s rights.

258. Training sessions have been held on strengthening the cultural identity of Garifuna and Afrodescendent women and their right to self-identification.

<sup>151</sup> Research, analysis, statistics and institution-building.

<sup>152</sup> A total of 715 representatives of the public sector and civil society participated in the consultations related to the updating of the Plan.

<sup>153</sup> Monitoring compliance with treaties is considered to be an essential part of the process of interpreting and implementing international human rights law. The concept was first referred to in the case law of the Inter-American Court of Human Rights in 2006. Although the concept of monitoring compliance with treaties derives from the inter-American human rights system, the Presidential Secretariat for Women takes its key principles and approaches and applies them to the different international human rights protection systems. In compliance with the Secretariat’s advisory and coordinating mandate, the process of monitoring compliance with treaties makes it possible to strengthen and support the management of public policies, especially the National Policy for the Advancement and Comprehensive Development of Women.

<sup>154</sup> It promotes the identification of special protection and reparation measures for the multiple and interrelated forms of discrimination faced by certain groups of women on the grounds of their ethnic affiliation, age, or disability or migration status, among others.

259. Virtual and in-person working meetings on the prevention of racism and racial discrimination against women have been held.

260. As mentioned above, the State of Guatemala uses the Government's general policy for 2020–2024 as the basis of its efforts to protect vulnerable groups facing risks or discrimination that prevent them from achieving better standards of living. In this regard, it has established policies designed to improve their situation, including the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination and the National Policy on Indigenous Peoples and Intercultural Affairs, which is in the process of being adopted.

261. With regard to access to education, a specific section on equity in culturally relevant education<sup>155</sup> has been included in the National Policy for the Advancement and Comprehensive Development of Women in order to ensure gender and ethno-cultural equity, thereby guaranteeing quality education at all levels and promoting such quality in conjunction with government agencies with competence in this area.

262. Regarding measures to guarantee access to employment, information on the staff<sup>156</sup> of the Presidential Secretariat for Women is provided, in accordance with the principle of equality and labour inclusion.

263. The State of Guatemala has taken a number of steps to ensure access to health care for women belonging to the different peoples recognized in the national territory. These steps include adopting Ministerial Agreement No. 288-2020, providing for the adoption of the 2021–2025 action plan<sup>157</sup> of the national policy on midwives of the four peoples,<sup>158</sup> strengthening work and knowledge in coordination with the dual health system, and publishing guidelines on the issuance and use of midwives' cards, in coordination with the Unit for Indigenous Peoples and Intercultural Affairs and the National Reproductive Health Programme.

264. Culturally and linguistically relevant materials<sup>159</sup> that incorporate the gender perspective and focus on indigenous and rural women have been designed, produced and disseminated.

265. Capacity-transfer workshops on recording self-identified characteristics and acquiring information on peoples and linguistic communities from the forms provided by the Health Information Management System have been held for health-care staff. The workshops were based on the guide to registering the self-identified characteristics of health-care service users.

266. Institutional campaigns on COVID-19 are followed up and monitored to ensure that they are culturally and linguistically relevant. In coordination with the Department of Health Promotion and Education and the Guatemalan Academy of Mayan Languages, 10 videos on maternal and newborn health were translated into Mayan languages.

267. In 2020, the Ministry of Health and Social Welfare, the Office of the United Nations High Commissioner for Human Rights and civil society organizations worked together to prepare and disseminate messages to pregnant women, midwives and other indigenous health actors with a view to promoting comprehensive maternal and newborn health.

268. Training workshops on culturally relevant health care, coordinated by the Directorate General of the Comprehensive Health-Care System, have also been conducted for students in the final year of the National Nursing School of Guatemala and the directors of national schools.

<sup>155</sup> National Policy for the Advancement and Comprehensive Development of Women and Equal Opportunities Plan 2008–2023, p. 65.

<sup>156</sup> Annex 35.

<sup>157</sup> Means of verification 19.

<sup>158</sup> [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GTM/INT\\_CERD\\_ADR\\_GTM\\_29821\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GTM/INT_CERD_ADR_GTM_29821_S.pdf) (accessed on 11 November 2021).

<sup>159</sup> <https://www.mspas.gob.gt/descargas-uaspiig/category/41-noticias-y-boletines?start=0>  
<https://www.mspas.gob.gt/descargas-uaspiig/download/39-videos/2764-servicios-de-salud-con-pertinencia-cultural>  
<https://www.mspas.gob.gt/descargas-mspas/category/60-coronavirus-covid-19>.

269. The Ministry of Health and Social Welfare issued official letter MSPAS/UGS/AE/00196-2021, SAID-334384 of July 2021, which sets out institutional policy on gender in health. This policy will be officially presented in 2022.

270. The Ministry of Labour and Social Security implements programmes on access to employment without distinction and promotes equal, non-discriminatory access to employment. The Section for the Advancement and Training of Working Women takes steps to promote employment, education, training and awareness-raising. In addition, thematic round tables address issues such as domestic work (in connection with the ILO Domestic Workers Convention, 2011 (No. 189)) and workplaces free from violence and harassment (in connection with the ILO Equal Remuneration Convention, 1951 (No. 100), the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the ILO Violence and Harassment Convention, 2019 (No. 190)). Spaces for breastfeeding have been created, benefiting 12,850 women between 2017 and 2021.<sup>160</sup>

271. The different units of the Ministry of Labour and Social Security have provided the following forms of training and assistance:

- The Indigenous Peoples Section provided training on the human rights of indigenous peoples and labour rights under the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). Training was provided to 2,222 women in 2017, 734 women in 2018, 537 women in 2020, and 114 women up to April 2021.
- The Section for Workers with Disabilities provided support to 11,703 women between 2017 and 2021.
- The National Office for Women's Affairs provided assistance with issues related to women's rights to 21,920 people between 2017 and June 2021.
- The Adolescent Workers Protection Unit provided support to 32,167 people, including 14,395 women, between 2016 and 2020.

272. The adoption of the action plan of the National Policy on Midwives and the comprehensive health-care standards has made it possible to define general guidelines on culturally and gender-sensitive comprehensive health care with a human rights perspective.<sup>161</sup>

273. With regard to sexual and reproductive health, the national survey on maternal and child health of 2017 reveals that 65 per cent of deliveries took place in health-care establishments, while 29 per cent were attended by traditional midwives. The percentage of births attended by traditional midwives is a national average but the figure stands at over 80 per cent for several departments (mainly those with municipalities that are hard to reach).

274. At the different levels of health care, a comprehensive approach is taken by each unit in accordance with a person's stage of life. This is especially true for the first and second levels of care, since it is there that contact is first made with the public. The purpose of this approach is to obtain a better understanding of people's characteristics, needs, health and diseases so that care may be tailored to local, cultural and social requirements, including lifestyles.

275. Differentiated care is also provided, which means that treatment is individualized. As a result, everyone who attends a facility leaves satisfied, depending on how far their problem has been resolved.

276. In accordance with the second strategic objective of the National Strategic Plan to Reduce Maternal and Neonatal Mortality 2021–2025,<sup>162</sup> quality, sympathetic and culturally appropriate care is provided.

277. As part of the work undertaken by the National Commission for the Availability of Contraceptives and the municipal women's commissions, and on the basis of agreement No. 1165 of the Guatemalan Social Security Institute, reproductive health services have been

<sup>160</sup> Means of verification 20.

<sup>161</sup> Annex 36.

<sup>162</sup> Means of verification 21.

incorporated into the maternity support services provided to members and beneficiaries. Such services include:

- Educational and promotional activities on sexual and reproductive health
- Guidance on using contraception
- Provision of temporary forms of contraception to members and beneficiaries
- Treatment of complications arising from the use of contraception

278. These services are complemented by the Preventive Policy on Social Security and the regulations governing the contracting of midwifery services, which apply to the Guatemalan Social Security Institute and the Institutional Strategic Plan for 2018–2022.

279. As part of the campaigns undertaken to prevent and deal with COVID-19, the Guatemalan Social Security Institute, in coordination with the Guatemalan Academy of Mayan Languages,<sup>163</sup> has developed audio messages in the Mayan and Garifuna languages.

280. As part of the institutional strategic planning carried out by the Presidential Secretariat for Women, women's health has been prioritized in the fourth section of the National Policy for the Advancement and Comprehensive Development of Women, which addresses equity in the development of comprehensive, culturally appropriate health care. The purpose of this section is to facilitate women's equitable, timely and effective access to public health services throughout their lives in a manner that respects their cultural identity. Since 2019, the Presidential Secretariat for Women has been part of an inter-institutional committee responsible for following up on the implementation of the Policy on Midwives of the Four Peoples of Guatemala,<sup>164</sup> which is in force from 2015 to 2025.

281. With regard to the prevention of gender-based violence, the victim support offices of the National Civil Police handle complaints<sup>165</sup> of domestic violence<sup>166</sup> and violence against women, helping victims<sup>167</sup> to file complaints and referring them to institutions that provide support. Assistance is provided to ensure that preventive security measures are put in place before a competent judge and/or the Public Prosecution Service and that such measures are subsequently implemented to avoid more regrettable consequences.<sup>168</sup>

282. The Public Prosecution Service has received and undertaken culturally appropriate follow up on complaints of violence against women, dealing with 2,590 cases in 2017, 2,613 in 2018, 2,838 in 2019, 2,697 in 2020 and 1,486 as of August 2021.

283. The Public Criminal Defence Institute has provided support in 15 gender-sensitive proceedings, acting with due diligence to defend persons charged with a criminal offence.<sup>169</sup>

284. In order to ensure the availability of an up-to-date humanitarian needs overview and a humanitarian response plan, the Office of the Ombudsman for Indigenous Women's Rights participates in the gender-based violence subgroup<sup>170</sup> coordinated by the United Nations Population Fund, identifying projects that benefit indigenous women in geographical areas where they are at risk. The Government participated in the development of a prioritization grid for the Essential Services Package<sup>171</sup> and is now awaiting a road map designed to help

<sup>163</sup> <https://www.igssgt.org/prevencion-idiomas-guatemala-covid-19/> (accessed on 12 November 2021).

<sup>164</sup> <https://www.mspas.gob.gt/images/files/pueblosindigenas/documentos/PoliticaComadronas2016.pdf> (accessed on 22 October 2021).

<sup>165</sup> The offices provide specialized, differentiated, quality and sympathetic primary care with a human rights focus to survivors of all forms of violence against women, including physical, psychological, financial and sexual violence.

<sup>166</sup> <https://mingob.gob.gt/oficinas-de-atencion-a-la-victima-atienden-violencia-intrafamiliar-y-contra-la-mujer-en-las-comisarias-del-pais/>.

<sup>167</sup> Immediate attention is provided to people who have a physical injury that puts them at risk, people who are going through an emotional crisis, victims of sexual violence and children who are at risk.

<sup>168</sup> Annex 37.

<sup>169</sup> Annex 38.

<sup>170</sup> <https://guatemala.unfpa.org/es/news/unfpa-entrega-al-mspas-kits-de-emergencia-para-mujeres-positivas-covid-19-y-equipo-de-0> (accessed on 19 November 2021).

<sup>171</sup> <https://serviciosesencialesviolencia.org/wp-content/uploads/2020/10/sistematizacion.pdf> (accessed on 19 November 2021).

countries and governments to meet their international commitments to eliminate violence against women and girls.

### Multiple forms of discrimination

285. The National Council for Persons with Disabilities has conducted awareness-raising activities as part of its efforts to combat the multiple forms of discrimination faced by persons with disabilities.

286. The strategy for raising awareness of the rights of persons with disabilities has identified key media outlets and stakeholders, such as:

(a) Radio stations: the Council broadcasts *Guatemala para Todos*, a weekly magazine-style radio show, on affiliated radio stations around the country. It also produces and broadcasts *CONADINOTICIAS* (a news programme on disability issues) and *El Editorial* on community radio stations and news and commercial stations.

(b) Magazines: three magazines per year (one every four months) are published to address issues related to the realization of the rights of persons with disabilities. They include articles on the situation of indigenous persons with disabilities and progress made in this area. Three-page brochures, five-page brochures, booklets and posters highlighting institutional work and the rights of persons with disabilities are also produced.

(c) Training: awareness-raising workshops on using correct terminology, building relations, accessibility mechanisms, and the recommendations issued by the United Nations committee of experts are held.

(d) Audiovisual campaigns and productions: on the occasion of the International Day of Persons with Disabilities, videos addressing disability issues were translated into indigenous languages and disseminated. This work was supported by the Guatemalan Academy of Mayan Languages and took place within the context of the COVID-19 pandemic.

### Access to justice

287. Since 2012, the judiciary, acting in accordance with Criminal Chamber Circular No. 7-2012 on applying the indigenous legal system in coordination with the official legal system, has established internal rules on access to judicial services for indigenous peoples, including: the protocol for the provision of assistance to indigenous women in accessing the ordinary justice system; the protocol for using ethno-cultural and gender experts' reports to guarantee the rights of indigenous peoples in criminal proceedings (currently at the final review stage); and legal glossaries in Mayan languages.

288. In this connection, the judiciary works with the Indigenous Peoples Secretariat, which was established in accordance with Agreement No. 231/017 of 10 October 2017. It has also adopted the Policy of the Judiciary on Access to Justice for Indigenous Peoples 2019–2029,<sup>172</sup> which strengthens the country as a pluricultural and multilingual State in accordance with the national and international laws in force.

289. The Indigenous Peoples Secretariat of the Public Prosecution Service provides specialized advice on incorporating a culturally and linguistically relevant approach into specialized support models to ensure that agreements, manuals, support pathways, protocols, instructions and other internal regulations contain guidelines on providing culturally and linguistically relevant support.<sup>173</sup>

290. In order to ensure that the intercultural approach is implemented in a cross-cutting manner at the national level, the Public Criminal Defence Institute has developed a number

<sup>172</sup> Means of verification 22.

<sup>173</sup> Annex 39.

of culturally and linguistically relevant manuals and protocols to ensure the provision of timely and relevant care.<sup>174</sup>

291. The Presidential Commission on Discrimination and Racism against Indigenous Peoples has followed up on efforts to ensure access to justice.<sup>175</sup>

292. In order to maintain the independence of the judiciary, the Ministry of the Interior has, to date, established a total of 38 national measures for the protection of judges.

293. The judiciary has also undertaken training and capacity-building activities for its own officials.<sup>176</sup>

294. The Constitutional Court has provided information on the following judgments, which have established legal precedents on recognizing and respecting the indigenous justice system in keeping with international human rights law, including by means of the possible adoption of the bill on the indigenous justice system and the strengthening of cooperation and coordination between the authorities of the ordinary and indigenous justice systems:<sup>177</sup>

- Judgment No. 943-2017 of 21 June 2017; amparo proceedings filed by Miguel Cedillo Ceto and Miguel Cedillo López; case concerning legal pluralism
- Judgment No. 2906-2017 of 21 September 2017; amparo proceedings filed by the Indigenous Municipality of Santo Tomás Chichicastenango in Quiché; case concerning legal pluralism
- Judgment No. 5533-2016 of 9 May 2018; case concerning the legal personality of the indigenous peoples, initiated by Lorenzo Pop, on his own behalf and in his capacity as the principal guide and legal representative of the Indigenous Community of Santa Elena Samanzana II
- Judgment No. 4044-2018 of 22 May 2019
- Amparo proceedings filed by Juan Eduardo Vásquez Pérez
- Judgment No. 2315-2019 of 18 January 2020; amparo proceedings filed by Rafael López Vásquez, Aníbal Bosbely López Cardona, Guillermo Pérez Berduo, Alejandro López Orozco, Jaime López y López and Cándido López y López; case concerning legal pluralism
- Judgment No. 1559-2018 of 28 January 2020; amparo proceedings filed by Otto Waldemar Tzic Chávez; case concerning legal pluralism.

295. With regard to measures to eliminate racial discrimination from the justice system:

Since 2018, the judiciary has run a course on tackling discrimination and racism for judicial and administrative officials. It was interrupted only in 2020 and resumed in 2021. In addition, it has two run courses on the identity and human rights of the Garifuna people and people of African descent for judicial and administrative staff within the judiciary.

296. In 2017, the Constitutional Court began developing a project on policies for including persons belonging to vulnerable social groups and tackling discrimination against them.

297. The Constitutional Court's policy on access to justice for vulnerable groups, which is based on the guiding principles of human dignity, equality and non-discrimination, is expected to be adopted and disseminated in 2021 and 2022. Its adoption, implementation and subsequent consolidation will make it possible to develop strategies and actions whose main purpose is to promote and institutionalize a culture of transparent, constitutional judicial service in line with the principles of dignity, equality and non-discrimination at all levels of the Constitutional Court.

<sup>174</sup> Annex 40.

<sup>175</sup> Annex 41.

<sup>176</sup> Annex 42.

<sup>177</sup> Ibid. Means of verification 12.

298. The Constitutional Justice Institute of the Constitutional Court has organized a number of workshops on tackling discrimination.<sup>178</sup>

299. Since 2012, the Ministry of the Interior, acting through the Subdirector General for Education and Teaching of the National Civil Police,<sup>179</sup> has implemented education programmes and a comprehensive teaching system for aspiring officers of the National Civil Police at the National Civil Police Academy, the Police Officer Training School, the Higher Police Training School and the Specialist Police Training School. All programmes promote respect for human rights, the peaceful resolution of conflicts and cultural, economic, social, ideological, religious, political and gender diversity.

300. The training unit of the Public Prosecution Service has taken a number of measures to promote human rights and the rights of indigenous peoples.<sup>180</sup>

301. The Presidential Commission on Discrimination and Racism against Indigenous Peoples held a virtual forum on preventing racism and racial discrimination in the context of the pandemic, providing training to prison security officers on racism, racial discrimination and the right to self-identification.

302. In February 2021, a prosecutor's office attached to the Public Prosecution Service was established in the municipal capital of Livingston in Izabal to provide services to the Garifuna people. This was carried out in coordination with the Indigenous Peoples' Secretariat of the Public Prosecution Service, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the departmental government of Izabal, the municipality of Livingston and the district prosecutor's office of the Public Prosecution Service in Izabal.

### III. Other recommendations

#### Ratification of other treaties

303. The State of Guatemala is constitutionally and democratically organized under the principle of the primacy of the human person as the subject and purpose of social order for the protection of natural or legal persons and its supreme objective is the realization of the common good.<sup>181</sup>

304. Guatemala is party to the vast majority of international human rights instruments, which are incorporated into national law in accordance with the procedures set out in the Constitution. It has always taken a proactive approach, particularly in relation to the individual and collective rights to equality and non-discrimination of indigenous peoples, women, persons with disabilities and other groups.<sup>182</sup> For this reason, it has participated in a number of regional and international forums, including the Human Rights Council and the Security Council.

305. The State of Guatemala, as a party to various international treaties, and in the interests of maintaining harmony among the community of nations, is continuing to explore the best avenues for adopting some international treaties that it has not yet ratified. Its position on each of these treaties is set out below:

306. The International Convention for the Protection of All Persons from Enforced Disappearance: a favourable opinion has been issued on bill No. 3736 but, as no member is sponsoring the bill, it cannot be brought before Congress for an initial discussion.

<sup>178</sup> Annex 43.

<sup>179</sup> Government Order No. 153-2012.

<sup>180</sup> <https://portal.pnc.edu.gt/> (accessed on 15 November 2021).

<sup>181</sup> Constitution of Guatemala, arts. 1–3, 44 and 46.

<sup>182</sup> Examples include the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples. At the inter-American level, Guatemala played a leading role in the work to draft the American Declaration on the Rights of Indigenous Peoples.

307. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: as established in paragraphs 112 and 151 of document [HRI/CORE/GTM/2012](#), the State of Guatemala has partially suspended the death penalty, in accordance with Constitutional Court decision No. 5986-2016, which declares this penalty to be unconstitutional. A favourable opinion has been issued on bill No. 5100 but, as no member is sponsoring the bill, it cannot be brought before Congress for an initial discussion.

308. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: as no member is sponsoring bill No. 4656, it cannot be brought before Congress for an initial discussion.

309. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure: the respective institutions have issued their opinions, which are currently being analysed by the Ministry of Foreign Affairs with a view to possible ratification.

310. The Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance: the relevant institutions have been asked to provide their opinions, some of which are still pending; opinions are currently being updated with a view to possible ratification.

### **Declaration under article 14 of the Convention**

311. Bill No. 2699, which recognizes the competence of the Committee, was brought before Congress for a second discussion on 12 August 2008. As no member is sponsoring the bill, it cannot be brought before Congress for a third discussion with a view to its being adopted or rejected.

### **Follow-up to the Durban Declaration and Programme of Action**

312. Between the 2016 and 2020 fiscal years, the Indigenous Development Fund of Guatemala focused its work on the indigenous peoples and the Xinka and Garifuna communities, promoting their comprehensive development and implementing the programmes referred to in the information on institutional measures provided in this report.

313. The Ministry of Culture and Sports held 10 regional meetings and 10 departmental conferences<sup>183</sup> to raise awareness of the Act on Anti-Discrimination Education.<sup>184</sup> In that connection, training was provided to 2,095 people, most of whom were young students. Over the years, the Ministry has also published 100 works on literature, aspects of culture (clothing), gastronomy, ancestral knowledge, language, spirituality and research into cultural and intangible heritage. These publications have been distributed to educational centres, libraries, public institutions, cultural organizations and the general public.

314. The Day of the Garifuna People has been celebrated on 26 November in Guatemala since 1996,<sup>185</sup> while the International Day of Afro-Caribbean, Afro-Latin and Afrodescendent Women is celebrated on 25 July.<sup>186</sup> As part of these events, efforts are made every year to promote the participation of Garifuna women and women of African descent on the coordinating board of the Office of the Ombudsman for Indigenous Women's Rights.

315. The Presidential Commission on Discrimination and Racism against Indigenous Peoples, in collaboration with the Office of the United Nations High Commissioner for Human Rights, has begun developing a national action plan for meeting the goals of the

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<sup>183</sup> The departments concerned are Huehuetenango, Guatemala, Suchitepéquez, Sololá, Quiché, Izabal, Zacapa and Quetzaltenango.

<sup>184</sup> Congressional Decree No. 81-2002.

<sup>185</sup> Congressional Decree No. 83-96.

<sup>186</sup> Ministerial Order No. 741-2010.

International Decade for People of African Descent 2015–2024, based on the guide to implementing the International Decade for People of African Descent (2015–2025).<sup>187</sup>

### **International Decade for People of African Descent**

316. In 2021, photographic exhibitions on the history, identity and lives of the Garifuna and Afrodescendent people and their contributions to the socioeconomic and cultural development of the country were held at the National Palace of Culture. The exhibitions were jointly organized by the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Ministry of Culture and Sports and the Ministry of Economic Affairs, with the support of the Organization of Ibero-American States for Education, Science and Culture. They were staged again in the departments of Huehuetenango, Quetzaltenango, Santa Rosa, Alta Verapaz and Izabal.

317. In March 2021, in coordination with the National Youth Council and other State agencies, steps were taken to support a technical review of the National Youth Policy. As part of this process, the Presidential Commission on Discrimination and Racism against Indigenous Peoples monitored the inclusion of measures targeted at indigenous and Afrodescendent young people.

318. In 2021, the Presidential Commission on Discrimination and Racism against Indigenous Peoples lent its support to training and awareness-raising campaigns on the Garifuna people, people of African descent and the country's international commitments in relation to them. The campaigns were directed at representatives of the civil service, civil society organizations, academia and other sectors.

319. In 2021, with the help of a subsidy granted under the third phase of the Maya Programme of the United Nations Development Programme and the support of the municipalities of Livingston and Puerto Barrios in Izabal, the Commission helped the Asociación Nelson Mandela to launch a project to enhance the influence of the Garifuna and Afrodescendent communities on municipal development plans in these municipalities.

### **Consultations with civil society**

320. The combined sixteenth and seventeenth reports of Guatemala to the Committee were presented to representatives of the Ministry of Foreign Affairs at a public event and were circulated to the Office for Indigenous Peoples (now the Special Office for Social Development) and to public servants undergoing training. The reports were also published in the Compendium of National and International Instruments on the Rights of Indigenous Peoples,<sup>188</sup> which is used in training activities for civil servants, organizations of indigenous peoples and members of civil society in general.

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<sup>187</sup> Means of verification 23.

<sup>188</sup> Means of verification 24.