



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

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States parties under
article 9 of the Convention**

**Combined fourteenth and fifteenth periodic reports of States parties
due in 2013**

Guatemala*, **

[12 April 2013]

* This document contains the combined 14th and 15th periodic reports of Guatemala, due on 17 February 2013. For the combined 12th and 13th periodic reports and the summary record of the meetings at which the Committee considered the reports, see documents CERD/C/GTM/12-13 and CERD/C/SR.1981, 1982 and 2003, respectively.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document is being issued without formal editing.

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* The annexes can be consulted in the files of the Secretariat.

I. Presentation

In view of the recognition of discriminatory and racist practices that have historically deprived the indigenous peoples of equal access to the economic, political, cultural and social sectors, the State of Guatemala has entered into international commitments by ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and implementing it in all areas.

The creation of the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) in 2002 through Government Decision No. 390-2002 clearly boosted the determination of State institutions to implement the Convention.

That political will and the State's resolve to acknowledge the right to equality and eradicate all racist practices have led to various affirmative measures designed to help the indigenous peoples, first and foremost through the recognition of the diverse cultures and peoples existing within the Guatemalan territory. Such action is also based on respect and support for the ways of life, customs, traditions, social organization, men's and women's traditional clothing, and languages of the peoples concerned, and on awareness that such factors in no case impair the country's advancement but rather constitute a rich potential that makes Guatemala unique in the world.

Racial discrimination must never be tolerated. As an obstacle to personal human rights and coexistence within a nation, it constitutes a serious threat to peace and harmony. Accordingly, internal mechanisms have been established and promoted in order to create decent conditions for the development of women and indigenous peoples by identifying vulnerable sectors and thereby contributing to the elimination of discriminatory practices while ensuring a more equitable and inclusive advancement free of discrimination.

Considering the gravity and significance of the subject, Guatemala developed a participatory and inclusive methodology for the preparation of the combined fourteenth and fifteenth periodic reports under article 9 of the Convention. That approach was designed to evaluate, analyse and reflect on the legislative, judicial, administrative or other measures that have been adopted in compliance with the provisions of the Convention.

Accordingly, the above methodology has relied on the principles of objectivity, inclusion, participation and interaction and has involved the three branches of Government, autonomous and semi-autonomous bodies, and civil-society and indigenous peoples' organizations. Thus, considerable importance was attached to the preparation of this document.

This report has relied on the experience gained by the Presidential Commission on Discrimination and Racism (CODISRA) in relation to earlier reports submitted to the Committee and other international bodies, and on the United Nations guidelines provided to the States for the preparation of international reports.

The report describes various affirmative initiatives for the eradication of discrimination and racism. Yet considerable progress is needed in a number of areas, particularly the adoption of legislation by the Congress. Much remains to be done but the will and commitment required exist.

Clearly, the report does not cover the full range of subjects that the Committee would wish. The main challenge faced by the country, however, is to align national law with the provisions of the Convention.

Lastly, this report has focused not only on the evaluation of activities, but also on the sensitization of public officials to racism and racial discrimination and on the promotion of the Convention and the recommendations of the Committee at the institutional level.

The sections that follow constitute the combined fourteenth and fifteenth periodic reports of Guatemala under article 9 of the Convention.

II. Progress achieved, by article of the Convention, and implementation of the Committee's recommendations

A. Articles 1 and 2: Policies and means for promoting the human rights of indigenous peoples

1. Public policies aimed at the indigenous peoples

(a) Advances in implementing the public policy for coexistence and elimination of racism and racial discrimination (PPCER)

1. Various advances have been made subsequent to the formulation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER) in 2006.
2. The lines of action developed in the period 2009–2012 in order to implement and comply with the above policy include the following:
 3. **Access to financial resources.** Discussions have been held on the formulation of a basic proposal for addressing economic discrimination against the indigenous peoples from the perspectives of the indigenous economy, gender and rural development policy.
 4. **Design of activities to identify and eliminate wage discrimination.** An agreement has been concluded between the Presidential Commission against Discrimination and Racism and the Ministry of Labour and Social Welfare on joint action in formulating strategies to eliminate wage discrimination.
 5. **Facilitation of collective access to productive land in order to ensure food security for the communities.** Programmes facilitating the indigenous peoples' collective access to productive land have been revised so as to contribute to food security, in cooperation with the Land Fund (FONTIERRA) and the Secretariat for Food and Nutritional Security (SESAN).
 6. **Building of the competitive capacities of rural producers of either gender so that they may take advantage of market opportunities.** Programmes for the indigenous peoples have been revised with a view to enhancing the rural producers' competitive capacities and thus exploit market potential. Participation in the Programme for Economic Development in the Countryside (PDER) of the Ministry of Economic Affairs has been promoted.
 7. **Equity in the health system.** Workshops and technical and political meetings have been held between the Presidential Commission on Discrimination and Racism (CODISRA) and the Unit for Indigenous Peoples of the Ministry of Public Health and Social Assistance in order to draft a public health policy for the indigenous peoples.
 8. **Implementation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER) in State institutions.** A study carried out by the Presidential Commission on Discrimination and Racism (CODISRA) in order to establish the technical and political outline and instruments for implementing the said policy has produced the following results:

- Instruments proposed for the implementation of the policy, including the relevant responsibilities of State institutions
- Identification of activities and advances in State institutions towards such implementation
- A work plan detailing mechanisms for the regional and institutional implementation of the policy.

9. **Promotion of training and skills-upgrading for public officials on racism- and discrimination-related issues.** Public services have been upgraded in line with the country's ethnic and linguistic diversity through training on racism and racial discrimination by means of interactive exhibitions entitled "¿Por qué estamos como estamos?" ("Why are we what we are?"), in cooperation with the International Institute of Learning for Social Reconciliation (IIARS).

10. **Monitoring of the media to detect and eliminate discriminatory attitudes among shapers of public opinion.** A contents guide for inclusive communication has been drawn up for the media with a view to eliminating stereotypes and racist practices.

11. **Implementation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER) under the Structured Agenda of Mayan, Garifuna and Xinka Women of the Office for the Defence of Indigenous Women (DEMI).** The Political and Health Unit of the said Office has coordinated strategic activities on the said Agenda with activities of the above public policy, including data collection for drawing up a public health policy for the indigenous peoples.

12. **Implementation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER) at the municipal level.** A cooperation agreement has been concluded with the National Association of Municipalities (ANAM) in order to expand the implementation of the policy to all sectors.

13. One of the activities under that agreement has consisted in disseminating the above public policy in cooperation with all of the country's municipalities through events for training, skills-upgrading and dialogue with municipal authorities and council members.

14. The indigenous municipal and other authorities' endorsement for promoting and disseminating the said public policy among their members has been secured through cooperation with the Mayan Association of University Students (AMEU).

(b) Draft government decision on the implementation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER)

15. In 2011, the Presidential Commission on Discrimination and Racism (CODISRA) appealed to the Office of the President of the Republic for the establishment of a legal instrument making the implementation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER) obligatory in State institutions in all sectors.

16. In his address at the national celebration of 9 August as International Day of the World's Indigenous Peoples, Mr. Otto Perez Molina, who had recently been elected President of the Republic, acknowledged the work done in combating discrimination and racism in Guatemala and committed himself to supporting the Presidential Commission on Discrimination and Racism (CODISRA) in promoting institutional processes, particularly the implementation of the above public policy in State institutions.

17. An inter-sectoral board for advice on the afore-mentioned public policy and for its implementation has been set up in order to support the promotion of the draft government decision in question. The text has been drawn up with the active participation of the institutions participating in the board and steps have been taken with the appropriate bodies

with a view to the adoption of the decision, which has been endorsed and signed by practically all of the ministers. Only the President's endorsement and signature are still pending.

18. Progress made in 2012 towards adoption of the said government decision has consisted in drafting the legal instrument that will support the implementation of the above public policy.

(c) State policies with components on cultural diversity, gender and the indigenous peoples

19. **Agricultural policy, 2008–2012.** One of the principles underpinning this policy in the sociocultural and human sector consists in providing inhabitants involved in agriculture with assistance based on intercultural and gender factors and on equitable participation.

20. **National Plan for the Health of All Guatemalans, 2008.** This plan provides for a comprehensive system based on human rights, equity, the gender perspective and a social contract for health. One of the challenges consists in the design and offer of a universal but differentiated range of benefits that promotes participation, respect for cultures and diversity.

21. **Educational policies, 2008–2012.** These policies provide for strengthening intercultural bilingual education. Their strategic objective consists in expanding educational coverage at all levels of the system on the basis of equity and cultural and linguistic relevance.

22. **Policy on early childhood, 2010–2020.** This policy recognizes human capital as the most valuable asset of Guatemala, particularly in view of the cultural diversity characterizing the country. The key point is the recognition of multiculturalism, in view of the four peoples making up the population, in a context of respect, tolerance, reciprocity and acceptance of differences as a blueprint for a culture of peace and peaceful coexistence.

23. **National policy on climate change, Government Decision No. 329-2009.** Under this policy, citizen participation, the consideration of cultural and ethnic identity and the gender perspective in designing all plans, programmes and activities will lend greater legitimacy and viability to the decisions of the authorities.

24. **National policy on biological diversity, Government Decision No. 220-2011.** The multicultural perspective is a key element of the vision guiding this policy.

25. **National agreement for the advancement of security and justice.** Under law enforcement reform, the National Civil Police (PNC) must apply cultural and gender integration criteria and ensure that its personnel will provide services primarily in their linguistic areas of origin.

26. **National policy for sustainable tourist development in Guatemala, 2012–2022.** Under the Government Plan, 2012–2016, tourism is one of the four engines that drive the country's economy. The traditional knowledge and skills of the indigenous peoples will serve as a vehicle for the promotion of rural and community-based tourism.

(d) Administrative action

Government decisions focused on eradicating racism and discrimination

27. **Government Decision No. 302-2009:** Adoption of the Equal Opportunities Plan (PEO) and the national policy for the advancement and comprehensive development of women (PNPDIM), 2008–2023.

28. **Government Decision No. 84-2009:** Creation of the Presidential Commission on the National Permanent Dialogue System (SNDP) within the Executive. The Commission is entrusted with designing viable political, social and economic approaches to the various indigenous sectors, territories, communities and peoples in order to help to solve problems affecting their interests.

29. **Government Decision No. 196-2009:** Establishment of the legal status of the national rural development policy, focused on rural sector problems. Through the Round Table for Dialogue on Comprehensive Rural Development and Agrarian, Environmental and Labour Conflicts, the Government and more than 30 relevant civil society organizations agreed upon the said policy, unanimously endorsed and approved by the National Council for Urban and Rural Development (CONADUR).

30. **Government Decision No. 97-2009, section (b):** Reorganization of the Subdirector General for Crime Prevention, which changed from a department to the Multiculturalism Section (SEMULT).

31. The mission and operation of the Multiculturalism Section consists in “sensitizing, training and seeking a rapprochement with the communities in order to focus on the country’s multiethnic and multicultural character, prevent racism, discrimination and exclusion and recommend relevant operational policies at the institutional level”.

32. **Resolution 04/2009 of the Executive Secretariat of the National Council for Protected Areas (CONAP):** Creation of the Department of Coordination with Indigenous Peoples and Civil Society as part of the Technical Directorate-General of the Executive Secretariat of the National Council for Protected Areas (CONAP).

33. The main aim of the Department is to have an impact on national policies, strategies and action related to questions of indigenous peoples and civil society and involving the use and exploitation of natural resources, and to participate in biodiversity management under the Guatemalan System of Protected Areas.

34. **Resolution No. 265-2009 of the Management of the National Institute of Statistics:** Creation of the Advisory Technical Unit on Gender and Indigenous Peoples (UTAGPI).

35. The aim of the above technical unit consists in mainstreaming the gender and indigenous perspectives into official statistics processing. The unit has prepared a manual for such mainstreaming within the Institute, drawn up a conceptual framework for focusing on indigenous peoples statistics and produced a guide for mainstreaming the gender and indigenous perspectives into health statistics.

36. **Resolution No. 123-001-2009 of the Governing Board of the Land Registry (RIC):** Establishment of a procedural regulation for recognizing and affirming the existence of communal land in zones that have been registered or are being registered, in accordance with the relevant provisions of the Land Registry Act.

37. **Decision No. 35-2010 of 2 February 2010:** Creation of the Institute for Civic, Political and Electoral Education and Training (also known as Electoral Institute). The main aim of the Institute is to encourage the process of civic and electoral reflection, discussion and training in order to help to consolidate a political culture based on democratic values and practices and thereby to strengthen citizen participation and the country’s electoral system.

38. **Government Decision No. 271-2010, amending Government Decision No. 497-2007:** Renaming of the Directorate for Multiculturalism to Directorate for Ethnic and Gender Equity. The Directorate, directly subordinated to the Under-Secretariat for Public Policies, seeks to mainstream the ethnic and gender perspectives, from the viewpoint of

indigenous peoples' and women's rights, into policy management, the National Planning System and international cooperation management.

39. **Government Decision No. 205-2011:** Creation of the Human Rights Directorate in the Ministry of Foreign Affairs. The aim of the Directorate is to support negotiations on human rights, monitor compliance with international treaties signed by Guatemala and propose appropriate national policies to the Office of the Minister. A subdirector for the rights of indigenous peoples has been set up within the Human Rights Directorate.

40. **Government Decision No. 320-2011:** Adoption of the regulations issued under the National Languages Act. Under the regulations, the various ministries and State institutions shall provide public services adapted to the country's linguistic areas and the National Institute of Statistics (INE) must carry out sociolinguistic censuses to compile data on, inter alia, the location, number of speakers and social uses of the national languages.

41. **Government Decision No. 117-2011:** "Mi familia mejora en salud" ("My family's health improves") social fund and a social investment programme by the same name, attached to the Ministry of Public Health and Social Assistance. The purpose is to monitor the quality of life of groups with special needs living in poverty or extreme poverty so that their health and overall development can be improved. The programme thus mainly benefits the indigenous population.

Ministerial decisions focused on eradicating racism and discrimination

42. **Ministry of Public Health and Social Assistance Decision No. 1632-2009.** This decision created the Health Care Unit for Indigenous Peoples and Intercultural Relations, whose regulations were approved through Ministerial Decision No. 8-2010. The unit aims at contributing to specific action for improving the health of the indigenous population and ensuring the exercise of their fundamental rights. It is the body that provides the Minister's Office with advice on the health of indigenous peoples and on intercultural relations.

43. **Ministry of Culture and Sports Decision No. 741-2010:** Establishment of 25 July as Day of Garifuna women. The Ministry institutionalized the date in question at the request of various Garifuna women's organizations represented by the Wadimalu Garifuna Afro-Caribbean Research Centre and by Afro-America XXI.

44. **Ministry of Culture and Sports Decision No. 760-2010.** This decision is aimed at promoting the full revival of the values of the Xinka culture through organizational and participatory procedures.

45. **Ministry of Education Decision No. 09-2011.** This decision created the Gender Equity Unit for ethnic groups in order to eradicate all forms of gender discrimination, particularly against indigenous women.

46. **Ministry of Culture and Sports Decision No. 767-2011:** Declaration of maize as part of the national cultural heritage. Maize has been accorded that status in view of its role in Mayan mythology, cosmogony, calendars, spirituality and cultural practices, Popol Wuh narratives, pre-Hispanic architecture and ceramics, the codices and oral traditions.

47. **Ministry of Culture and Sports Decision No. 981-2011:** Transfer of the accreditation of Mayan spiritual guides to the appropriate spiritual guides' organizations, on the basis of the legislation, international treaties and the Agreement on the Identity and Rights of Indigenous Peoples. As part of the policy of involving the organizations of indigenous peoples in matters that concern them, the Ministry took this measure in cooperation with the Sacred Sites Commission attached to the Peace Secretariat so as to fully exempt the guides duly identified as such and their companions from the payment of fees to enter archaeological and sacred sites.

48. **Ministry of Agriculture, Livestock and Food Decision No. 116-2011:** This decision created and set up the Special Unit for the Implementation of Intercultural Rural Development (UDRI), which is attached to the Office of the Minister and provides, at the national level, technical, operational and administrative advice on the participation of the Mayan, Garifuna, Xinka and non-indigenous peoples in comprehensive rural development.

49. **Ministry of Economic Affairs Decision No. 340-2012:** Creation of the Gender and Multiculturalism Unit within the Ministry. The Unit is expected to provide advice on, support and monitor activities aimed at implementing the national policy for the advancement and comprehensive development of women (PNPDIM) and the related Equal Opportunities Plan. The goal is to mainstream the gender and indigenous peoples perspectives into the institutions and thus contribute to strengthening and reforming organizational practices and building up the legal framework for women's rights.

(e) Institutional mechanisms

Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA)

50. Since its creation in 2002, the Presidential Commission has been a key mechanism for the elimination of racism and discrimination. Yet in 2009 the budgetary allocation to the Commission was reduced and the Commission was obliged to seek support for its various institutional activities from the international community. Only in the 2013 budgetary exercise was the Commission's budget significantly increased.

Budget of the Presidential Commission on Discrimination and Racism (CODISRA), 2009–2013
In quetzals

<i>Year</i>	<i>Source 11</i>	<i>Source 61</i>	<i>Total</i>
2009	7 000 000.00	4 204 707.00	11 864 707.00
2010	7 660 000.00	2 674 000.00	10 334 000.00
2011	6 365 752.00	2 500 000.00	8 865 752.00
2012	5 365 751.00	2 027 945.00	7 393 696.00
2013	8 500 000.00	1 000 000.00	9 500 000.00

Source: Financial Unit.

51. One the main sponsors of the Presidential Commission on Discrimination and Racism (CODISRA) has been the Spanish Agency for International Development Cooperation (AECID). Its contribution has been crucial to the activities carried out by the Commission in recent years in order to attain its goals.

52. **Restructuring of the Presidential Commission on Discrimination and Racism (CODISRA).** Since its creation and early operation, the Commission had maintained an internal structure designed to meet the needs of the population. In 2009, however, the Presidential Commissioners' Board opted for the internal restructuring of the Commission, with the focus on the needs of the public policy for coexistence and elimination of racism and racial discrimination (PPCER).

53. The Directorate for the Elimination of Racism and Racial Discrimination was created as part of the substantive reorganization of the Commission. The Directorate is made up of four units: the Unit for the Elimination of Institutional Racism, the Unit for the Elimination of Racism in the Legal System, the Unit for the Prevention of Racism and Civic Education, and the Unit for the Elimination of Economic Racism.

54. The various initiatives undertaken by the new substantive structure with a view to the eradication of racism and discrimination in the country include the activities described below.

55. **Economic racism:** Economic racism has been insufficiently understood and addressed in Guatemala. A series of studies have been launched to compile statistical data in order to measure and highlight the relevant economic phenomena and the gaps existing between peoples.

56. Compilation of statistics focused on the various peoples and linguistic communities has been introduced in the Ministries of Economic Affairs, Labour and Social Welfare, the Environment and Natural Resources, Health and Social Assistance, and Education, the Secretariat for Food and Nutritional Security (SESAN), the Land Fund and the National Institute of Statistics (INE). Moreover, measures have been taken to highlight and analyse the importance of the gender and peoples perspectives in generating statistical information so as to ensure in future the disaggregation of survey, census and other quantitative data.

57. With regard to the issue of indigenous peoples' wages, events known as "round tables on wage racism" have been planned for officials of the Guatemalan Social Security Institute, the Labour Inspectorate of the Ministry of Labour and Social Welfare and agricultural workers' unions and organizations. This new space for dialogue is expected to focus on inequalities affecting the indigenous people with regard to employment opportunities and remuneration.

58. The economic programmes have been oriented towards outreach activities and participation in the Programme for Economic Development in the Countryside (PDER), promoted by the Ministry of Economic Affairs, the Planning and Programming Secretariat of the Office of the President (SEGEPLAN), the National Fund for Peace (FONAPAZ) and the Rural Entrepreneurs' Trade Association (AGER).

59. An analysis and proposal process for the protection, defence and administration of the traditional knowledge and cultural expressions of the indigenous peoples has been launched on the basis of the right to intellectual property. The relevant initiatives have taken place in cooperation with the Ministries of Culture and Sports and Foreign Affairs, the Academy of Mayan Languages of Guatemala (ALMG) and the Sotz'il Association.

60. Steps have been taken to include the indigenous peoples in the country's economic dynamics in order to eliminate structural racism and strengthen democracy. To that end, cooperation between the Presidential Commission on Discrimination and Racism (CODISRA) and the National Institute of Statistics (INE) has been a priority. The aim has been to improve and ensure the inclusion of all of the country's peoples and linguistic communities in the design, preparation, conduct and publication of the twelfth population census and the seventh housing census.

61. In order to be strengthened and amplified, the proposal to ensure the visibility of the indigenous peoples through the above censuses was discussed and validated in various regions of the country in October and December 2012.

62. **Racism in the legal system.** The Presidential Commission on Discrimination and Racism (CODISRA) has received complaints of racial discrimination cases involving indigenous men and women and has provided relevant advice and support before various courts.

63. The tracking of racism has led to a number of convictions for ethnic discrimination, including in the case of Mr. José Cac Cucul, in which Mr. Mynor René Trujillo Lara was sentenced to a 16-month prison term, a 700 quetzales fine and damages in the amount of 25,000 quetzales for ethnic discrimination in the area of education.

64. In the case of Cándida González Chipir, who filed a complaint with the Commission in 2006, a 16 months' commutable imprisonment sentence was imposed in 2010 on each of the defendants, namely Maria de Los Ángeles Narváez, Jose Dionisio Ochoa Velásquez and Arely Magali Valenzuela Orozco.

65. Complaints of racism and discrimination have been registered, followed up on and referred to the competent bodies. In 2012, 52 such cases were registered and relevant coordinated action was taken with the Public Prosecution Service in the central and regional offices of the Presidential Commission on Discrimination and Racism (CODISRA).

66. Of the complaints filed with the Presidential Commission on Discrimination and Racism in 2012, 10 were referred to the Public Prosecution Service as involving the crime of discrimination and 15 were handled through administrative procedures.

67. In one of the most notable cases, in 2012 the Chimaltenango Criminal Court sentenced Ana Marina Chaly, former director of the Public Urban Coeducational School, La Cruz canton, second city zone, to 32 months' commutable imprisonment and a 2,000 quetzales fine for discrimination against Rosaura Otzoy, teacher.

68. Furthermore, on 27 August 2012 the Criminal Court of First Instance of Nebaj, Quiché, sentenced Juan Manuel Rolo, vice-chairman of the Panajachel security commission, to 44 months' imprisonment for making racist comments to journalist Lucía Escobar regarding her status as a woman. In this case, the Presidential Commission on Discrimination and Racism (CODISRA) issued a consultative opinion for gender discrimination.

69. Currently, the Presidential Commission on Discrimination and Racism (CODISRA) uses a data registration system to monitor discrimination and racism cases. The database, compiled since the creation of the Commission, covers the period 2006–2012 and provides the actual percentages of cases processed, withdrawn or abandoned by the victim and having culminated in a court decision.

70. In order to improve the handling of discrimination and racism cases, the Presidential Commission on Discrimination and Racism (CODISRA) has drawn up a draft protocol and essential procedures as a basic tool for institutional action in such cases and for the elimination of the phenomena in question.

71. That document has been discussed in relevant meetings held in the Cobán, Alta Verapaz and Quetzaltenango departments with the participation of government and civil society bodies. A version validated by those participants is currently available.

72. Agreements have been signed with institutions able to contribute to overcoming racism in the legal system. Such institutions include the Public Criminal Defence Institute, the Law and Social Science Faculty in Guatemala City and Quetzaltenango of Universidad de San Carlos de Guatemala (USAC) and the Public Prosecution Service network in the departments of Quetzaltenango, Quiché and Sololá.

73. A notable outcome of the agreement with USAC has been support for internships for law and social science students, who are helping to strengthen administrative procedures in the Unit for the Elimination of Racism in the Legal System of the central office of the Presidential Commission on Discrimination and Racism (CODISRA). Such internships have so far been completed by seven students (three men and four women), while two female students are currently completing theirs. The agreement has been extended to the Quetzaltenango regional office, where two more students have been admitted as interns.

74. **Institutional racism.** Racism- and discrimination-related issues have been mainstreamed into cooperation with the Planning and Programming Secretariat of the Office of the President (SEGEPLAN) through the signature of an agreement under which

such issues are addressed as cross-cutting themes within the operational thrusts of the annual plans of government bodies.

75. Thus, as from 2008, activities under the public policy for coexistence and elimination of racism and racial discrimination (PPCER) must be taken into account in the plans and action of government bodies.

76. The Presidential Commission on Discrimination and Racism (CODISRA) participates in the round table on the cultural ideological framework in support of the Secretariat for Food and Nutritional Security (SESAN) and plays a key role by highlighting the rights of indigenous peoples in meetings on the design of the system of food security indicators.

77. A unit monitoring racism in the printed press has been established in cooperation with the Alliance against Racism, the Rafael Landívar University and CIVITAS, and relevant studies have been carried out. The unit has prompted the organization of various awareness-raising workshops on racism and discrimination in cooperation with such publications as, inter alia, *La Hora*, *Prensa Libre*, *Nuestro Diario*, *El Periodico*, *Siglo XXI* and *Diario de Centroamérica*.

78. Cooperation has been launched among the National Register of Persons (RENAP), the Presidential Commission on Discrimination and Racism (CODISRA) and other institutions in order to improve the culturally pertinent registration of the indigenous population. A concept document for the clarification of amendments to articles of the National Register of Persons Act is being prepared and will be submitted to Congress for adoption.

79. Inter-agency cooperation agreements and letters of understanding signed with various bodies provide for advice and support in relation to the implementation of lines of action and activities promoting human and indigenous peoples' rights. The main such bodies include the following:

- Guatemalan Association of Indigenous Mayors and Authorities (AGAAI)
- National Association of Municipalities (ANAM)
- Mayan Association of University Students (AMEU)
- Presidential Human Rights Commission (COPREDEH)
- *Sotz'il* Association
- Mutual Support Group (GAM)
- Centre of Environmental and Social Legal Action of Guatemala (COVES)
- Public Prosecution Service (MP)
- *Q'aq' al xikin* (AQX) Association for Comprehensive Development
- Universidad de San Carlos de Guatemala (USAC)
- National Coordinator of Mayan, Garifuna and Xinka Women (CONMAGAX)
- International Institute of Learning for Social Reconciliation (IIARS)
- Planning and Programming Secretariat of the Office of the President (SEGEPLAN)
- *Global Humanitaria Guatemala* association
- Office of the Mayan Ombudsman (DEMA)
- Academy of Mayan Languages of Guatemala (ALMG).

80. **Activities for combating cultural racism.** A meeting between traditional and State authorities and Mayan women marked the beginning of dialogue on recovering the Mayan world view, philosophy and cultural identity and promoting equitable and violence-free gender relations.

81. A project designed to contribute to the eradication of racism, ethnic discrimination and gender discrimination, particularly against indigenous women, has been implemented through inter-agency cooperation between the Office for the Defence of Indigenous Women (DEMI), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA).

82. In that connection, various activities have been carried out and have produced the following outcomes:

- Publication and distribution, by Prensa Libre, of 250,000 copies of a set of books on the specific rights of indigenous women and on complaints, in August and October 2010
- Design and preparation of a radio spot on complaints of violations of women's rights, which was broadcast by 20 community radio stations in six departments 18 times a day at peak listening hours.

83. The General Directorate of Intercultural Bilingual Education of the Ministry of Education and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA), in cooperation with the Presidential Secretariat for Women, have prepared and proposed school exercise books on the eradication of racist and sexist stereotypes in the classroom.

84. In the period 2009–2012, symbolic activities involving interactive play were carried out on racism and discrimination as central themes, while shows combining dance, arts and music performances were used to raise awareness of the indigenous peoples.

Office for the Defence of Indigenous Women (DEMI)

85. In order to carry out its mission, the Office for the Defence of Indigenous Women (DEMI) consists of a Consultative Council comprising representatives of each linguistic community of the country, and a Coordinating Board, comprising eight female indigenous representatives elected by the Assembly of the Consultative Council.

86. The Office has decentralized its services through departmental offices located at the capitals of the departments of Quetzaltenango, Suchitepéquez, Huehuetenango, Sololá, Quiché, San Marcos, Santa Rosa, Baja Verapaz, Alta Verapaz, Izabal and Petén.

87. The Office has drawn up its third thematic report (INFODEMI III), on indigenous women's contributions to the Guatemalan economy. The report is a tool useful to the country's indigenous women.

88. Coordinated steps have been taken for the preparation of a technical and conceptual guide to drawing up budgets taking into account Mayan, Garifuna and Xinca women's culturally pertinent development needs and priorities.

89. **Legal assistance to indigenous women.** Arrangements have been made with community-level magistrate's courts for the declaration and recognition of the rights of indigenous women unable to speak in Spanish but only in their mother tongue.

90. There has been specific cooperation with the Sololá indigenous municipality in assessing the situation concerning the rights of indigenous women. In the period 2009–2012, arrangements were made with indigenous community authorities in the municipalities

of the departments of Huehuetenango and Quiché for supporting indigenous women whose rights are at risk. All such cases were referred to the regional establishments of the Office for the Defence of Indigenous Women (DEMI).

91. The Office has supported indigenous women before the courts. It also provides culturally adapted psychological care, helping indigenous women to recover emotionally on their own.

92. Two areas of work of the Office are closely linked to the indigenous legal system. One is training, for which a set of documents presenting training modules in indigenous women's rights and civic mindedness have been prepared. Referring to the State and indigenous women, that material is aimed at brushing up and enhancing the knowledge and participatory skills of the indigenous authorities, since they are responsible for and specialized in implementing the indigenous legal system.

93. The second area is support in specific cases to ensure that the legal assistance provided to the complainants is accompanied by personalized care, support and counselling from the submission of the case until the verdict is delivered. To that end, the Office uses appropriate professionals: indigenous female lawyers, attorneys, social workers and psychologists.

94. In order to improve the indigenous women's access to legal services, two manuals, one on psychological care for abused indigenous women and one on comprehensive care for indigenous women, have been revised and updated. Implemented since 2011, they indicate clearly the steps to follow in providing care and attention to the women concerned.

95. An occupational therapy manual for helping abused indigenous women has also been prepared. It outlines a process of emotional recovery through manual activities designed as psychotherapeutic means and organized in all regional establishments of the Office.

96. Letters of cooperation have been signed with the Public Prosecution Service in order to facilitate, promote and develop procedures for coordination and joint work on ensuring the exercise of and respect for the indigenous women's rights with regard to access to justice.

97. **Training workshops.** Training workshops have been planned as an activity of the Office with a view to the dissemination of the regulatory framework for the exercise of the rights of indigenous women. In the workshops, indigenous women are informed as to where they may file a complaint.

98. Campaigns, radio and television spots and billboards are used to provide training and disseminate information regarding national and international law on the rights of indigenous women.

99. The main topics addressed in that training include, inter alia, discrimination, prevention of domestic and gender-based violence, specific rights of indigenous women and readiness to report violations.

100. In the period 2009–2012, the Office promoted the recording and broadcasting of radio and television spots in the Mayan and Garifuna languages in order to raise awareness of the specific rights of indigenous women.

101. Preventive health care training and skills-upgrading programmes for women have been carried out in various ethnic languages from a gender, people's and cultural perspective.

102. **Institution-building.** The Office for the Defence of Indigenous Women (DEMI) has strengthened its institutional basis by providing services through Mayan-speaking indigenous professional and technical personnel.

103. By opening regional offices in areas where the population is predominantly Mayan, Garifuna or Xinka and by using preferably local personnel to provide support adapted to the population, the Office has enhanced its institutional role and expanded the coverage of its services.

104. **Other activities of the Office for the Defence of Indigenous Women (DEMI).** The various activities undertaken in Guatemala for the benefit of indigenous women include the following notable measures:

- Establishment of baseline political participation in order to assess the current situation in that area and documentation of indigenous women in 70 priority municipalities in seven departments (Alta Verapaz, Sololá, Totonicapán, Quiché, San Marcos, Huehuetenango and Chiquimula);
- Inclusion of the Structured Agenda of Mayan, Garifuna and Xinka Women in the national policy for the advancement and comprehensive development of women (PNPDIM) and the Equal Opportunities Plan (PEO), 2008–2023;
- Plans for the creation of the Autonomous Institute of Political Participation for Indigenous Women;
- Encouragement of civic participation and access to justice among indigenous women, promotion of the national and international legal framework for the protection of their rights, and action of women's commissions in the framework of the System of Urban and Rural Development Councils (SCDUR);
- Adoption of legal and administrative measures to ensure that indigenous women participate and are represented in the processes of decision-making and formulation of culturally pertinent policies, plans, programmes and projects.

Indigenous Development Fund of Guatemala (FODIGUA)

105. The Indigenous Development Fund of Guatemala (FODIGUA) is the State indigenous body entrusted with launching and promoting individual and collective initiatives that contribute to the cultural, political, social, environmental and economic development of the Mayan, Garifuna and Xinka peoples through a multicultural and intercultural perspective and to State reform.

106. The Fund's policies and activities target 24 linguistic communities, giving priority to indigenous authorities, elders' councils and the expression of indigenous women, youth and children.

107. In order to improve the services provided to the indigenous peoples, the Fund launched in 2009 a process of institutional reengineering and systematic restructuring in line with international instruments and established the following programmes:

- Virtual networking
- Development management
- Political training for governance
- Elders' councils and system of indigenous authorities
- State reform.

108. The Fund has integrated into its annual operational programmes the implementation of the Convention and other international treaties and agreements related to the indigenous peoples. Some of the activities carried out under programmes of the Fund are described below.

109. **Virtual networking programme.** This programme promotes universal primary education by supplying a full range of computer equipment and related furniture. In cooperation with public educational centres and civil society organizations, interconnected through a web platform administered by the offices of the Fund, computer laboratories have thus been set up and assisted in the country's indigenous communities in order to have an impact on their way of life. The programme has facilitated the access of communities to technology, virtual interconnectivity and intercommunity communication, and the exercise of the right to technology and the cyberspace, a fourth-generation human right.

110. In 2012, 10 virtual classrooms were made available for interactive learning under this programme. Aimed at achieving universal primary education, gender equality and women's empowerment, the programme contributes to the attainment of the MDGs.

111. The programme has carried out expenditures amounting to 15,093,727.03 quetzales and has focused fully on donating computer laboratories and virtual classrooms, thereby enhancing the capacities of the personnel of the educational centres concerned.

112. **Development management programme.** Guatemalan history has been characterized by large-scale exclusion and inequalities. The indigenous population of Mayan, Garifuna and Xinka origin has been limited to mainly domestic, empirical and handicraft tasks, without any sustainable participatory implication in the production process. Against that backdrop, the Fund offers new alternatives that allow for, inter alia, technology transfer, financing for sustainable production and use of the global market potential, with a sense and awareness of ancestral roots.

113. **Political training for governance programme.** This programme promotes the empowerment of local and regional indigenous organizations through training and organizational skills upgrading. The aim is greater empowerment and the expression of integral and culturally pertinent civic mindedness. Such training and upgrading rely on NGOs, male and female community leaders and women, men and young persons. The topics addressed relate to participation at various levels, to various legal instruments, such as the peace agreements, the Development Councils Act, the General Act on Decentralization, the Municipal Code, the Social Development Act and the Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) of the International Labour Organization (ILO), and to, inter alia, cultural principles and values, democracy, citizen participation, development and leadership.

114. With regard to the draft regulations on consultation with indigenous peoples, attention should be drawn to certain attempts to promote an ill-defined space that has so far proved unworkable. The Fund, on the contrary, in the framework of its programmes, especially the one on political training for governance, contributes to empowerment based on specific rights of the peoples by supporting discussion and debate procedures on draft regulations based on ILO Convention No. 169. The programme encourages such affirmative measures for women's participation as, inter alia, a time schedule adapted to them, training near their community, child care during training and enhancement of awareness among men.

115. Giving priority to policies on women is strategically crucial to the programme, which therefore is conducive to the attainment of MDG 3, promoting gender equality and women's empowerment. In the period 2008–2012, expenditure under this programme amounted to 10,351,974.57 quetzales.

116. **Programme for elders' councils and the system of indigenous authorities.** This programme is mainly aimed at revitalizing and strengthening cultural, social, political and educational rights, which highlight and help to appreciate the importance of the system of indigenous authorities for the country's development and the significance of traditional knowledge and practices.

117. The goal of the programme is to strengthen cultural, social, political and educational rights, which highlight and help to appreciate the importance of the system of indigenous authorities for the country's development and the significance of traditional knowledge and practices. That entails the integration of the principles of sustainable development into national policies, as a key to successful implementation and promotion of environmental sustainability.

118. **State reform programme.** This programme contributes to the effort to strengthen government institutions that are working to modernize the State. This line of action entails the recognition of the rights of indigenous peoples as defined in international human rights instruments. The Fund's institutional structure needs to be bolstered as well.

119. In that connection, the Fund management considers it indispensable to create an independent and decentralized organization to protect and ensure the enjoyment of indigenous peoples' rights under the Constitution and domestic and international law with a view to comprehensive human development, and to fulfil further the mission of the Fund.

120. Thus, it was proposed to create the **Guatemalan Institute for Indigenous Development (IDIGUA)** as a decentralized and autonomous State body for promoting, designing and, through public policies, implementing plans, programmes and projects conducive to the comprehensive and balanced development of the Mayan, Garifuna and Xinka peoples and communities in the framework of individual and collective rights compatible with their world view.

121. **Budget implementation.** In the last four years, a total of 425 projects were carried out under the five programmes implemented. Expenditure in fiscal years 2008–2011 amounted to 41,112,377.67 quetzales. Planned annual average coverage is 24,500 persons. A total of 78,337 persons have received support.

122. **The Indigenous Development Fund of Guatemala (FODIGUA) and indigenous women.** In accordance with the national policy for the advancement and comprehensive development of women (PNPDIM) and the Equal Opportunities Plan (PEO), an agreement has been concluded between the Presidential Secretariat for Women and the Fund to establish a coordination and inter-agency cooperation for further implementing said policy and mainstreaming the gender perspective into institutional activities.

123. As a result of direct support through the implementation of the policy, the target population's participation and inclusion level has attained 78,337 persons, of whom 46,925 (39 per cent) are women and 31,412 (61 per cent) men.

124. **The Indigenous Development Fund of Guatemala (FODIGUA) and indigenous youth.** The Youth Unit, created by restructuring the Fund, seeks to promote activities meeting the needs of Mayan, Garifuna and Xinka youth in cooperation with entities pursuing the same goals as Fund directorates and coordination offices. Such activities and related plans involve all areas, units, coordination offices and directorates that pursue the goals of the Fund in accordance with the national youth policy, 2005–2015.

125. The Youth Unit has achieved significant results. Of the related expenditure, 40 per cent has concerned children and young persons and 26 per cent young and adult women. Youth and women are the priority.

Progress in implementing the Durban Declaration and Programme of Action

Observations and recommendations of the Committee (CERD/C/GTM/CO/12-13, paragraph 19)

The Committee recommends that, in incorporating the Convention into its national legislation, the State party take into consideration the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the Outcome Document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

126. Guatemala has taken the Durban Declaration and Programme of Action into consideration in all relevant areas. In that connection, Guatemala participated in the Durban Review Conference held on 20–24 April 2009 and in the preparatory meeting held in Brasilia in 2008.

127. A clear example of affirmative action undertaken by the State is that, in a questionnaire used in the 2012 consultation process for the preparation of this report, all State bodies were requested to indicate the level of awareness and implementation of the Durban Declaration and Programme of Action within their institutions. As a result of the evaluation, most of those bodies committed themselves to taking steps to ensure that the Durban Declaration and Programme of Action are disseminated and implemented within their structures.

128. The above consultation process also included a review of the implementation of other international instruments concerning the indigenous peoples, such as Convention No. 169 of the ILO, the Programme of Action of the Second International Decade of the World's Indigenous Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

B. Article 3: Measures aimed at eliminating apartheid

129. The Guatemalan legal system includes a regulatory framework guaranteeing full equality of rights to all inhabitants, regardless of religion, gender, race, language, opinions, ethnic origin or social status.

130. On 25 May 2005, under Legislative Decree No. 39-2005, Guatemala acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

C. Article 4: Legislative measures

1. Legislative measures

131. **The Congress.** Aware of its duty to legislate and pursue the welfare of all citizens so that racism and discrimination are eradicated in the country, the Congress, through various deputies and the Commission on Indigenous Peoples, has promoted draft acts in support of the indigenous peoples.

132. In 2012, the said Commission held various meetings with indigenous peoples' institutions and organizations in order to promote a legislative agenda for the indigenous peoples. The main purpose of the meetings was to agree with all participants on initiatives that must be urgently approved so as to submit them to the plenary for adoption.

133. Various such draft acts have been submitted to the Congress directly. On others, the Commissions on Indigenous Peoples and on Constitutional Matters have issued favourable

opinions. Such steps have helped to promote the legislative agenda on the indigenous peoples. The declaration recognizing the competence of the Committee for the Elimination of Racial Discrimination is expected to be approved in 2013, as the relevant adoption procedure is currently in the final reading.

2. Pending draft acts and required reforms

134. There has so far been no notable change regarding initiatives launched in 2008 and 2009 and referred to in earlier reports to the Committee. As stated in the previous paragraph regarding work in the Congress, efforts have been made to ensure the adoption of legislation related to the rights of indigenous peoples.

Pending initiatives recommended by the Committee

Observations and recommendations of the Committee (CERD/C/GTM/CO/12-13, paragraph 7)

The Committee recommends that the State party redouble its efforts to adopt a law which specifically classifies the various manifestations of racial discrimination as punishable acts in accordance with article 4 of the Convention and that it introduce the legislative amendments required in order to align domestic laws with the Convention.

135. **Draft Act No. 4539 on the adoption of amendments to Congress Decree No. 17-73, Criminal Code.** After a consultation and preparation process, the Presidential Commission on Discrimination and Racism (CODISRA) drew up the draft Act in question, amending article 202 bis of the Criminal Code and punishing racial discrimination more severely, in line with international recommendations. Consensus has been sought with various indigenous peoples' organizations in order to enrich and validate the draft. If adopted by Congress, the Act will constitute a legal instrument against racial discrimination and racism.

136. **Draft Act No. 26-99 on the recognition of the competence of the Committee for the Elimination of Racial Discrimination.** The third reading and adoption of the Act are pending.

137. **Other pending legislation recommended by the Committee.** Although little progress has been made on the legislative agenda on indigenous peoples, the Congress, as already mentioned, is holding meetings in order to adopt legislation required by the Committee. Pending draft acts on which no major progress has been achieved include the following:

- Draft Act No. 3467 regulating work in private homes
- Draft Act No. 3684 on consultation with indigenous peoples
- Draft Act on the dissemination and promotion of non-discriminatory practices
- Draft Act amending the Elections and Political Parties Act
- Draft Act on community media.

D. Article 5: Equality in the enjoyment of rights

1. Political rights

Observations and recommendations of the Committee (CERD/C/GTM/CO/12-13, paragraph 10)

* The Committee recommends that the State party redouble its efforts to ensure full participation by indigenous people, especially women, in all decision-making bodies, in particular representative bodies such as the parliament, and in public affairs, and that it take effective steps to

ensure that all indigenous peoples participate in all levels of public service.

* The Committee also recommends that the State party effectively enforce the Urban and Rural Development Councils Act in order to secure fuller participation by indigenous peoples in decision-making.

138. **Supreme Electoral Tribunal.** By Decision No. 35-2010 of 2 February 2010, the Supreme Electoral Tribunal established the Institute for Civic, Political and Electoral Education and Training (also known as Electoral Institute). The aim of the Institute is to help to consolidate a political culture based on democratic values and practices and thereby to strengthen citizen participation and the country's electoral system.

139. The Electoral Institute includes the Inclusion Department which, in line with national policies, mainly seeks to identify, at the national level, actors of key importance to discrimination problems, highlight their main role, establish training needs and undertake and monitor the results of relevant action.

140. The following activities are some of the initiatives developed by the Inclusion Department:

- Training for indigenous women (at Patzún and Chimaltenango) and promotion of election-related multicultural volunteer work. Beneficiaries: 250 indigenous women
- Training for indigenous young persons (at the Santiago Indigenous Institute) and promotion of election-related multicultural volunteer work. Beneficiaries: 250 indigenous young persons
- Training for indigenous female leaders (in the department of Sacatepéquez) on election-related issues and electoral participation. Beneficiaries: 300 indigenous women
- Other activities, including initiatives at the national level.

141. Coverage of the Supreme Electoral Tribunal has expanded at the national level through broadcasts by local community radio stations in four Mayan languages. Translation of the messages into the various languages has been supported by the Academy of Mayan languages.

142. Currently, the Inclusion Department lacks indigenous administrative personnel. Internal administrative policies and personnel profiles are in the preparation stage as part of a United Nations Development Programme (UNDP) support and assistance project for the Supreme Electoral Tribunal.

Participation in the Executive

143. A new Government and a new legislature were elected in 2011. In 2012, the new Government took over for a four-year term.

144. The Minister of Culture and Sports is indigenous and so are four deputy ministers: one in the Ministry of Culture and Sports, two in the Ministry of Education and one in the Ministry of the Interior. Of the four deputy ministers, two are women.

145. The number of indigenous persons holding high-level posts in the Executive is obviously still small. For the Executive to be an inclusive mechanism, indigenous participation in it must be promoted.

Participation in the legislature

146. The participation of indigenous persons in the legislative branch is still very limited. Of the total of 19 indigenous deputies in the 2008–2012 legislature, 4 were women.

147. In the 2009 legislature (14 January 2008 – 14 January 2009), two indigenous deputies (Ms. Rosa Elvira Zapeta Osorio, fourth secretariat, and Mr. Pedro Pascual, fifth secretariat) participated in the Steering Committee and an indigenous deputy chaired the Commission on Indigenous Peoples.

148. As a result of the 2011 elections, of the 158 deputies for the legislative period 2012–2016, 23 are indigenous, including only 3 women. Compared to the legislative period 2008–2012, the number of indigenous deputies has increased by 5, having been 19 in the preceding period.

Participation in the judiciary

149. The Supreme Court comprises 13 judges, elected by the Congress. Regrettably, no indigenous judge was elected in 2010 for the current period. A unit for indigenous affairs has been created within the judiciary in order to address that question.

Participation and empowerment of women

150. **Presidential Secretariat for Women (SEPREM).** The Secretariat is engaged in ongoing dialogue with the organizations of Mayan, Garifuna, Xinka and mestizo women in order to provide support in connection with various issues affecting the female population.

151. **National System of Development Councils.** Activities undertaken in the period 2009–2012 facilitated the election of representatives of women's organizations to the Departmental Development Councils. During their mandate, those representatives were mentored in the areas of technical and political management and decision making, especially with respect to the implementation of the ethnic perspective. The main results regarding the election of representatives to departmental meetings of Development Councils appear below:

- 2009: 12 elections. Of the 24 women elected, 8 were indigenous
- 2010: 9 elections. Of the 18 women elected, 12 were indigenous
- 2011: 12 elections. Of the 24 women elected, 9 were indigenous
- 2012: 3 elections. All 6 women elected were indigenous.

152. For 2009, an agreement was concluded with the Ministry of Economic Affairs through the Vice-Ministry of Development regarding the institutionalization of the gender and ethnic perspectives. The outcome was the formulation of an institutionalization strategy for the exercise of the economic rights of Guatemalan women.

153. Another tool, prepared as part of consultancy, for the Ministry of Economic Affairs has been a methodological guide to mainstreaming the gender, women's rights and cultural perspectives into enterprise development services.

154. Capacity-building sessions were organized and attended by 188 public officials (97 women and 91 men) in order to collect inputs for the above strategy and for an institutional assessment. The outcome has been a draft strategy for the institutionalization of the gender and ethnic perspectives with a view to the exercise of the Guatemalan women's right to food and nutrition, 2010–2011.

155. Given the cultural diversity characteristic of the country, one of the work strategies at the national and regional levels is the economic empowerment of women from an ethnic perspective.

2. Economic, social and cultural rights

Access to the economy

156. **Ministry of Economic Affairs.** Note should be made of the political will and commitment shown by the Ministry of Economic Affairs through the relevant authorities in recognizing the right to equality enshrined in the Constitution and acknowledging the various cultures and peoples existing in the country.

157. **Gender and Multiculturalism Unit.** The Gender and Multiculturalism Unit was created pursuant to Ministerial Decision No. 340-2012 to provide advice, support and monitoring in connection with activities carried out under the national policy for the advancement and comprehensive development of women (PNPDIM) and the related Equal Opportunities Plan (PEO) with a view to the institutionalization of the gender and indigenous peoples perspectives. Thereby the Unit will help to strengthen and reform the organizational culture and implement the legal framework for women's rights.

158. The establishment of the Gender and Multiculturalism Unit led to more specific coordination activities aimed at formulating strategies and plans that enable the Ministry of Economic Affairs to mainstream the gender and indigenous peoples perspectives further. In that light, the establishment of the Unit and the budget allocations for its operation constitute affirmative action.

159. **Vice-Ministry of Microenterprises and Small- and Medium-scale Enterprises.** This authority has carried out further affirmative action for the inclusion of women and indigenous peoples in the services offered. Such action includes the preparation of:

- A document on support for the review and preparation of draft amendments to the Financial Assistance Regulation so as to include indigenous and other women in the financial services provided
- A methodological guide to mainstreaming the gender and indigenous perspectives into enterprise development services
- A manual for the strategy for the institutionalization of the gender and ethnic perspectives.

160. **Security Rights Registry.** Pursuant to the commitments embodied in the strategy of the Ministry of Economic Affairs and in order to mainstream the gender and ethnic perspectives, the Security Rights Registry organized in 2011 and early 2012 workshops for female (especially indigenous) micro-entrepreneurs. The workshops were attended by 135 persons, including 109 women.

161. **Intellectual Property Registry.** Round tables have been organized on the following issues, which are currently discussed at the World Intellectual Property Organization (WIPO): Traditional knowledge, genetic resources and folkloric expressions.

162. In March 2012, the Intellectual Property Registry organized the first round table on the subject of intellectual property and traditional knowledge. Government agencies and civil society organizations (headed by indigenous persons) were invited to the event.

Right to work

163. **Ministry of Labour and Social Welfare.** The Ministry promotes non-discrimination in employment by organizing, for the population as a whole, programmes that offer training and advanced training in labour rights by specialists of the Department for Working Women. That action is carried out at the national level in response to needs and requirements expressed by the population. Moreover, international treaties on the protection of women's and indigenous peoples' work-related rights are disseminated.

164. The Ministry promotes employment through the **National Department for Employment**, which includes an employment exchange. That service receives hiring requests outlining specific profiles from private enterprises and identifies and informs appropriate job-seekers, who may then apply for the jobs. The exchange makes no distinction based on gender, religion or ethnic group and applies an equal opportunities policy so that qualifications are the basis for access to a job.

165. Through the Inspectorate-General for Labour, the Ministry receives complaints concerning possible labour violations committed against workers. The complaints are processed in the Adjudications Section. That procedure protects and safeguards the employment-related rights of all persons.

166. Currently, the Ministry is conducting various activities to reduce unemployment in the country. Its mission as a government body, however, consists in facilitating contacts between employers and job-seekers and providing the basis for the country's development.

Right to decent housing

167. **Guatemalan Housing Fund (FOGUAVI).** Article 43 of the new Housing Act, Decree No. 9-2012, makes it obligatory to support vulnerable population groups, in the sense that the policies and programmes aimed at stimulating and promoting the construction of social and rural- and indigenous-community housing must identify and serve rural and indigenous communities and use appropriate technology adapted to their cultural characteristics, respectful of their regional settlement patterns and favouring construction systems compatible with the local bioclimatic environment and the building methods of the communities.

168. Thus, a special typology of residential solutions must be adopted, in line with the cultural, bioclimatic and environmental characteristics of the regions concerned, under the programmes designed for low-income population groups.

169. **Programmes guaranteeing the access of indigenous peoples to housing.** These programmes target mainly the rural sector and are focused on indigenous communities. Support is also provided to poor and extremely poor families in the eight municipalities having priority under the Zero Hunger Programme, in the form of a direct subsidy of 20,000 quetzales per family. A plan is urgently prepared for subsidizing all communities where low-income, especially indigenous, families benefit from the Zero Hunger Programme.

170. According to the relevant departmental lists, support is largely provided to families in departments where the indigenous rural groups account for a high percentage of the population, such as Alta Verapaz, Chimaltenango, Huehuetenango, Quiché and San Marcos.

171. **Loan and subsidy programmes for guaranteeing housing to the indigenous peoples.** The support mechanism designed by the Guatemalan Housing Fund (FOGUAVI) is simple and transparent. Many of its participants are citizens and organized groups. The mere presentation of a list of families interested in a subsidy from the Fund suffices to launch the process.

172. Once the contract is signed, payment requests are processed. Payments are made in advance, as follows: an initial payment of 30 per cent of the total is made upon the commencement of construction; another 30 per cent is paid when 35 per cent of the work has been finished; a third payment is made when 70 per cent of the work has been completed; and the final 10 per cent payment is made upon delivery. This procedure is easy for members of any population group to follow.

173. **Progress under the National Housing Strategy, 2009– 2012.** The sectoral plan for the period 2008–2012 provided for approximately 50,000 housing solutions per year but in the period 2009–2011 the actual annual targets were considerably lower. In 2012, the goals had to be adjusted to the financial possibilities of housing organizations (FOGUAVI in particular). Moreover, FOPAVI, the new organization designated to succeed the current FOGUAVI under Housing Act No. 9-2012, will provide more efficient services to low-income (or extremely poor) population groups, which include numerous indigenous families.

Protection of the environment and natural resources

Ministry of the Environment and Natural Resources

174. As the lead environmental body, rooted in society, the Ministry of the Environment and Natural Resources promotes, within its institutional policies and strategies, the cultural diversity perspective and respect for the rights of indigenous peoples.

175. The Ministry undertakes activities, projects and programmes that mainstream the indigenous peoples perspective into environmental considerations related to climate change. Such mainstreaming takes place through the Indigenous Round Table on Climate Change, an environmental education programme on basic environmental education curricula with the emphasis on climate change, the Network of Indigenous Authorities and Organizations and the Climate Change Adaptation Project, focused on the indigenous peoples. Inter alia, biological diversity has been promoted on the basis of the principles of forest protection, sustainable development, clean development and comprehensive management of water resources. The Ministry also undertakes programmes against desertification and drought.

176. Activities carried out by the Ministry through the Gender and Multiculturalism Unit, which promotes action in favour of the indigenous peoples and women, include the following initiatives:

- Studies and research on the environmental condition of communities, its impact on their needs and appropriate solutions. A study on a proposal for the democratic management of water from an ethnic cultural perspective has aimed at determining, through local plans of action, the environmental situation in terms of the country's water sector governance. Currently, that study is reviewed by the social groups concerned
- Evaluation of existing support programmes with a view to ensuring that assistance to disaster victims is effective and adapted to their ethnic cultural characteristics
- Design and implementation of disaster prevention training and skills-upgrading programmes
- Encouragement, through the national education system, to appreciate and respect the environment, natural resources and their close relationship with human beings and life in general. Also preparation, in 2010, of a socio-environmental agenda based on the thought of the Maya, Garifuna and Xinka peoples of Guatemala, a document helping to highlight the indigenous world view, cultural diversity and environmental protection in the framework of traditional knowledge and culture
- Commencement, in 2010, of the implementation of a project on adaptation to climate change from the Maya, Garifuna and Xinka perspective, with a view to building the country's capacities and mitigating the impact of climate change on the poorest and most vulnerable communities.

177. **Studies and research on the environmental condition of communities, its impact on their needs and appropriate solutions.** A study on a proposal for the democratic management of water from an ethnic cultural perspective has aimed at determining, through local plans of action, the environmental situation in terms of the country's water sector governance. That work, carried out in cooperation with the Technical Secretariat of the Specialized Cabinet for Water (Government Decision No. 204-2008), has been financed by the Kingdom of the Netherlands.

National Forestry Institute (INAB)

178. Through activities in support of the indigenous peoples, the National Forestry Institute (INAB) has helped to address the issue at the institutional level and thereby promote respect for indigenous thought.

179. There has been unconditional support for the formulation and adoption of the Act on Incentives for Small Scale Owners of Land Suitable for Forestry or Agroforestry. The Board of Directors (CODI) of the relevant programme (PINPEP) is in charge of the technical management unit. The delegates of the National Network of PINPEP Beneficiary Communities sitting on the Board represent rural areas and indigenous cultures and play a key role.

180. Mayan Forestry Management personnel has been designated to assist activities related to the indigenous peoples and to transfer Maya, Garifuna and Xinka knowledge and know-how regarding the sustainable handling of natural resources to the technical and administrative personnel of the Institute.

181. Support and assistance are provided for the recognition of indigenous municipal authorities, with the emphasis on forest management.

182. **Forest Incentives Programme (PINFOR).** Through the National Forestry Institute (INAB), in cooperation with the Ministry of Finance, the State provides incentives, in accordance with the above Act, to land owners, including municipalities, that participate in programmes for the reforestation and protection of deforested areas and for the management of natural forests, and to social groups that are legal entities and occupy municipal land pursuant to legal agreements.

183. In that connection, support is provided for the creation of high-yield regional forest production centres in order to boost the supply of competitive forest products, reduce deforestation, provide environmental services and generate employment in the rural areas. This forest policy tool is aimed at enhancing the involvement of the population in the forest sector.

184. The Forest Incentives Programme (PINFOR) is the most successful reforestation programme in Guatemalan history. By December 2011, after 14 years of implementation, it had benefitted directly or indirectly more than 3 million persons through a total expenditure of 1,336,577,658.22 quetzales. It had generated more than 52 million work days, the equivalent of approximately 195,000 permanent jobs, of which, according to estimates, 30 per cent are occupied by women and 70 percent by men.

185. **Forest Incentives Programme for Small Scale Owners (PINPEP).** In 2010, the Congress approved this programme through the Act on Incentives for Small Scale Owners of Land Suitable for Forestry or Agroforestry, adopted through Legislative Decree No. 051-2010. The programme is country-wide and addresses all owners of plots smaller than 15 ha, whether individuals, communes or groups.

186. The PINPEP Board of Directors (CODI) consists of representatives of the National Forestry Institute (INAB), the National Association of Municipalities (ANAM) and the

beneficiary incorporated communities, each represented by a regular and a substitute board member.

187. From its inception in 2007 through 2011, the programme targeted mainly 79 municipalities located in the Dry Corridor and affected by poverty and extreme poverty. There are currently plans to cover the country as a whole. The programme has benefited more than 124,744 inhabitants (65,796 men and 58,948 women).

National Council for Protected Areas (CONAP)

188. The National Council for Protected Areas (CONAP) formulates the national policy on biological diversity, which deals with intellectual property and recognizes the importance of protecting intellectual and collective property rights, especially those relating to Guatemalan cultural diversity.

189. Activities carried out by the Council include cooperation with the Communal Land Development Group in promoting the draft Act on creating a management category for areas under indigenous, community or collective management.

190. Since the creation of the Department for Coordination with Indigenous Peoples and Civil Society within the Council, the services rendered must be culturally pertinent, attaching importance to local participation and organization, groups largely affected by exclusion and the local languages.

191. The Department also promotes the dissemination and recognition of the indigenous legal system. It has reproduced a document containing the Protected Areas Act, United Nations treaties regarding indigenous peoples and the United Nations Declaration on the Rights of Indigenous Peoples.

192. Two documents, an assessment of natural resources conservation and management on communal land and a national strategy for natural resources conservation and management, have been drawn up.

193. The fourth national report on the implementation of the Convention on Biological Diversity acknowledges the efforts made for the conservation of agro-biodiversity through traditional agriculture, which uses genetic biodiversity (mixed farming) to cope with climate adversities and contribute in a way to food security, and through home gardening techniques that can help to diversify and enrich production with plants which yield, inter alia, medicinal extracts, food, biomass, fodder, firewood, timber and fruits.

194. Note is made of the conclusion of 12 cooperation agreements related to Block I of protected areas, including the Sierra de las Minas biosphere reserve in the Izabal and Verapaces districts. Such agreements have resulted in the relocation of one of the communities established in the central zone of the Laguna Lachúa national park. These agreements and related community pledges provide for compliance with the law, the regulations, the provisions of protected area master plans or technical studies regarding various areas of the Guatemalan System of Protected Water Resources (SIGAP).

Access and right to land

195. **Land Fund (FONTIERRAS).** Indigenous issues have been promoted in the framework of the Land Fund by developing relevant programmes and activities and thereby regulating access to land.

196. The legal certainty provided to rural families that are Land Fund beneficiaries contributes to the social and economic development of the rural population and thereby enhances State governance, democracy and economic benefits to the country and its

population. Such legal certainty also reduces land-related conflicts and helps the municipalities by clearly delimiting the areas at their disposal.

197. The Land Fund has launched large-scale information campaigns through the printed press, radio and television. The campaign messages are culturally relevant and gender-sensitive. In view of the sociocultural characteristics of the target audience, broadcasts through country-wide radio networks and local radio stations have been developed in the four Mayan languages-Q'eqchi', Kiché, Kaqchiquel and Mam - that are spoken by a majority of the families concerned.

198. Permanent conflict-resolution or agrarian dialogue boards form a conciliation and mediation space, which is helpful for planning and coordinating the implementation of conflict resolution policies and strategies at the national level or, in the case of the Land Fund (FONTIERRAS), the local level. That space is coordinated by the Secretariat for Agrarian Affairs (SAA) with the participation of various organizations which support various beneficiary groups or, in some cases, of the National System for Permanent Dialogue attached to the Office of the President.

199. The gender equity policy has been updated in view of the need to embark on a process of institutional changes aimed at the organized and gradual mainstreaming of the gender and ethnic perspective into the various programmes implemented, highlighting women's and men's requirements, identifying differences and encouraging action designed to reduce poverty and extreme poverty, phenomena that translate into a high malnutrition index and affect the quality of life of rural families.

200. **Access to Land Programme:** In the period 2009–2011, implementation of the processes in place made it possible to distribute 25 estates. Total expenditure amounted to 73,294,500.80 quetzales. Of the 815 beneficiary families, 84 per cent are indigenous.

201. **Land Leasing Programme.** In the period 2009–2011, implementation of the processes in place made it possible to grant 145,756 loans and subsidies for land leases to an equal number of families. Total expenditure amounted to 315,498,620.00 quetzales in loan and subsidy disbursements. A greater total amount had been approved for that period. Of the beneficiary families, 67 per cent are indigenous.

202. **State Land Regularization Programme.** In the period 2009–2011, implementation of the processes in place made it possible to issue 5,693 deeds, regularizing 80,970.81 ha, to 10,896 families, 59 per cent of whom are indigenous.

Land registry (RIC)

203. Decree No. 41-2005, under which the Land Registry (RIC) was created, establishes a legal framework that promotes and protects indigenous peoples' rights related to indigenous forms of land ownership and tenure. For land registration purposes, article 23 (y) of the Act in question defines communal land as follows: "Land that indigenous or rural communities, as collective entities, own, possess or hold in tenure, regardless of whether or not legal title to the land has been established, and land appearing registered to the State or municipalities but having traditionally been owned or held under the communal regime".

204. Article 65 lays down the procedure to be followed if, during the registration process, communal ownership, possession or tenure of land is established. The Land Registry (RIC) must recognize and administratively declare such land as communal, issue the necessary certificates and, where appropriate, adjust the register. Under the same article, the Land Registry (RIC) must establish a specific regulation containing the procedure for the recognition and declaration of communal land. That legal framework has been complemented and its modalities have been defined through consultations with various social actors.

205. **Studies on communal territories, land and resources.** In 2007, as part of the process involved in the preparation of documentation for the Land Administration Project, Phase II, which will provide the financing for the work of the Land Registry in 41 municipalities, a communal land study was carried out. It contains a theoretical and methodological discussion of communal land identification. The study comprises the following sections:

- (a) Theoretical considerations on land ownership;
- (b) Legal and historical dimensions of communal land;
- (c) Identity, world view and collective action: cultural and historical aspects of communal land;
- (d) Current situation of communal land and indigenous territories in the project area.

206. **Communal land protection and registration.** In 2009, the Land Registry (RIC) established the Specific Regulation on the Recognition and Declaration of Communal Land, which has been implemented since that year and is based on the findings of a 2007 survey regarding possible communal land. The survey identified considerable communal land administered, owned, possessed or held in tenure by indigenous or rural communities.

207. The said survey, prepared as part of the management of the Land Administration Project, Phase II, covered 55 municipalities in seven departments.

208. **Number of communal land areas identified in Guatemalan territory.** Although the above survey was carried out in 2007, it was in 2009 that the Specific Regulation was adopted by the Land Registry (RIC) Governing Board, was applied to the zones being registered and began to be disseminated. Communal land identification and recognition by the Land Registry (RIC) must take place according to the procedure prescribed in the Regulation, as part of the land registration process.

209. **Disputed communal land in Guatemalan territory.** No dispute is reported with respect to land recognized under the Specific Regulation. According to the Specific Regulation, in the event of disagreement as to the limits or borders of indigenous or rural community, the Land Registry (RIC) shall invite the competent institution to seek a friendly solution based on mutual consent between the parties, either of which may request the participation of community authorities that know the problem and can propose a solution. If the communities are indigenous, cultural aspects must be taken into account in settling the dispute.

Secretariat for Agrarian Affairs (SAA)

210. **Settling disputes over agricultural land and guaranteeing regularization, legal certainty and land tenure.** Through the Under-Secretariat for Conflict Resolution, the Secretariat for Agrarian Affairs (SAA) contributes to governance in the country by means of alternative methods and non-judicial procedures, namely mediation, negotiation, conciliation, agrarian arbitration that is pertinent from an intercultural perspective, and free legal assistance.

211. The following strategic activities aim at preventing, managing and resolving agrarian disputes:

- Promoting a comprehensive strategy for access to land, through financial intermediation (the Crisis Programme)
- Establishing a classification of disputes (into disputes concerning rights, borders, regularization and occupancy)

- Analysing disputes from a sociocultural perspective by contacting the parties, interviewing third parties or secondary actors, identifying or characterizing actors and drawing up a report
 - Helping to resolve disputes through free legal assistance and agrarian arbitration that is pertinent from an intercultural perspective
 - Participating actively in round tables for dialogue as part of a strategy for avoiding disputes at the national level and thus promoting governance.
212. The following boards ensure dialogue on a permanent basis:
- Dispute Settlement Board, National Indigenous and Peasant Coordinating Committee (CONIC)
 - Dispute Settlement Board, Alliance of Peasants United with Society (ACUS)
 - Izabal Dispute Board (MICAI)
 - Laguna Lachúa Board
 - Sierra de las Minas Board
 - Sierra Chinajá Board
 - Technical Board on Land Debt.
213. **Agrarian disputes settled in the period 2009 – July 2012.** In the said period, the Secretariat for Agrarian Affairs (SAA) settled a total of 1,516 cases throughout the country, thereby helping 473,804 persons. In 2011, the number of beneficiaries began to be disaggregated by gender but that breakdown does not cover all cases.

Access to health

214. **Ministry of Public Health and Social Assistance.** In 2009, Ministerial Decision No. 1632-2009 created the Health Care for Indigenous Peoples and Intercultural Unit, whose regulations were approved through Ministerial Decision No. 8-2010. The Unit contributes to specific action aimed at improving the health of the indigenous population and thus ensuring the exercise of their fundamental rights, and advises the Minister's Office on health issues involving the indigenous peoples and on intercultural relations.
215. **Promotion of indigenous medicinal practices in State health services.** Work on technical regulations was carried out earlier (prior to the above unit) under the Traditional and Alternative Medicine Programme. Traditional and alternative medicine is covered by first- and second-level health care standards based on monographs on medicinal plants.
216. A medicinal plants handbook, approved by the Universidad de San Carlos de Guatemala (USAC), is available. Results are expected not only in the short, but also in the medium and long term because of the need to inform, train and sensitize health workers, through a process currently implemented by the Ministry, so that they can recognize, respect and appreciate the ancestral wisdom embodied in traditional medicine.
217. **Coordination of the indigenous and State health systems.** In some services of the Ministry network, the physical infrastructure has been upgraded for childbirth care. For instance, vertical and steam-bath delivery wards exist in the Chajul and Cotzal Permanent Care Centres and steam-bath delivery wards exist in the Nebaj District Hospital, Ixil health area. Overall, various cultural health-care adjustment activities have been carried out in 33 permanent care centres (CAPs) and in mother-and-child comprehensive care centres (CAIMIs), located in 16 health areas.

218. **Activities carried out from the ethnic, cultural and gender perspectives.** The principles and values underpinning the Ministry's strategic guidelines for the period 2012–2016 provide for services based on gender equity, cultural relevance, indigenous medicine, respect and dignity. Moreover, the principles and main thrusts of the programmes of the Ministry of Public Health and Social Assistance include explicitly the gender and intercultural perspectives.

219. The Strategic Health Plan, 2012–2016, formulated in that political and strategic framework, covers inter alia the areas of health services and monitoring, both of which include various activities undertaken from an intercultural perspective, the development of indigenous and alternative medicine and the incorporation of epidemiologically relevant sociocultural considerations into health monitoring. Furthermore, the Basic Model for Health provides for services designed from an intercultural perspective and gives priority to indigenous medicine.

Food security

220. The **Secretariat for Food and Nutritional Security (SESAN)** bases its action on legal instruments, strategic plans and annual operational plans that it draws up for itself or for the food and nutritional security system. Under the law, the two main responsibilities of the Secretariat consist in building its institutional capacities for maximum effectiveness in its own work and in strengthening the National Food and Nutritional Security System (SINASAN), within which it acts as the secretariat of the National Food and Nutritional Security Council (CONASAN).

221. The participation of indigenous organizations in decision-making within the Council has taken the institutional shape of the Forum for Consultation and Social Participation (INCOPAS). The Urban and Rural Development Councils Act and its regulations define that organizational system as a “multiethnic, multilingual and multicultural space for citizen encounters and relations, which enables all of the country's inhabitants to participate, with proposals, in decision-making regarding the organization, coordination and planning of the comprehensive development of the country's communities, municipalities, departments and regions and of the nation. The system shall respect, recognize and guarantee the practice and development of the tangible, social and spiritual values and forms of organization of the Mayan, Garifuna, Xinka and non-indigenous cultures.”

222. The National Food and Nutritional Security System Act retains these principles. In article 2, it prohibits discrimination “in access to food and to the means for securing it and in relation to the right to food on the grounds of ethnic background, colour, gender, language, age, religion, political or other views, national or social origin, financial situation, birth or social status, with the aim or effect of preventing or hindering equality in enjoying or exercising the right to food security”.

223. In 2009, as a direct consequence of drought in the country's arid areas, the lack of rainfall caused losses in basic grain crops, mainly white maize, and reserves. The scarcity lasted into 2010, when the “Contingency Plan for Food Emergencies, 2009” was implemented through the Rural Solidarity Exchanges programme, under which food was donated to families affected by the drought. Late that year, the Obligatory Unique Notification of malnutrition cases was implemented in order to allow the relevant activities to focus on such cases, especially those involving acute malnutrition.

224. Until then, annual operational plans have continued to provide for emergency assistance. Where the gravity of the situation results in food insecurity and related risks, the initial plan is replaced by specific a posteriori plans. Technical and political considerations have led to the formulation of a 2010 plan for transition from solidarity in emergencies to sustainability and productivity with a view to satisfying demand for foodstuffs and for

inputs throughout the sowing-to-harvest process in the Dry Corridor, which had been affected by the preceding year's drought, and providing assistance to families with cases of acute malnutrition, a phenomenon that crises exacerbate.

225. In the said geographic areas, social cohesion programmes complement the food security plans, thereby expanding the coverage of institutional action. Although not targeted, such programmes and the specific plans for ensuring food security and addressing malnutrition benefit mostly the indigenous population.

226. The indigenous peoples constitute one of the 10 civil society sectors taking part in the Forum for Consultation and Social Participation (INCOPAS), a body of the Nutritional Security System (SINASAN).

Access to education

227. **Ministry of Education.** The Ministry has adopted measures designed to eradicate all forms of discrimination. Indigenous students enjoy the right to wear typical regional clothes and it is prohibited to require indigenous students to wear school uniforms. Ministerial Decision No. 9-2011 of 3 January 2011 created the ethnicity-sensitive Gender Equity Unit, aimed at eliminating all types of discrimination against indigenous and other women. Revised texts of Mayan origin have been accredited and certified.

228. **Compliance with the Agreement on Identity and Rights of Indigenous People in the educational reform process.** The recognition of the identity of indigenous peoples in line with the Agreement is crucial to building national unity based on respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans. The revised version of the National Basic Curriculum (CNB) stresses ethnic, cultural and linguistic considerations as part of the sociocultural component of educational reform, which not only is guided by the legal framework described above, but also relies on the recognition of the identity of indigenous peoples as one of its *raison d'être*.

229. **Educational reform measures beneficial to the indigenous peoples**

- An increased budget for bilingual and intercultural education
- Expansion of preschool and primary school coverage to a greater number of linguistic communities
- Grants offered to a greater number of indigenous children, especially in the most vulnerable linguistic communities
- A new National Basic Curriculum (CNB), providing for the recognition, revitalization and development of linguistic communities
- Appointment of a greater number of bilingual teachers
- Strengthening of bilingual and intercultural education
- Creation of teacher-training schools for initial training of preschool and primary school bilingual teachers
- Conversion of departmental directorates of education into bilingual and intercultural ones in predominantly indigenous communities or provided with bilingual and intercultural subdirectorates in communities with a smaller percentage of indigenous inhabitants
- Organizational and structural strengthening of the Directorate-General for Bilingual and Intercultural Education
- Creation of a fourth Vice-Ministry.

230. **Curricula focused on ensuring quality and ethnic cultural relevance at the various scholastic levels.** In teacher-training colleges, the curriculum for bilingual intercultural teaching, regarding secondary education in particular, was redesigned in 2007 with a view to training bilingual teachers so that they will be able to provide their students with a high-quality, relevant education. The schools develop their curricula by defining their own context and modalities for implementing the National Basic Curriculum (CNB), taking into account the local community.

231. **Affirmative measures for the education of girls, with special emphasis on indigenous girls.** In 2008, Guatemala implemented a conditional transfer programme, under which selected families receive a subsidy provided that their school-age children attend school in order to be incorporated into the integrated teaching-learning process. Although it targets neither gender in particular, the programme benefits mainly indigenous girls, since they are faced with greater (especially financial) obstacles to school attendance.

232. **Teacher training and advanced training programmes that include information and training on the elimination of racism and discrimination.** The Ministry of Education has organized, in cooperation with the Universidad de San Carlos de Guatemala (USAC) and with internal and external funding, an academic programme for the professionalization of teaching (PADEP). Under the Directorate-General for Intercultural Bilingual Education, the Subdirector for Educational Equity cooperates with other relevant bodies on preparing educational material for combating racial and gender-based discrimination through the national education system.

233. **Other Ministry of Education activities for intercultural bilingual education and the eradication of racial discrimination.** The various activities carried out by the Ministry in support of the rights of indigenous peoples include the following main initiatives:

- Emergence of intercultural and bilingual teacher-training colleges, which prepare teachers more effectively for the new intercultural and bilingual perspective
- Organization of intercultural bilingual teaching as a field of specialization available in official intercultural bilingual teacher-training colleges
- Development of training courses to upgrade the academic level of trainers' trainers, and formulation of the Professional Advancement Programme, 2002–2004, supported by the Education Sector Support Programme (PROASE) and offering specifically to teacher-training college instructors the opportunity to become education professors
- Preparation of a document on Oxlajuj B'ak'tum
- Programme for the professionalization of teaching, and national reading programme
- Preparation of educational material in 22 Mayan, Garifuna and Xinka languages.

234. **National Literacy Council (CONALFA).** In order to eradicate illiteracy in the rural areas, especially among indigenous men and women, various activities have been carried out, including the following:

- (a) Literacy Programme, initial phase;
- (b) Literacy Programme;
- (c) Post-literacy teaching, first stage;
- (d) Post-literacy teaching, second stage.

E. Article 6: Access to justice

1. The judiciary

235. **Decision No. 112/2009 of the Office of the President of the Judiciary and the Supreme Court, Creation of the Indigenous Affairs Unit of the Judiciary.** The Indigenous Affairs Unit was officially inaugurated by the judges of the Supreme Court at a public ceremony held on 22 March 2012. The Unit is entrusted with:

- Promoting, and providing advice on, the implementation of policies related to the rights of indigenous peoples through the plans and projects of the judiciary
- Assisting the Office of the President of the Judiciary in hiring interpreters for judicial proceedings
- Promoting, in cooperation with the Institutional Training Unit, the incorporation of training and sensitization programmes concerning indigenous law, legal pluralism and related issues, for judicial and administrative civil servants and employees
- Participating in forums, workshops and round tables on indigenous issues
- Conducting studies to identify legal problems related to the indigenous peoples and offering relevant advice and solutions to the judiciary
- Through the International and Institutional Relations and Protocol Unit, ensuring national and international cooperation concerning the access of indigenous peoples to justice
- Following up on and supporting the implementation of agreements on the indigenous peoples' rights and accesses to justice
- Performing other functions related to the mission of the unit.

236. Under article 2 of the above Decision, the Unit is attached to the Office of the President of the Judiciary and functions under the responsibility of a coordinator, assisted by a secretary.

237. The Financial Management Office was instructed to earmark, within the income and expenditure budget of the period, the funds necessary for the establishment of the Unit.

238. **Circular No. 7-2012 of 23 April 2012 of the Criminal Chamber of the Supreme Court, Compliance with the Indigenous Legal System in Conjunction with the Official Legal System.** The Circular, addressed to all criminal judges and magistrates of the country, states that all provisions of human and social rights treaties, conventions and declarations are indivisible and integral, that, under article 46 of the Constitution, they take precedence over domestic law and that therefore the judges and magistrates must enforce them. In specific cases involving indigenous persons, measures must be taken to ensure access to justice and effective protection by the court, and to promote complementarity and harmonization within the national legal system, which includes the official and indigenous legal systems.

239. Under the adversarial procedure, proceedings are instituted before a criminal court at the request of a party. However, according to the universal legal principle of *iura novit curia* ("the court knows the law"), judges are required to apply the law to the given cases, even where that has not been requested by the parties. In applying substantive and procedural law, criminal court judges and auxiliary officials must respect ethnic, linguistic and cultural diversity and respond in a clear and reasoned manner to duly reported disputes. The relevant international instruments include the following:

- Declaration on Race and Racial Prejudice

- International Convention on the Elimination of All Forms of Racial Discrimination
- ILO Convention No. 169
- Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
- United Nations Declaration on the Rights of Indigenous Peoples
- Brasilia Regulations Regarding Access to Justice for Vulnerable People
- Peace agreements, especially the Comprehensive Agreement on Human Rights and the Agreement on Identity and Rights of Indigenous People.

Public Criminal Defence Institute (IDPP)

240. As an institution of the justice sector, the Public Criminal Defence Institute (IDPP) has endeavoured to implement various activities in support of the indigenous population. Thus, measures prescribed in the Convention have been carried out in the framework of the work plans of the Institute.

241. An inter-agency cooperation agreement on determining areas for joint promotion of relevant institutional public policies was concluded with the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) on 27 April 2012.

242. The Institute's operational plan defines strategic areas and cross-cutting methods, one of which is the intercultural perspective, namely the obligation to provide technical and professional advice to public defence counsels taking an intercultural approach to ethnicity and to ensure comprehensive and effective coverage of services through the involvement of a public defender in cases handled by the Office of the Ombudsman for Indigenous Peoples from an intercultural standpoint. The assistance provided in each such case ensures combating any type of discrimination that may occur.

243. In that connection, 15 offices for the defence of indigenous people have been set up in the country. In addition, the following activities have been carried out:

- Formulation and publication of the institutional policy for specialized legal defence from an intercultural, indigenous and gender perspective
- Preparation of a manual of indigenous administrative and technical procedures for indigenous public defender's units
- Preparation of a blueprint for the systematic presentation of experience and of typical cases resolved in a culturally relevant manner from a gender and women's rights perspective
- Preparation of cultural expert reports.

244. The institutional policy for specialized legal defence from an intercultural, indigenous and gender perspective and a manual of administrative and technical procedures for offices for the defence of indigenous people have been published.

245. The following activities have been carried out in order to promote justice from an ethnic perspective:

- Assistance through the 15 ethnic defence offices set up by the Public Criminal Defence Institute (IDPP)
- Native language interpretation of initial statements and subsequent proceedings

- Facilitation of the use of cultural expert reports by the defender as evidence in criminal proceedings
- Formulation of culturally relevant criminal defence strategies
- Assistance provided by 13 interpreters to criminal law counsels in their daily tasks
- Direct hiring of interpreters if those of the Public Criminal Defence Institute (IDPP) are unavailable or do not speak the required language.

246. The Public Criminal Defence Institute (IDPP) has disseminated the rights of indigenous peoples through information leaflets and posters in the four main ethnic languages (Mam, K'iché, Kaqchikel and Q'eqchi), radio programmes and publications on:

- The characterization of the crime of discrimination and on the impact of discrimination on the indigenous peoples
- A conceptual framework regarding the crime of discrimination
- A blueprint for the systematic presentation of experience and typical cases resolved in a culturally relevant manner from a gender and women's rights perspective.

247. **Activities aimed at the recognition of indigenous law within the national legal system**

- Expert defence of cases from the intercultural and indigenous women's perspective
- Analysis for determining the pertinence of cultural expert reports and related support
- Promotion of education and training in strategic legal action, cultural relevance, indigenous law, human rights, discrimination and racism
- Cooperation between indigenous and State authorities through forums conducive to experience exchange and respect for the indigenous peoples' use of their own conflict resolution methods.

248. **Intercultural Perspective Unit.** The main activities carried out by this Unit within the Public Criminal Defence Institute (IDPP) include the following:

- Expert defence of cases from the intercultural and indigenous women's perspectives
- Assistance and advice, through coordination between the Unit and the offices for the defence of indigenous people, in identifying cases with a cultural dimension in departmental headquarters
- Compilation and systematization of cases of cultural relevance occurring in the country
- Indigenous language interpretation and translation services at the national level
- Analysis for determining the pertinence of cultural expert reports and related support
- Promotion of education and training in strategic legal action, cultural relevance, indigenous law, human rights, discrimination and racism
- Cooperation between indigenous and State authorities through forums conducive to experience exchange and respect for the indigenous peoples' use of their own conflict resolution methods
- Enhancement of the indigenous authorities' capacity to apply their own legal system by increasing their knowledge of national and international of national and international legislation that protects the full implementation of that system

- Promotion of exchanges with State bodies in the justice system and other bodies supporting the indigenous peoples in order to help public officials to offer culturally-appropriate services.

2. National Civil Police (PNC)

249. In connection with the eradication of racism and racial discrimination in the country, the National Civil Police (PNC), responsible for providing security services to the population, has also performed, within and outside its own structures, specific services involving various ethnically relevant tasks.

250. The National Civil Police (PNC) is a body attached to the Ministry of the Interior and therefore operates under the authority of the Minister. The current ratio of its personnel of more than 20,000 to the population is small.

251. **Improvement of the quality of culturally relevant services.** Among various steps taken in this area, proposals have been made to the personnel department to assign Police Academy graduates to their own linguistic area.

252. Such measures will promote quality bilingual services, as opposed to monolingual communication, and thus improve the citizens' access to justice. In the meantime, further initiatives will be undertaken for the benefit of the indigenous peoples.

253. All indigenous National Civil Police (PNC) officers are currently listed in a database indicating their gender and linguistic community.

254. **Multiethnic National Civil Police (PNC) composition project.** The main goal of this project is "to understand the peoples' social structure through information on, respect for and promotion of their ways of life, customs, traditions and forms of social organization".

255. The project includes the following activities:

- Drafting of National Civil Police (PNC) recruitment notices in indigenous languages and appropriate participation in the candidate selection process
- Training in indigenous issues in National Civil Police (PNC) precinct offices, stations and substations
- Development of a policy on the assignment of police officers
- Closer relations between the National Civil Police (PNC) and the indigenous communities through their local authorities.

256. **Publication of Government Decision No. 97-2009 regulating the organization of the National Civil Police, section (b)** (*Diario de Centroamérica*, 2 April 2009). This Government Decision provided for the reorganization of the Subdirector General for Crime Prevention into the Division for Crime Prevention, which has changed from a department to the Multiculturalism Section (SEMULT).

257. The mission and operation of the Multiculturalism Section (SEMULT) consists in "sensitizing, training and seeking a rapprochement with the communities in order to focus on the multiethnic and multicultural character of Guatemala, prevent racism, discrimination and exclusion, and recommend relevant operational policies at the institutional level".

258. The Section organizes workshops, discussions and training with regard to racism and discrimination within and outside the police force.

259. Within the National Civil Police (PNC), workshops have been organized for police personnel and information material has been distributed to the participants. Outside the

National Civil Police (PNC), workshops are attended by public and private school students and the general public.

3. Protection of human rights defenders

260. The Public Prosecution Service is currently investigating 90 complaints for criminal offences against social activists and human rights defenders. The offences concerned are threats, abuse of authority, assault, extortion, coercion, illegal detention, robbery, aggravated robbery, use of firearms, murder and theft.

261. In 2010, the Office of the Human Rights Advocate launched 76 investigations into acts of aggression against human rights defenders. In the same year there were 135 cases of attacks against 204 defenders, such as, inter alia, death threats made in various ways, obvious control and intimidation through telephone calls, defamation, assault, illegal searches and robberies in residential homes and headquarters of organizations. There are currently 68 cases under investigation, pending final resolution.

262. **Specific legislation: legal and legislative situation with regard to the draft government decision on a programme of preventive measures and protection for human rights defenders and other vulnerable groups.** The Congress is currently not considering any draft legislation specifically prescribing prevention and protection measures for human rights defenders.

263. However, on 15 April 2009, a national policy on prevention and protection for human rights defenders and other vulnerable groups was drawn up. The aim of the policy, in line with the State's duty as guarantor of rights, is to provide a coordinated strategic framework affording a permanent link between the public sector, civil society and international cooperation agencies. That framework should ensure prevention and protection and create, improve and strengthen dedicated infrastructure to respond fully, with dynamic, efficient and effective mechanisms in keeping with the degree of urgency, to any threats, risks or vulnerability affecting human rights defenders, judges, magistrates, prosecutors, social communicators, journalists, trade unionists and others.

264. **Preventive measures.** In April 2009, a National Agreement for the Advancement of Security and Justice was signed between the Congress, the Executive, the Supreme Court and the Public Prosecution Service. The agreement was supported by Universidad de San Carlos de Guatemala (USAC), the Evangelical Alliance of Guatemala, the Archdiocese of Guatemala and the Office of the Human Rights Procurator. In its section IV, on policies and institutions for criminal investigation and against impunity, the agreement sets out comprehensive protection measures for justice workers and human rights defenders.

265. **Specific activities for the protection of human rights defenders.** Certain activities undertaken by the State for the protection of human rights defenders are described below:

(a) Operation of the Office for Analysis of Attacks on Human Rights Defenders in Guatemala, attached to the Vice-Ministry of Security of the Ministry of the Interior, through Ministerial Decision No. 103-2008 of 10 January 2008.

(b) Perimeter security provided by the Personal Protection and Security Division of the Subdirector-General of Operations of PNC for staff in the buildings of the Presidential Human Rights Commission (COPREDEH), the Office of the Human Rights Advocate, the Myrna Mack Foundation, the Indigenous Development Fund of Guatemala (FODIGUA), the Women's Sector Organization, the Centre for Human Rights Legal Action, the Historical Archive on the premises of the National Civil Police (PNC), the Forensic Anthropology Foundation of Guatemala and the Madres Angustias organization.

(c) Direct and ongoing liaison between the Office for Analysis of Attacks on Human Rights Defenders and Division 110 of the National Civil Police (PNC) to coordinate the handling and processing of complaints of acts, such as threats, harassment, intimidation or attacks, committed against human rights defenders, lawyers, legal personnel, trade unionists and journalists.

(d) Provision of security measures. In the event of a threat or attack against human rights defenders or other persons that has not been addressed by a measure adopted by an international forum, a risk assessment is carried out by the National Civil Police (PNC) in order to determine the type of security measure appropriate for the particular case.

266. Department for the Coordination of Protection Mechanisms for Human Rights Defenders of the Presidential Human Rights Commission (COPREDEH). The Department is entrusted with cooperating with the bodies of the Executive responsible for adopting and implementing protective measures for persons seeking injunctions or provisional or security measures before the Inter-American Court of Human Rights or the Inter-American Commission on Human Rights or through the Rapporteurs of the United Nations and Inter-American human rights systems, and for persons seeking to ensure the effective implementation of such measures.

Academic programme for providing updated information on the rights of indigenous peoples and the elimination of racism in Guatemala to justice officials

267. The programme in question was created in the period 2010–2012.

268. It receives academic support from the Postgraduate School of Law and Social Sciences of Universidad de San Carlos de Guatemala (USAC). Professional training has so far been provided to staff of the judiciary, the Public Prosecution Service, the Public Criminal Defence Institute, the Office of the Counsel-General (Procurador General de la Nación), the Office of the Human Rights Advocate and the National Civil Police (PNC).

269. The programme's Consultative Council comprises representatives of the institutions referred to in the preceding paragraph. Selected by USAC and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA), the professors are of a high level.

270. Of the 98 professionals having completed the programme, 54 were trained in 2010, 24 in 2011 and 20 in 2012. They were provided with basic tools in the area of indigenous peoples rights' and combating racism.

F. Article 7: Teaching, education, culture and information for combating prejudices that lead to racial discrimination

1. Academy of Mayan Languages

271. **Implementation of the National Languages Act.** This Act, aimed at strengthening and developing the various languages spoken in the country, has been implemented through the coordination of government and private entities.

272. The most relevant such entities are Mayan language learning centres, designed to teach the languages in question to the personnel of public and private organizations and to encourage a change of attitudes towards those languages. Moreover, legislation and regulations have been translated into Mayan languages and disseminated among the respective linguistic communities.

273. In cooperation with the Vice-Ministry of Intercultural Bilingual Education, work is done on applying Mayan language writing rules to educational material and research with a

view to enhancing the standardization of Mayan languages. Moreover, in cooperation with the judicial authorities, translators have been made available in legal proceedings in which translation has been necessary.

2. Promotion of culture

274. The **Ministry of Culture and Sports** is the body responsible for promoting cultural activities. In the period 2009–2012, such activities were undertaken for the benefit of the indigenous peoples with a view to eradicating racism and discrimination and revitalizing culture.

275. **Specific activities for the indigenous peoples.** Such activities include the following:

- Creation of the Expert Committee for Revitalizing, Safeguarding and Developing the Garifuna Culture
- Institutionalization of the Day of Garifuna Women
- Declaration of the Committee of Xinka People on safeguarding, revitalizing, promoting and developing the Xinka culture. A relevant event was held in the Courtyard of Peace of the National Palace of Culture.

276. **Activities for the eradication of racism and discrimination.** Such activities, conducted by the Ministry of Culture and Sports, have included the following initiatives:

- Creation of 17 community academies of art and youth orchestras in various parts of the country
- Organization of four Cultural Development Units (UDCLs) to promote culturally relevant development
- Organization of 118 congresses, festivals and fairs for the promotion of human development and cultural diversity (85 per cent of the events initially planned)
- Creation of 10 community academies of art and youth orchestras, bringing the total to 93 such academies and 26 youth orchestras
- Organization of 193 training events, attended by a high percentage of the indigenous population, on citizen participation, a culture of peace, cultural diversity, intercultural relations, development and the cultural industry
- Under Ministerial Decision No. 760-2010, establishment of the Round Table for Dialogue and Consensus on Safeguarding, Revitalizing and Developing the Xinka Culture in order to promote that culture through organizational and participatory processes for the comprehensive development of the persons concerned
- Ongoing development of the Project for Supporting and Safeguarding the Garifuna Cultures in the municipality of Livingston, Izabal, through components of gastronomy, museography and artistic expression. In the current year, 34 training workshops, 5 festivals and fairs and other relevant initiatives took place. The project has its headquarters in Livingston and employs 17 cultural workers.

277. **Projects promoted by the Ministry of Culture and Sports.** Projects organized to promote the culture of indigenous peoples include the following:

- Technical Development and Marketing Assistance to New Craftsmen and Craftswomen
- Support for Creative and Cultural Industries in Guatemala

- Advice and Technical Support for Craftswomen for the Promotion of Cultural Industries.

3. Freedom of thought, conscience and religion

278. **Accreditation of Mayan spiritual guides.** Through Ministerial Decision No. 510-2003, the Ministry of Culture and Sports created the Unit for Mayan Sacred Places and Practice of Spirituality in order to support the Minister's Office in connection with responsibilities and issues related to spiritual guides and persons practicing Mayan spirituality at the country's sacred places or sites, monuments, parks and archaeological projects or centres administered by the Ministry of Culture and Sport.

279. Subsequently, certain measures were taken for the recognition of the *ajq'ijab'* or spiritual guides and for their access to sacred places. Certain spiritual guides disagree with such accreditation by the Ministry through the above Unit, arguing that the State is secular and therefore has no competence to issue the relevant cards.

280. Based on the Agreement on Identity and Rights of Indigenous Peoples, Decree No. 26-97 on the National Cultural Heritage Protection Act as amended, and ILO Convention No. 169, the Ministry of Culture and Sports issued Decision No. 525-2002, amended by Decision No. 042-2003, providing the spiritual guides with free access to sacred places or archaeological sites within the Ministry's jurisdiction in order to perform their ceremonies. To that end, the guides began to receive accreditation cards enabling them to enter, alone or with others, the said sacred places or sites, monuments, parks or projects.

281. The above decisions constitute minimum special measures designed to safeguard the indigenous peoples' cultural values, social and cultural identity, customs, traditions and institutions, and to recognize and protect their social, traditional, religious and spiritual values and practices.

282. Technical capacities have been enhanced in order to implement and support specific proposals for protecting and preserving sacred places on the basis of the principles, values and practice of spirituality of the indigenous peoples. Moreover, technical cooperation and other initiatives have been undertaken to safeguard the country's intangible cultural heritage.

283. **Procedure manual for safeguarding sacred places.** This project, currently carried out under an agreement between the Land Registry (RIC) and the Institute of Anthropology and History (IDAEH), is aimed at implementing mechanisms for the protection, conservation and safeguarding of sacred places and archaeological sites in accordance with the existing relevant legislation.

284. The project also aims to raise awareness of the importance of sacred places for environmental balance and climate change management among members of the various peoples. Lack of protective measures exposes archaeological places or sites to looting, theft, logging and, especially, damage to the surrounding environment. The project will build on Mayan spiritual elements and values in cooperation with the spiritual guides.

4. Cultural and communication programmes

285. Cultural promotion programmes are carried out in the departments of Huehuetenango and Baja Verapaz in order to transmit cultural values through alternative radio and television broadcasts.

286. The main topics addressed in such programmes are the Mayan world view and calendar, traditional Mayan medicine, traditional agriculture, the vigesimal number system, commemorative dates, traditions and customs, the barter system, traditional music and respect for multiculturalism and intercultural relations.

287. **Academy of Mayan Languages of Guatemala.** “TV Maya” broadcasts ongoing programmes on women’s empowerment and rights. In particular, the *Mujeres Convocando* programme aims to help to deconstruct stereotypical images and language concerning women, promote discussion on problems related to the situation and status of various women and recognize and highlight women’s contributions to the social, community, political, economic and cultural sectors.

Access to sacred places

288. Sacred places identified within the national territory are monitored and safeguarded in cooperation with the spiritual guides and community leaders who request the Ministry of Culture and Sports to declare such places national cultural heritage.

289. In 2010, six sacred places were identified in the municipality of Cobán, department of Alta Verapaz, at Chió, Chaj Xukub’, Puk B’alam, Karalhá Tapulhá, Kawá Walom and Chájom Pek.

290. In that process, interested parties must undertake to request owners or holders of the areas where the sacred places are located for authorization to access the sites before they can be declared cultural heritage.

Full enjoyment of the cultural rights of indigenous peoples

291. Activities undertaken by the Ministry of Culture and Sports in order to promote the cultural rights of indigenous peoples include the following initiatives:

- Accreditation of the spiritual guides so that they may exercise their functions
- Creation of forums ensuring the access of spiritual guides to sacred places or archaeological sites
- Support for kite festivals at Santiago Sacatepéquez and Palín, Escuintla
- Maintenance and monitoring of 61 pre-Hispanic archaeological parks and sites of Mayan culture, including conservation of such sites at Quiriguá, Iximché, Mixco Viejo, Kaminal Juyu and Gumarcaj
- Administration, conservation and restoration of the country’s three main archaeological parks, namely the Tikal national park, the Yaxhá-Nakum and Naranjo park and the Tak’alik’ Ab’aj park).

Mechanisms for the protection of the cultural values of indigenous peoples

292. Activities undertaken by the Ministry of Culture and Sports in order to create mechanisms for the protection of the cultural values of indigenous peoples include the following initiatives:

- Monitoring and inspection of sacred places in communities requesting such services
- Procedures for declaring sacred places to be national cultural and natural heritage
- Involvement of judicial authorities, such as the Public Prosecution Service, in certain cases in order to issue expert opinions on conflicts that damage sacred places
- Expert analyses and opinions regarding proposals to declare, protect and safeguard practices as intangible cultural heritage
- Current preparation of a manual on safeguarding sacred places, based on consultation with, and the opinion of, spiritual guides

- Creation of the Indigenous Art Unit in the Directorate-General of the Arts, as part of the implementation of the national long-term plan for cultural development entitled “Culture: Motor of Development” and the public policy on the cultural and artistic development of indigenous peoples in Guatemala, presented by the Adrián Inés Chávez Centre for Maya Studies (TIMACH).

National system of statistics

Observations and recommendations of the Committee (CERD/C/GTM/CO/12–13, paragraph 6)

The Committee recommends that the State party continue to upgrade the methodology to be used in the forthcoming census in 2012 in order to capture the ethnic complexity of Guatemalan society, bearing in mind the principle of self-identification as set forth in general recommendation No. 8 (1990) and in accordance with paragraphs 10–12 of the guidelines for the specific document to be submitted to the Committee under article 9, paragraph 1, of the Convention (CERD/C/2007/1).

293. **National Institute of Statistics (INE).** The Projects Coordination Unit has negotiated with the cooperating agencies two projects, one on strengthening the National Institute of Statistics (INE) in mainstreaming the gender and peoples perspectives in statistical data processing, funded by the Spanish Agency for International Development Cooperation (AECID), and one on improving the availability of population statistics for the promotion of human development, funded by the United Nations Population Fund (UNFPA).

294. The projects provide support for hiring consultants in the Expert Advisory Unit on Gender and Peoples with a view to incorporating gender, ethnic and linguistic-community variables into the statistical processing instruments of the national surveys on family income (ENIGFAM), on employment and income (ENEI) and on living conditions (ENCOVI).

295. The goal of the above Unit is to produce disaggregated information on the indigenous population. Such data constitute an essential qualitative advantage as indicators of progress or regression in the living conditions of the people concerned. The work team is advised by a Mayan woman who contributes valuable insights based on the Mayan perspective.

296. The following activities have been carried out through the Expert Advisory Unit:

- Preparation of technical tools for integrating gender and indigenous peoples into statistical processing
- Preparation of a manual for introducing gender-related and ethnic statistics in the National Institute of Statistics (INE) on a cross-cutting basis
- Formulation of a conceptual framework for focusing on statistics concerning the indigenous peoples
- Preparation of a guide for introducing gender and ethnicity as cross-cutting attributes in health statistics
- Training of permanent staff and temporary personnel (pollsters) in such areas as the human rights of women and indigenous peoples
- Review of data compilation tools (censuses, surveys and continuous surveys)
- Proposal of variables facilitating gender- and ethnicity-based analysis in the data compilation tools

- Preparation of a publication on Maya, Garifuna, Xinka and mestizo gender and ethnic statistical profiles.

297. **Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA).** There is currently a proposal to guarantee the inclusion of all of the country's peoples and linguistic communities in the design, preparation, conduct and publication of the twelfth population and seventh housing censuses to be carried out by the National Institute of Statistics (INE).

5. **Dissemination and promotion of the rights of indigenous peoples in order to combat prejudices leading to racial discrimination**

Observations and recommendations of the Committee (CERD/C/GTM/CO/12-13, paragraph 17)

The Committee recommends that the State party take appropriate steps to combat racial prejudice that can lead to racial discrimination in the media, including both public and private channels and the press.

The Committee also recommends that, within the field of information, the State party take steps to foster understanding and tolerance among the various racial groups present in the country, including through the adoption of a media code of ethics whereby the media would undertake to respect the identity and culture of indigenous peoples.

298. **Organization of campaigns at the national level.** Through its institutional mechanisms, Guatemala has organized various campaigns to promote the rights of indigenous peoples and eradicate racism and racial discrimination. The following work has been carried out through the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) and the Office for the Defence of Indigenous Women (DEMI):

- *Third radio campaign for coexistence and elimination of racism and discrimination.* This campaign is a follow-up to the communication and training project entitled "Contribution to the eradication of racism, ethnic discrimination and gender discrimination, particularly against indigenous women"
- Campaign entitled "*We, indigenous women, have rights: let us demand their exercise*". In the period October-December 2010, the campaign was broadcast on the radio in the Garifuna, K'iché, Mam, Achi', Q'anjob'al, Q'eqchi' and Spanish languages, seeking to raise the indigenous women's awareness of their rights and encourage them to report any racial discrimination crime perpetrated against them

Campaign for harmonious coexistence, using the following slogans in 2012: "Discrimination kills personal and group dignity" and "Discrimination is a crime". Workshops were held for State communicators with a view to improving media strategies, thereby reducing discrimination and racism.

Promotion of rights of indigenous peoples

299. The Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) has drawn up various documents designed to promote the rights of indigenous peoples. The documents have been discussed with various State and social actors.

300. The documentary material prepared by the Presidential Commission includes CDs with campaign messages, videos, information posted on the Commission's website, and conventional material, namely printed documents, books, research papers, reports and other documents, including publications on:

- The building of an inclusive society
- An observatory of racial and ethnic discrimination against the indigenous peoples in Guatemala
- A proposed interdisciplinary research model concerning racism in the national basic curriculum (CNB)
- A report on outreach activities and dialogue on citizen training
- The Garifuna migrant population
- Gender equity methodology and action
- Research planning and methods for studying racism and discrimination
- A detailed study on public employees of the sectors of health, education and justice and of the municipalities
- Methodological guidance for qualified facilitators and leaders of civil society bodies dealing with discrimination and racism
- A planning, monitoring and evaluation system for the public policy for coexistence and elimination of racism and racial discrimination (PPCER)
- A pProposed design for the Indigenous Peoples Statistics Coordination Office of the National Institute of Statistics (INE) in relation to the National System of Statistics
- The political impact of State bodies managed by indigenous staff and civil servants
- A baseline assessment regarding the public policy for coexistence and elimination of racism and racial discrimination (PPCER)
- A proposal for the organization and management of the Research and Analysis Unit of the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA)
- Indicators and statistics regarding the peoples and linguistic communities of Guatemala
- A glossary of ethnic and cultural diversity in Guatemala
- Guidance for reporting discrimination.

G. Challenges facing the State of Guatemala

- The adoption of the draft government decision on the implementation of the public policy for coexistence and elimination of racism and racial discrimination (PPCER) is crucial to the effective application of that policy in all areas
- Increasing the budget of the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) is a major challenge. Despite a slight increase for the current year, the Commission needs a more substantial budget in view of the nature and scope of its work
- The State recognizes the need to continue the processes of disseminating and raising awareness of the International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments supporting the rights of indigenous peoples at the levels of the State and society

- The State recognizes the need to strengthen the area of legislation so that the instruments that are of interest to the indigenous peoples and are currently pending before Congress are adopted in order to align domestic law with the Convention
 - The significance of adopting the declaration recognizing the competence of the Committee for the Elimination of Racial Discrimination has been acknowledged. Accordingly, the discussions necessary for such adoption shall resume
 - It is crucial to follow up on **Draft Act No. 4539 on the approval of amendments to Congress Decree No. 17-73, Criminal Code**. The amendments stipulate harsher penalties for the crime of racial discrimination, in accordance with international recommendations
 - The State recognizes that the political participation of the indigenous peoples in all areas must be strengthened and that considerable work remains to be done with regard to that issue
 - It is important to strengthen the units that support the indigenous peoples in the Ministries and State bodies. Greater attention is devoted to the indigenous population thanks to such new units, which should have a greater say in decision-making and be provided with budgets of their own
 - Although various State agencies have undertaken affirmative action in favour of the indigenous peoples, intercultural bilingual education constitutes a major challenge for the State
 - Although its establishment within the judiciary constitutes progress in terms of a rapprochement with the system of traditional justice, the Indigenous Affairs Unit needs to be strengthened with human and financial resources
 - A population census incorporating the cultural perspective is a challenge for the State. The National Institute of Statistics (INE) will work further to improve the collection of data.
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