

**Committee on Economic, Social and Cultural Rights****Concluding observations on the fourth periodic report of
Guatemala***

1. The Committee considered the fourth periodic report of Guatemala¹ at its 42nd and 44th meetings,² held on 3 and 4 October 2022, and adopted the present concluding observations at its 60th meeting, held on 14 October 2022.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report by Guatemala and the information provided in the replies to the list of issues.³ The Committee welcomes the constructive dialogue with the State party's high-level delegation and the replies provided during the dialogue and, later, in writing.

B. Positive aspects

3. The Committee welcomes the measures taken by the State party to strengthen the promotion and protection of economic, social and cultural rights through the establishment of the Presidential Commission for Peace and Human Rights and the implementation of national development policies under the K'atun "Our Guatemala 2032" National Development Plan and the National Innovation and Development Plan.

C. Principal subjects of concern and recommendations**Applicability of the Covenant**

4. The Committee notes the explanation provided by the delegation regarding the supremacy of international treaties in the State party's legal order, as well as the examples of judgments in which the Covenant or other international human rights instruments were cited by the Constitutional Court. The Committee also notes, however, that the application of the Covenant remains limited.

5. **The Committee recommends that the State party take the measures necessary to promote the application of all the rights enshrined in the Covenant at all levels of the justice system. To that end, the Committee urges the State party to provide training on the scope of the Covenant, including the Committee's general comments, to judges, prosecutors, lawyers, law enforcement personnel, members of Congress and other persons responsible for applying the Covenant. It also urges the State party to run campaigns to raise awareness of economic, social and cultural rights among rights**

* Adopted by the Committee at its seventy-second session (26 September–14 October 2022).

¹ E/C.12/GTM/4.

² See E/C.12/2022/SR.42 and E/C.12/2022/SR.44.

³ E/C.12/GTM/RQ/4.



holders. In this connection, the Committee refers the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.

Judicial independence

6. The Committee is concerned at reports of intimidation, threats and reprisals being committed against judges, prosecutors and lawyers, especially those handling prominent cases of corruption or human rights violations. The Committee is also concerned by reports that the process for selecting Constitutional Court judges lacks transparency and objectivity and that the posts are not publicly announced and by the fact that some Supreme Court judges exceed their term limit.

7. **The Committee urges the State party to take the measures necessary to ensure the independence and safety of members of the judiciary in the exercise of their functions and thus safeguard the enjoyment of human rights, including economic, social and cultural rights. In addition, the Committee recommends that the State party take the measures necessary to ensure that the selection and appointment of judges and magistrates are subject to a transparent, objective and impartial process in which the prime considerations are the ability, integrity and merit of the candidates. The Committee refers the State party to the Basic Principles on the Independence of the Judiciary.**

Corruption

8. While the Committee notes the information provided by the delegation regarding the efforts made to combat acts of corruption, it is concerned at the persistently high rate of impunity in the State party and regrets that it did not receive specific information on the results of investigations or the penalties imposed in corruption cases.

9. **The Committee recommends that the State party address as a matter of priority the root causes of corruption and guarantee transparency in public administration, as well as accountability. It also recommends that the State party effectively implement anti-corruption measures, including the conduct of thorough and independent investigations into all cases of corruption at all levels and the publication of their results. It further recommends that the State party provide effective protection for persons who report acts of corruption, judges, prosecutors, lawyers and activists involved in combating corruption and witnesses to such acts.**

Human rights defenders

10. The Committee is concerned by assaults, threats and reprisals committed against human rights defenders, including defenders of economic, social and cultural rights and Indigenous and Afrodescendent leaders, and in particular by the fact that criminal law is improperly used to persecute these individuals. The Committee is also concerned at the lack of national mechanisms to protect human rights defenders.

11. **The Committee urges the State party to:**

(a) **Conduct thorough, impartial and effective investigations into all reports of attacks on the life, physical integrity or freedom of human rights defenders, as well as any acts of violence, threats, harassment, intimidation, bullying and defamation committed against human rights defenders;**

(b) **Design and implement a comprehensive policy with a gender and intercultural focus to prevent acts of violence against all human rights defenders, in particular defenders of economic, social and cultural rights, and to effectively protect their lives and personal integrity through effective coordination among national and municipal authorities, taking into account the specific needs of defenders living in rural or remote areas;**

(c) **Adopt the measures necessary to prevent the use of criminal law for the arbitrary criminalization of defenders of economic, social and cultural rights, including defenders of the rights of Indigenous Peoples and persons of African descent;**

(d) **Roll out general awareness-raising campaigns about the work of human rights defenders, especially those who defend economic, social and cultural rights;**

(e) **Take into consideration the Committee's statement on human rights defenders and economic, social and cultural rights.⁴**

Business and human rights

12. The Committee notes the information on the initiative of the Presidential Commission for Peace and Human Rights to develop a national action plan on business and human rights. It is concerned, however, at the negative impact on the enjoyment of economic, social and cultural rights potentially arising from the economic development activities and projects of companies, which, owing to a failure to conduct human rights due diligence, cause irreparable harm to the environment and undermine the right to health and a decent standard of living of the affected communities, in particular Indigenous Peoples and persons of African descent (arts. 1 and 11).

13. **The Committee recommends that the State party:**

(a) **Accelerate its efforts towards the prompt adoption of a national action plan on business and human rights while ensuring that both the formulation and implementation processes involve all interested parties, including representatives of companies, civil society organizations, Indigenous Peoples, persons of African descent and the most affected communities;**

(b) **Adopt appropriate legislative and administrative measures to ensure that companies that operate in the State party conduct human rights due diligence so as to prevent their activities from hindering the exercise of economic, social and cultural rights;**

(c) **Take all measures necessary to ensure the legal liability of companies that operate in, are headquartered in and/or are under the jurisdiction of the State party for violations of economic, social and cultural rights resulting from their activities, and that it ensure appropriate reparations are provided to victims;**

(d) **Take into account the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.**

Right of Indigenous Peoples to prior consultation

14. The Committee is concerned at the lack of effective legal mechanisms in line with international standards to guarantee that Indigenous Peoples are consulted regarding any legislative or administrative measures likely to affect them. The Committee is also concerned at the fact that, despite the efforts of the Ministry of Energy and Mines to hold "remedial" consultations pursuant to judgments of the Constitutional Court, the State party continues to grant concessions for natural resource exploitation projects without engaging in consultations aimed at obtaining the free, prior and informed consent of Indigenous Peoples or conducting social, environmental and human rights impact studies (art. 1).

15. **The Committee recommends that the State party:**

(a) **In consultation with Indigenous Peoples and taking into account the cultural characteristics, ways and customs of each People, develop and implement a law and effective, appropriate and legally binding protocols, including clear requirements regarding the form of consultations and the representation of Indigenous Peoples, to ensure full respect for their right to be consulted to obtain their free, prior and informed consent in relation to decisions likely to affect them;**

(b) **Take the administrative measures necessary to guarantee that prior consultations are conducted in a systematic and transparent manner to obtain the free, prior and informed consent of Indigenous Peoples with regard to decisions likely to**

⁴ E/C.12/2016/2.

affect them, especially before the granting of licences for the conduct of economic activities in territories that they have traditionally possessed, occupied or used;

(c) Systematically incorporate in the prior consultation process the conduct of independent studies of the potential social, environmental and human rights impact of economic or natural resource exploitation projects in the Indigenous settlements concerned, publish the results of those studies and ensure that agreements on the implementation of such projects contain measures to mitigate their impact on economic, social and cultural rights, as well as sufficient compensation for the Indigenous Peoples concerned;

(d) Bear in mind the international obligations and commitments stemming from its ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international standards.

Maximum of available resources and inequality

16. The Committee notes with concern the considerable inequality in the State party, which is worsened by the regressive nature of a tax system that relies disproportionately on indirect taxes. Furthermore, the Committee remains concerned at the low rates of tax collection, which continues to grossly limit social spending (art. 2).

17. The Committee reiterates its earlier recommendation⁵ and urges the State party to redouble its efforts to pursue a tax policy that is adequate, progressive and socially equitable so as to combat economic inequalities and improve the availability of resources for implementing economic, social and cultural rights. The Committee urges the State party to energetically combat tax evasion and tax fraud by, for instance, strengthening the Office of the Superintendent of the Tax Administration. It also recommends that both the reform to reinforce fiscal policy and the budget allocation process be conducted in a transparent and participatory manner.

Non-discrimination

18. The Committee is concerned at the persistence of discrimination against Indigenous Peoples and persons of African descent in the enjoyment of their economic, social and cultural rights. It is also concerned that persons with disabilities, as well as lesbian, gay, bisexual, transgender and intersex persons, continue to be subjected to stigmatization and discrimination, thus preventing them from enjoying their economic, social and cultural rights on an equal basis with others. The Committee is further concerned that bill No. 5940 on guaranteeing comprehensive protection for children and adolescents against gender identity disorders, which was submitted to the Congress, will contribute to reinforcing the stigma faced by lesbian, gay, bisexual, transgender and intersex persons (art. 2 (2)).

19. **The Committee recommends that the State party:**

(a) Adopt a comprehensive law on non-discrimination that provides sufficient protection against discrimination in keeping with article 2 of the Covenant and that: (i) explicitly includes all prohibited grounds for discrimination enumerated in that article and in general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights; (ii) defines direct and indirect discrimination in line with the State party's obligations under the Covenant; (iii) prohibits discrimination in the public and private spheres alike; and (iv) establishes effective judicial and administrative mechanisms to guard against discrimination, including the introduction of provisions on reparations in discrimination cases;

(b) Adopt the measures, including affirmative action and awareness-raising campaigns, necessary to prevent and combat the persistent discrimination against all disadvantaged or marginalized persons and groups, particularly Indigenous Peoples

⁵ E/C.12/GTM/CO/3, para. 8.

and persons of African descent, so as to guarantee the full exercise of their rights under the Covenant;

(c) Remove from its legal order all legislation and bills that might generate discrimination on account of sexual orientation or gender identity.

Equality between men and women

20. The Committee is concerned by the persistent inequality between men and women, which stems from gender stereotypes that remain deeply rooted in families and society and impedes the full enjoyment of economic, social and cultural rights, in particular access to work, social security, a decent standard of living, health care and education (art. 3).

21. **The Committee recommends that the State party take all measures necessary to eliminate the persistent inequality between men and women and promote women's full access to employment, social security, health-care services, education, land and income-generating projects. The Committee urges the State party to accelerate the debate and adoption of bill No. 5452 on the economic advancement of women. The Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Right to work

22. The Committee is concerned by the number of people who work in the informal sector and therefore do not enjoy labour protections or access to social security (art. 6).

23. **The Committee recommends that the State party adopt a comprehensive employment strategy, including an action plan containing specific goals to boost job creation in the formal sector and progressively reduce the number of workers in the informal sector. It also recommends that the State party take the measures necessary to ensure that persons working in the informal sector have access to basic labour protections, social security and other rights under the Covenant. The State party should, as much as possible, carry out inspections of working conditions in the informal sector. Lastly, the Committee recommends that the State party develop and implement quality technical and vocational training programmes that are tailored to the needs of the labour market and the most underprivileged and marginalized persons and groups.**

Minimum wage

24. The Committee is concerned that adjusting the minimum wage per district has a disproportionate impact on the income of workers and that the minimum wage remains insufficient to ensure a decent standard of living for workers and their families. It is also concerned at how many workers receive less than the minimum wage (art. 7).

25. **The Committee urges the State party to take the legislative and administrative measures necessary to ensure that all workers receive a minimum wage that enables them to achieve a decent standard of living for themselves and their families in keeping with article 7 (a) (ii) of the Covenant, and to take the measures necessary to ensure that adjustments to the minimum wage do not have a disproportionate impact on the income of the most disadvantaged or marginalized workers.**

Conditions of work

26. The Committee regrets that the conditions of work of persons in certain sectors, such as agriculture, especially those employed on palm oil plantations, and domestic work, remain unstable. The Committee notes with concern that persons in those sectors are exposed to poor conditions of work, including prolonged hours, low pay, limited employment security and a risk of exploitation and violence, and that the State party does not have sufficient human resources to conduct inspections with a view to providing effective solutions to workers (art. 7).

27. **The Committee recommends that the State party:**

- (a) **Take the measures necessary to improve the conditions of work of persons engaged in agricultural and domestic work so that they may enjoy the same conditions of work as persons in other sectors;**
- (b) **Continue its efforts to strengthen the mandate and capacity of labour inspectors to effectively monitor the conditions of work in these sectors and, as much as possible, in the informal sector;**
- (c) **Set up effective mechanisms to report abuses and exploitation, taking into account the vulnerable position of workers in these sectors;**
- (d) **Ratify the ILO Domestic Workers Convention, 2011 (No. 189);**
- (e) **Take into account the Committee's general comment No. 23 (2016) on just and favourable conditions of work.**

Trade union rights

28. While the Committee notes the efforts of the State party to ensure respect for trade union rights through the establishment of the Tripartite Commission on Labour Relations and Trade Union Freedom, it is concerned that the right to collective bargaining, to strike and to form trade unions remain restricted in the State party. In particular, it is concerned at reports that leaders and members of trade unions have been threatened, subjected to violence and even killed (art. 8).

29. **The Committee recommends that the State party ensure respect for the trade union rights of all workers in conformity with article 8 of the Covenant and with the provisions of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Committee urges the State party to pursue its efforts to bolster the work of the Tripartite Commission on Labour Relations and Trade Union Freedom in order to strengthen social dialogue and ensure that trade union rights are respected in practice. In addition, it calls upon the State party to establish mechanisms for the effective protection of trade union rights, including the effective investigation of all complaints brought to its attention and adequate compensation for the workers concerned.**

Social security

30. The Committee is concerned by the fact that social security benefits are tightly linked to formal employment, as reflected in the low coverage of the social security system, especially among workers in the informal sector and self-employed workers. The Committee is also concerned that not all parts of the social security system provide adequate levels of protection (art. 9).

31. **The Committee urges the State party to develop a social security system that guarantees universal coverage and provides appropriate benefits for all persons, workers and families, especially those belonging to the most disadvantaged and marginalized groups, so as to ensure that they enjoy a decent standard of living. The Committee also urges the State party to take the necessary steps to set a social protection floor that includes basic social security guarantees. The Committee draws the State party's attention to its general comment No. 19 (2007) on the right to social security and to the statement it made in 2015 on social protection floors: an essential element of the right to social security and of the sustainable development goals.⁶**

Protection of the family

32. The Committee is concerned at the persistence of violence against women in all settings, including in the family. It is also concerned that children and adolescents, particularly in rural areas, continue to be victims of labour exploitation and physical,

⁶ E/C.12/2015/1.

psychological and sexual violence, including within the family. The Committee regrets that the information provided to it regarding judicial investigations into cases of violence against women, children and adolescents lacked detail and specificity (arts. 3 and 10).

33. The Committee recommends that the State party:

- (a) **Conduct thorough investigations into cases of violence against women, children and adolescents and ensure that those responsible are prosecuted and appropriately punished;**
- (b) **Strengthen existing mechanisms to prevent violence against women, children and adolescents through, inter alia, information campaigns designed to increase the population's awareness of the seriousness and adverse effects of such violence;**
- (c) **Provide training to law enforcement personnel and judges to raise their awareness of the seriousness and criminal nature of violence against women, children and adolescents in all settings, including in the family;**
- (d) **Redouble its efforts to guarantee appropriate protection for women, children and adolescents who are victims of violence, ensuring that they have access to justice through effective remedies, including means of obtaining reparation and compensation, and access to shelters that provide immediate physical protection, as well as legal advice, medical care and psychological services;**
- (e) **Adopt effective measures to combat child labour by ensuring, inter alia, that the law protecting children against economic exploitation is vigorously enforced, strengthening child labour oversight mechanisms and increasing support for poor families so that they can keep their children in the education system;**

Poverty

34. The Committee is concerned at the persistently high rate of poverty and extreme poverty in the State party, which affect in particular Indigenous Peoples, persons of African descent and persons living in rural areas. The Committee is further concerned by the persistent income and wealth inequality in the State party (art. 11).

35. The Committee recommends that the State party:

- (a) **Step up its efforts to combat poverty, especially extreme poverty, by adopting a national poverty-reduction action plan that includes a human rights and gender focus and sufficient resources for its implementation and that duly addresses existing discrepancies and gaps between urban and rural areas;**
- (b) **Adopt effective measures to combat inequality, taking into account the needs of the most disadvantaged and marginalized segments of society, especially low-income groups, Indigenous Peoples, persons of African descent and persons living in rural areas;**
- (c) **Take into consideration the Committee's 2001 statement on poverty and the Covenant.⁷**

Land disputes and forced evictions

36. The Committee is concerned by the lack of secure land tenure, which has led to serious social conflict and has undermined the right of Indigenous Peoples to the lands, territories and resources that they have traditionally occupied or possessed. The Committee is also concerned about reports that a considerable number of campesino and Indigenous families have been the victims of forced eviction that, owing to the lack of prior notice, the disproportionate use of force and the absence of resettlement measures, infringed international human rights standards (art. 11).

⁷ E/C.12/2001/10.

37. **The Committee recommends that the State party:**

- (a) **Take the measures necessary to ensure equitable access to land and natural resources by guaranteeing legal security and agricultural rights, particularly for small-scale farmers;**
- (b) **Establish an effective mechanism to protect the right of Indigenous Peoples to possess, use, develop and control their lands, territories and resources in full security, including by strengthening the process for the regularization, legal recognition and legal protection of territories in accordance with international standards;**
- (c) **Take effective measures against forced evictions in accordance with international human rights law, and ensure that victims have access to an effective remedy that allows the restitution of their property, return to their homes or land or a suitable alternative thereto, and appropriate compensation;**
- (d) **Take into consideration the Committee's general comment No. 7 (1997), which deals with the topic of forced evictions and contains, among others, guidance on appropriate legal remedies, adequate compensation and consultations.**

Right to food

38. The Committee notes with concern the serious situation of food insecurity and the high rate of chronic child malnutrition in the State party, which primarily affect the Indigenous population.

39. **The Committee recommends that the State party redouble its efforts to protect the right to adequate food and step up initiatives to provide an effective response to the situation of food insecurity and chronic child malnutrition, particularly in rural areas. The Committee further recommends that the State party increase investment in local agricultural production, including the possibility of reforming the agricultural sector, and enhance the productivity and market access of small-scale farmers so as to increase incomes in rural areas. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.**

Rights to water and sanitation

40. The Committee is concerned at the limited access to good quality drinking water and adequate sanitation services, which disproportionately affects the most disadvantaged and marginalized groups, especially in rural areas. The Committee notes with concern the lack of sufficient protection of water resources, particularly from the effects of climate change, and the lack of progress on the adoption of a law on water (art. 11).

41. **The Committee urges the State party to intensify its efforts to guarantee access to drinking water and sanitation services for the entire population, particularly the most disadvantaged and marginalized groups and those living in rural or remote areas by, for instance, ensuring effective coordination among the various levels of government and allocating sufficient resources for the adequate provision of these services. In addition, the Committee recommends that the State party duly protect its water resources, including by adopting a law on water that: (a) recognizes the right to water as a human right to be safeguarded without discrimination; (b) has been endorsed by all social actors; (c) addresses the negative impacts of economic activities and natural resource exploitation, as well as the effects of climate change; (d) sets penalties for companies that, through their activities, contaminate water resources; and (e) establishes a proper sustainable system for the management and treatment of waste water. The Committee refers the State party to its general comment No. 15 (2002) on the right to water.**

Right to health

42. The Committee notes with concern that, despite the State party's efforts to improve access to health-care services, the low level of investment in health care continues to limit

the accessibility, quality and availability of basic health-care services. Furthermore, the Committee is concerned that health-care costs are largely borne by the individual, thereby perpetuating serious inequalities in access to and enjoyment of the right to health by the most disadvantaged persons and groups, mainly low-income persons, Indigenous Peoples and persons living in rural or remote areas. It is also concerned that child mortality remains high in the State party, especially among low-income groups (art. 12).

43. The Committee recommends that the State party:

- (a) Pursue its efforts to allocate sufficient resources to the health-care sector with a view to guaranteeing and improving the accessibility, availability and quality of health-care services for all persons without discrimination, low-income persons, Indigenous Peoples and persons living in rural or remote areas;
- (b) Improve primary health-care infrastructure and ensure that hospitals throughout its territory have the necessary medical personnel, supplies and medicines, including for emergencies;
- (c) Take measures, including affirmative action, to reduce existing inequalities in access to the right to health by, for example, extending health insurance to the most disadvantaged and marginalized groups, mainly low-income persons, Indigenous Peoples, persons of African descent and persons living in rural or remote areas;
- (d) Redouble its efforts to further decrease child mortality;
- (e) Take into consideration the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.

Drug policy

44. The Committee is concerned that the fact that drug use is an offence may prevent users from having access to appropriate harm-reduction programmes and addiction treatment services that are evidence-based and respectful of the rights of drug users (art. 12).

45. The Committee recommends that the State party consider decriminalizing drug use and that it ensure the availability, accessibility and quality of psychoactive substance abuse prevention and harm-reduction programmes. It also recommends that the State party ensure that drug users have access, on request, to addiction treatment that is evidence-based and respectful of their rights.

Sexual and reproductive health

46. The Committee is concerned by the fact that the only exception to the abortion ban is therapeutic abortion for the purpose of protecting the mother's life and that this exception is subject to strict conditions. The Committee is concerned at the high rates of teenage pregnancy and maternal mortality which are due, among other factors, to the unavailability of and lack of access to appropriate sexual and reproductive health services and information (art. 12).

47. The Committee recommends that the State party:

- (a) Review the current prohibition of abortion in order to render it compatible with other fundamental rights, such as women's rights to health, life and dignity;
- (b) Ensure the accessibility and availability of appropriate, good quality sexual and reproductive health services and information, including on family planning, for all women and adolescent girls in the State party, especially in rural or remote areas;
- (c) Take the legislative and administrative measures necessary to prevent maternal mortality and morbidity, taking into account the technical guidance provided by the Office of the United Nations High Commissioner for Human Rights on the

application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality;⁸

(d) Take into account the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.

Access to vaccines against coronavirus disease (COVID-19)

48. While it takes note of the explanations provided by the delegation, the Committee is concerned at how few people in the State party have been vaccinated against COVID-19.

49. **The Committee recommends that the State party adopt a vaccination plan that guarantees access to all persons, without discrimination, to safe and effective vaccines against COVID-19 and to culturally appropriate information for Indigenous Peoples and persons of African descent.**

Impact of the COVID-19 pandemic on the right to education

50. The Committee notes with concern the negative impact of the prevention measures adopted in the context of the COVID-19 pandemic on the right to education given that most students at the time did not, and still do not, have access to the Internet or technological and digital resources to pursue their studies online (arts. 13 and 14).

51. **The Committee recommends that the State party take all the measures necessary to improve access to the Internet and technological and digital resources for students, especially those from low-income families, those belonging to Indigenous Peoples or peoples of African descent and those living in rural or remote areas, to ensure that education is accessible, available and affordable without discrimination.**

Right to education

52. The Committee notes with concern the high dropout rate among girls, especially in rural areas, since they cannot continue their studies due to early pregnancy, as well as the lack of appropriate sexual and reproductive education programmes. The Committee is concerned that illiteracy remains high, particularly among Indigenous Peoples (arts. 13 and 14).

53. **The Committee recommends that the State party:**

(a) **Take the measures necessary to reduce the high, early pregnancy-related dropout rate among girls and guarantee their access to education;**

(b) **Introduce comprehensive, age-appropriate sexual and reproductive health education for both genders in primary and secondary curricula;**

(c) **Redouble its efforts to ensure that all children, adolescents and adults without a basic education have access to education in order to reduce illiteracy.**

Cultural rights

54. The Committee is concerned at the continuous persecution of community-based Indigenous radio stations in the State party, which significantly curbs Indigenous Peoples' enjoyment of freedom of expression and cultural rights.

55. **The Committee urges the State party to adopt, with the involvement of Indigenous Peoples, a legal framework on community-based media that respects their right to take part in cultural life. It also urges the State party to take the measures necessary to prevent the arbitrary use of the criminal law to prosecute operators of community-based Indigenous radio stations. Lastly, it urges the State party to take the measures necessary to comply with the judgment in the case of the *Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala* of 6 October 2021.**

⁸ A/HRC/21/22.

D. Other recommendations

56. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

57. The Committee recommends that the State party consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

58. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.⁹

59. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to engage with the Office of the Human Rights Advocate, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

60. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 15 (a) (right of Indigenous Peoples to prior consultation), 19 (c) (non-discrimination) and 53 (a) and (b) (right to education) above.

61. The Committee requests the State party to submit its fifth periodic report in accordance with article 16 of the Covenant by 31 October 2027, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

⁹ E/C.12/2019/1.