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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

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

Addendum

GUATEMALA* **

[27 March 2002]

* The initial report concerning rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.24) submitted by the Government of Guatemala was considered by the Committee on Economic, Social and Cultural Rights at its fourteenth session (see E/C.12/1996/SR.11-14).

** The information submitted in accordance with the consolidated guidelines concerning the initial part of the reports of States parties is contained in the core document HRI/CORE/1/Add.47.

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Introduction

1. In 1996, Guatemala entered a historic phase, marked by the signing of the peace accords and the beginning of a complete reconstruction of Guatemalan society. An integral element of this process is the undertaking made by the State, as part of the Peace Agreements, to devise, implement and promote measures in specific areas such as human rights, health, education, housing, employment, human development and civic participation.

2. It must be admitted that the realization of economic, social and cultural rights has presented particular difficulty, given the precarious economic situation the country finds itself in as a result of its large fiscal and current account deficits and rises in price levels in recent years.

3. Despite the obstacles it has encountered, Guatemala is nevertheless fully aware of the importance of economic, social and cultural rights in raising levels of human and social development for the entire population. Mention should therefore be made of those measures that have been taken, as they make it possible to foresee a number of achievements in various areas of economic, social and cultural rights for Guatemalans.

4. Significant steps forward include health measures to provide immunization to very poor populations, many of them previously marginalized in terms of basic health services. A process of educational reform has been launched, emphasizing the full development of the individual personality, ideological pluralism, fundamental freedoms, justice, peace and multiculturalism. This report also gives details of progress in the areas of gender, children, housing and employment, basically involving legislative amendments and the promotion of new legislation, as well as policies and strategies specifically targeting those areas, which, it is believed, will create more favourable conditions for the full realization of these rights.

I. ARTICLE 1. RIGHT TO SELF-DETERMINATION

5. The right to self-determination is enshrined in Guatemala's legal order, in article 140 of the Constitution, which states that Guatemala is a free, independent and sovereign State so organized as to guarantee the enjoyment by its inhabitants of their rights and freedoms.

II. ARTICLE 2. ADOPTION OF LEGISLATIVE MEASURES FOR THE FULL REALIZATION OF THE RIGHTS RECOGNIZED IN THE COVENANT

6. In order to strengthen the legal framework and establish a proper climate of legal certainty in which to carry out economic and social development projects and programmes implementing the rights recognized in the Covenant, Congress adopted a number of laws and reforms between 1996 and 1999, particularly in the areas of health, education, employment and social security.

7. The new Health Code is based on the State's obligation to ensure the health of its citizens in accordance with the principles of social equity, solidarity and subsidiarity. It will be implemented through the Ministry of Public Health and Social Welfare in cooperation with

central, decentralized and autonomous State agencies and organized communities and private bodies, and will include the new strategies for decentralization and dispersal of health programmes, and community participation.

8. Guatemala's Constitution includes a chapter on social rights and declares the right to education to be a matter of national interest. It also declares the right to work to be an individual right and a social obligation. It guarantees enjoyment of the right to health without discrimination and establishes a similar right to social security, which is guaranteed as a compulsory, unified, national public system.

9. With regard to cultural rights in Guatemalan legislation, article 57 of the Constitution states that everyone has the right to participate freely in the cultural and artistic life of the community and also recognizes the right of individuals and communities to their cultural identity, in accordance with their values, languages and customs.

10. As Guatemala's sovereign body, Congress has ratified various international instruments; these are immediately incorporated into the domestic legal order, in accordance with article 46 of the Constitution, which states that, in matters of human rights, treaties and conventions accepted and ratified by Guatemala shall take precedence over internal law: the provisions of such instruments thus become mandatory and generally applicable.

11. As a developing country, Guatemala is no stranger to material limitations that prevent it from complying fully with its legal obligations in the area of economic, social and cultural rights. However, the Government has made significant efforts in recent years to identify basic unmet needs and direct increased public-sector investment towards those places that were worst affected by the internal armed conflict and to communities with major gaps in basic social services such as housing, drinking water, sanitation, education and employment. To that end, emergency programmes have been put in place to reduce poverty and extreme poverty.

12. As a result, a total of 19,197.3 million quetzales was allocated to social investment between 1996 and 1999: in four years, public-sector investment rose from 1,782.1 million quetzales in 1995 to 5,088.5 million quetzales in 1998, with a total of 8,116.6 million quetzales earmarked for 1999, and, as a percentage of total budget expenditure expanded from 25.2 per cent in 1995 to 33.4 per cent in 1998. Four areas of social investment have been prioritized.

13. Education is one of the sectors receiving most attention under the Government's social policy, and investment in extension of coverage and qualitative improvements in education rose by 2,027.3 million quetzales between 1995 and 1999.

14. Guatemala's gross domestic product (GDP) was 85,893.28 million quetzales in 1995. Budget expenditure was 986 million quetzales, or 1.15 per cent of GDP. There has thus been a relative increase of 59.6 per cent. GDP was 119,400 million quetzales in 1998 and budget expenditure stood at 1,604.53 million quetzales, or 1.34 per cent of GDP.

A. Education

15. The education programmes initiated by the Government, through the Ministry of Education, have prioritized increased coverage and improved quality in education, particularly at the pre-primary and primary levels, paying particular attention to rural areas, girls' education and the expansion of bilingual intercultural education services through the implementation of a range of programmes, as follows:

(a) The national programme for educational self-management (PRONADE) aims particularly to improve the coverage and quality of educational services in rural areas by providing organized communities with financial resources to administer such services on a decentralized basis, thereby improving community self-management. As a result of the introduction of this system of educational financing during the 1999 school year, services were provided to 207,097 children at the primary and pre-primary levels from 2,924 communities and 605 community education committees (COEDUCAS) were set up. In addition, training was provided to 8,345 parents from 1,669 COEDUCAS in 19 departments. Budgetary expenditure totalled 113,411,947.86 quetzales;

(b) Community centres for accelerated pre-school education (CENACEPs): in order to help develop skills, values and basic abilities and thereby improve the entry level of students in the first grade of primary education, and to provide educational support to teachers, the Ministry of Education has set up a programme to establish community centres for accelerated pre-school education. The purpose is to reinforce the development of skills and abilities, and to encourage good habits and a change in attitudes among children of pre-school age, so as to ensure adequate academic performance in the first year of primary school. In 1999 the programme covered 95,908 6-year-olds. CENACEP centres operate in primary schools that do not provide pre-primary education;

(c) The supplementary support and assistance programmes developed by the Ministry of Education are intended mainly to encourage students to stay in school, and to supplement families' finances by providing food for schoolchildren, study scholarships and grants and school transport subsidies;

(d) Scholarships for girls: in order to broaden educational coverage and ensure equal treatment for social groups who have in the past received less attention, this programme for girls in rural areas awarded 46,089 scholarships to girls from some 3,000 rural schools in 1999; 117,578 scholarships were awarded between 1996 and 1999;

(e) Provision of textbooks: in order to improve the quality of education, teaching materials have been distributed in mathematics, natural sciences, social studies and Spanish, with 11.8 million textbooks provided between 1996 and July 1999;

(f) The school breakfasts programme provides the school population with a highly nutritious meal giving children in rural schools half their daily nutritional dietary requirements. It covered 1,080,554 children in 1999. In addition, direct training was given under the

programme to 52,815 mothers and indirect training to 700,000, providing basic guidance on the nutritional value of foods. By May 1999 expenditure on the programme had totalled 38,589,341.25 quetzales;

(g) Literacy and extramural education: with the adoption of Government Order No. 225-96 the initial phase of the literacy programme was approved, along with the post-literacy phases, for primary school grades recognized by the Ministry of Education. The aim is to provide effective coverage for newly literates within the school education service and contribute to their development and to improving the quality of life. The illiteracy rate was reduced from 37.5 per cent to 31.7 per cent in 1998 as a result of the participation of more than 2,500 government and non-governmental organizations with offices throughout the country, and is expected to come down to 29.6 per cent by the end of 1999;

(h) The educational television (distance secondary school) programme provides an alternative means of expanding basic education to rural areas and aims to provide support to communities with a large school-age population that have not been covered by regular education services. In 1998 a total of 3,552 pupils at 120 centres in 21 departments around the country were covered by the programme. Schools were provided with basic handbooks and workbooks, televisions, VCRs and teaching materials (dictionaries, encyclopaedias, sports equipment, mini-libraries, geometry sets, computers and accessories);

(i) The national civic education programme for democracy and peace was one of the commitments included in the Agreement on Social and Economic Aspects and the Agrarian Situation in order to promote the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts. In 1998, the Ministry of Education approved the values and human rights training curriculum and began training teachers. Implementation of the programme began the same year, for secondary school students. The primary school values curriculum was completed with a United Nations Educational, Scientific and Cultural Organization (UNESCO) grant of 100,800 quetzales. At the end of 1999, the Ministry of Education continued to provide financing for development of the values curriculum in the majority Mayan languages. In 1998 and 1999, 23 awareness and promotion workshops were held for extension workers, involving 1,395 supervisors, trainers, directors, teachers, counsellors and technical administrative coordinators, to enable them in turn to run awareness and promotion activities for the programme. Three awareness workshops were also held for 67 middle school directors;

(j) IT education centres: the Ministry of Education has set up 11 information technology laboratories in teacher training colleges around the country, with the aim of helping students to acquire new knowledge and move into the new technological era. The centres have been supplied with local networks, Pentium III computers and servers, printers, and general and educational software. The programme has trained 15,000 students and implementation required an investment of 5.8 million quetzales;

(k) An "Education for excellence" programme has been introduced for students in all grades, with the aim of reinforcing the development of thinking skills and particular areas of the curriculum - mathematics, reading and writing, democracy and human rights, multiculturalism,

education for girls and environmental education - to enable students to develop their creative and critical thinking, self-confidence, responsibility for their actions and understanding of others, and to acquire basic communication, reading and writing skills;

(l) Bilingual intercultural education: through the Department of Bilingual Intercultural Education (DIGEBI) the Ministry of Education has extended bilingual education to 1,771 schools in the municipalities where more than 50 per cent of residents are indigenous, in order to affirm and strengthen the identity and cultural values of the various linguistic communities. It has also promoted production of pre-primary (up to third grade) textbooks in 12 Mayan languages and Garífuna. This programme reached 76,799 pupils in 1995 and 96,859 in 1999 - an increase of 26.1 per cent - thereby helping population groups such as the Mayas and Garífuna to obtain access to educational services;

(m) Initial education centres: the comprehensive care programme for children under six (PAIN) aims to promote and develop all-round education for the under-6s, nurturing their abilities and appropriate behaviour patterns, and monitors their growth. The programme targets rural and marginal urban sectors without pre-school provision;

(n) Education in rural areas: through the Ministries of Education, Health, Agriculture and Finance the State has signed a cooperation agreement with the United States Government allocating a total of US\$ 7,720,000 for the promotion of rural education, US\$ 4,040,000 of which goes to bilingual intercultural education in specific geographical areas. The aim is to boost access to bilingual intercultural education programmes and develop policies and strategies to promote gender equity and cultural and linguistic pluralism;

(o) The "Healthy schools" programme was implemented by the Ministries of Education and Health and the Institute of Nutrition of Central America and Panama (INCAP) in order to improve Guatemalan children's health in a coordinated fashion. With assistance from private-sector bodies such as cereals producer Kellogg's Guatemala, training in eating habits, nutrition and sports activities is given by nutrition specialists. The programme has been implemented in 24 schools in Sacatepéquez department and is backed up by the publication of a nutrition guide for Guatemala in leaflet form;

(p) The education cooperatives programme aims to provide comprehensive basic education to all Guatemalans in order to help improve people's overall level of education and information by providing education at accessible prices. In 1995, 423 institutes were in operation, a figure that rose to 553 in 1996, representing an increase of 30.7 per cent;

(q) Physical education programme: the Department of Physical Education is the technical administrative department of the Ministry of Education responsible for coordinating and implementing policy, strategy and guidelines on physical education at the national level; its objective is to boost physical and sporting activities both in and out of school, in order to obtain optimum levels of development and growth among programme participants, under the slogan "Physical education for all". To that end, sports-initiation schools have been established in order to help build national sporting values: 18 such schools were established between 1998 and 1999, in the departments of Quiché, Escuintla, Guatemala, Huehuetenango, Retalhuleu and San Marcos.

B. Health

16. In the health sector, Guatemala has concentrated its efforts on ensuring that health conditions - both preventive and curative - produce a state of physical, mental and social well-being, and on promoting access to health services by the population at large by expanding health coverage throughout the country.

17. The approaches to be taken form part of the health-sector reform, which stresses preventive health, the aim of which is to attack disease at its roots. Health investment was increased to 4,687 million quetzales between 1996 and 1999, in order to provide support for the planned reform: expenditure on health and social welfare was 0.8 per cent of GDP in 1996 and 1.1 per cent in 1999.

18. Established as a support mechanism for implementation of the Peace Agreements, the comprehensive health-care system (SIAS) aims to organize service-provider groups, encourage community participation, enhance the cost-effectiveness of health measures and put in place an information system that will facilitate decision-making and service provision. Implementation of this programme has made it possible to extend coverage of basic health services with the participation of other public-sector agencies, the private sector, NGOs and organized communities: State health coverage expanded from 39 per cent to 72.5 per cent between 1995 and 1999. Investment in implementation of the programme totalled 58.9 million quetzales.

19. A significant sector of the population has in the past had only limited access to medicines, and the Ministry of Public Health and Social Welfare has therefore launched an access to medicines programme (PROAM) that has benefited many people of limited resources by establishing more than 2,500 outlets for medicaments in State and municipal pharmacies and community medical dispensaries. Beneficiaries number more than 1.5 million. To implement the programme, the Government allocated 50,000 quetzales to local pharmacies and 15,000 quetzales to community medical dispensaries, which are run by members of the community.

20. A health promotion and monitoring programme has been implemented: measures include immunization, prevention of dengue, malaria, rabies, tuberculosis, cholera, diarrhoeal diseases and AIDS, and comprehensive care for adolescents, mothers and children, older people and pupils covered by the "Healthy schools" programme, as well as a national maternal and infant mortality reduction plan that has improved monitoring of maternal and infant mortality.

C. Drinking water and environmental sanitation

21. With the primary aim of increasing coverage and improving the quality of water and basic rural sanitation, the Government has restructured and integrated the water and sanitation sector, with the support of the Rural Aqueduct Project Executive Unit and the social funds. Investment under this heading amounted to 1,333.6 million quetzales between 1996 and 1999.

D. Housing

22. In the area of housing, the Government has devised a policy to address the country's housing problem, on the basis of the principles of subsidiarity and solidarity, within an overall framework of self-management and self-help. Two programmes - "Roof and floor" and "Minimum shelter" - have been developed to provide beneficiaries with materials to build their own homes. Food is also provided, in proportion to the work carried out.

23. In accordance with the Government's commitment, under the Peace Agreements, to allocate annually from 1997 onwards no less than 1.5 per cent of State tax revenues to the housing promotion policy, in 1998 180.4 million quetzales was allocated to the Guatemalan Housing Fund (FOGUAVI).

24. In order to provide legal mechanisms to facilitate implementation of housing projects, Government Orders Nos. 276-98 and 286-98 were issued, by which the Housing and Human Settlements Act Regulations and the contracts relating to the Guatemalan Housing Fund entered into force.

25. Also in the area of housing, in order to guarantee the ownership of plots occupied by people living in marginal areas of the metropolitan region who have a legal claim on the property, the Presidential Executive Coordination Office has taken action through the Department of Human Settlements and Housing (DAHVI) to legalize such property, particularly in marginal areas of Guatemala City and the municipality of Villa Nueva.

26. For those whose income level allows them to obtain housing but who lack the necessary finance, the Guatemalan Housing Fund has sought funding from private financial institutions; these institutions then become responsible for providing low-income families with a subsidy of up to 12,000 quetzales to finance purchase of a home or land or property construction, extension, improvement or repair, and installation of basic services. Families are eligible for this subsidy if their monthly income is less than 2,400 quetzales, a level which in the past has usually prevented them from obtaining conventional financing.

27. In addition, under the National Mortgage Bank's housing plan for 2000, which provides flexible financing for home purchase, repair, extension, building, or rent, or for mortgage repayments, loans to the value of 43.1 million quetzales were authorized in 1998.

28. Between 4 February 1998 and 10 December 1999 the Guatemalan Housing Fund released 41,594 plots, to a total value of 462,882,509.59 quetzales, for some 207,970 individuals. Over the same period, 35,516 homes were built on owner-occupied plots, representing an investment of 425,945,600.86 quetzales, for some 177,580 individuals. In addition, 5,107 built-on plots were released, to a total value of 61,190,212 quetzales, for 25,535 individuals. For house improvements, 16,134,304.75 quetzales was invested in favour of 6,775 individuals. A total of 1,374 home extensions were carried out, to a value of 16,361,789 quetzales, for some 6,870 individuals.

29. Total government investment in housing through the Guatemalan Housing Fund through the end of 1999 amounted to 982,998,962.64 quetzales, with 85,647 projects implemented in eight regions of the country.

III. ARTICLE 3. STATUS OF WOMEN IN PRACTICE

30. In Guatemala equality between men and women does not exist in practice to the extent desirable, there being a level of de facto discrimination against women in everyday situations. The lack of equality faced by women is the result, among other things, of misconceptions on the part of society as to the difference between men and women, the disparity in income levels between women and men, and educational differences. Educational differences are apparent in most of the country's departments, with the exception of the capital, where the level of literacy is higher among women than among men. Nevertheless it should be noted that in recent years there have been positive developments in various areas which to some extent have served to narrow the differences between men and women in the country.

31. Analysis of the human development index and women's development index reveals a marked variation in women's education and income levels. Thus, the departments of Guatemala, El Progreso and Sacatepéquez are in the lead in terms of women's education; Guatemala, Zacapa and Sacatepéquez record the highest incomes.

32. The department of Guatemala generates most of the country's national income; women account for 33 per cent of the economically active population, a relatively high figure.

33. The level of political involvement of women is reflected in their participation in elections, specifically the gap between the number of men and women registered to vote.

34. The Guatemalan State has taken both legislative and administrative measures to eliminate discrimination against women and promote their full development in all aspects of national life. In this regard the Convention on the Elimination of All Forms of Discrimination against Women has been ratified, and the Convention has been incorporated into the domestic legal order. The constitutional norm that establishes that human rights treaties and conventions take precedence over the Constitution means that the provisions of the Convention can be invoked before the competent judicial organs.

A. National Women's Office (ONAM)

35. In 1981 the National Women's Office was created under Government Order No. 893-81, of 24 June 1981, under the Ministry of Labour and Social Security, as the national mechanism for implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The Office brings together representatives and alternates from each government ministry, decentralized agencies, the private sector, women's organizations, and universities, who as a body implement and coordinate initiatives to promote legislative reform and establish new legislation to allow women to pursue their development on terms of equality and equity in the political, social and economic spheres. They also conduct studies on various specific topics relating to women in Guatemala.

B. Office for the Defence of Women's Rights

36. Congressional Decree No. 54-86, as amended by Decree No. 32-87, regulates the functioning of the Congressional Commission on Human Rights and the Human Rights Procurator in the implementation and monitoring of the human rights guaranteed by the Constitution and international treaties and covenants.

37. The Human Rights Procurator is legally mandated to deal with cases of alleged human rights violations anywhere in the country. In this regard the Office for the Defence of Women's Rights was established under the Office of the Human Rights Procurator to protect, defend and promote the human rights of Guatemalan women. The Office for the Defence of Women's Rights works in five areas: education, training and advancement; assistance to victims of violence and aggression; economic and social rights; strengthening of departmental auxiliary mayors' offices; and legal and social issues.

C. Programme for the advancement of rural women

38. By Government Order No. 356-96, of 6 September 1996, the Office for Social Work of the First Lady (SOSEP) established the programme for the advancement of rural women. The programme, supported by the United Nations Children's Fund (UNICEF), government agencies and non-governmental organizations, implements activities in the fields of health, education, basic services and income generation, and also provides technical and financial support to improve socio-economic conditions for rural women and their families living in poverty or extreme poverty.

D. Legislative measures for the protection of women

39. In 1991 the National Women's Office formulated initial proposals for reform of the Civil Code, the Penal Code and the Labour Code, which were then submitted to the Congressional Commission on Women. In September 1992 the Labour Code was reformed by Congressional Decree No. 64-92. The reforms included lengthening the period of post-natal leave from 45 to 54 days, and entitling women who adopt a child to take post-natal leave to allow bonding with the adoptive child. The nursing period is calculated from the day on which the woman returns to work, and not from the time of childbirth.

1. Act on the Prevention, Punishment and Eradication of Domestic Violence

40. In 1994, by Decree No. 69-94, Guatemala ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará). This Convention acknowledges violence as a social problem caused by the unequal relations existing between men and women in the social, economic, legal, political and cultural spheres. Pursuant to the Convention, Guatemala adopted legislation to reduce and eradicate domestic violence, issuing Congressional Decree No. 97-96 embodying the Act on the Prevention, Punishment and Eradication of Domestic Violence. The Act establishes mechanisms for the defence of victims of domestic violence and for the elimination of discrimination against women in courts and administrative bodies.

2. Reform of the Penal Code

41. On 10 December 1995 a group of Guatemalan women, advised by the Human Rights Legal Action Centre (CALDH) and assisted by legal professionals, brought an action before the Constitutional Court on the basis of article 46 of the Constitution and the conventions ratified by Guatemala for constitutional review of articles 232 to 235 of the Penal Code, which defined adultery as an offence only when committed by women, in violation of the principles of equality set forth in the Constitution.

42. The Constitutional Court, in a judgement dated 7 March 1996, held that the primacy of the Constitution was the cornerstone of the country's legal and political system. It also held that the right of equality was fully recognized by the Constitution, and that article 232 of the Penal Code discriminated against married women on the ground of their sex, since the same acts committed in the same circumstances, by a married man, did not constitute adultery, so that gender had a direct and unequivocal bearing on the offence. Making conjugal infidelity an offence only when it was committed by the wife meant treating identical acts differently. The distinction established by lawmakers on the basis of the same factual situation was unreasonable, and there was no justification for including such acts among offences against the institutions of the family or marriage, since, if these were the institutions to be protected, infidelity by either spouse would have been punished on the same basis.

43. The Constitutional Court, further to its analysis of the Penal Code articles that were clearly inconsistent with article 4 of the Constitution, determined that they should be rescinded, thereby resolving the question of the unconstitutionality of articles 232, 233, 234 and 235 of the Penal Code, a judgement enacted by Congressional Decree No. 17-73.

3. Elimination of sexist stereotypes

44. In the context of the Convention on the Elimination of All Forms of Discrimination against Women, in order to ensure equal rights for men and women in education on 3 December 1993 Government Order No. 711-93 was issued, establishing an inter-agency commission comprising representatives of the National Women's Office, the National Education Council, the human resources and curriculum development system, the National Textbooks and Teaching Materials Centre, the Department of Rural Socio-Educational Development, and other, non-governmental agencies, to take the necessary actions to eliminate any stereotypes from textbooks.

45. On 18 November 1996, with the sponsorship of the Netherlands cooperation agency, the Swedish cooperation agency, the United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP), the National Women's Office launched a project to provide technical and political support for initiatives to promote legal reform on issues relating to women. The project, entitled "Women and legal reform", originated in the need to support efforts already under way by some women's group to promote legislation to reduce inequalities in Guatemalan laws which discriminated against women. The main proposals considered by the respective legislative committees included: the National Institute for

Women Establishment Act; the Civil Code; the Penal Code; the Labour Code; the Health Code; the State Pensioners Act; the Elections and Political Parties Act; the Guatemalan Social Security Institute Organization Act; the Diplomatic Service Act; the Education Act; and the Act on the Dignity and Advancement of Women and Families.

46. In the context of other legislative measures to end discrimination against women, of particular note is the reform, by Congressional Decree No. 80-98, of 19 November 1998, of articles 109, 110, 114, 115, 131, 132, 133 and 255 of the Civil Code, concerning paternity, maternity, the legal status of women in a marriage, etc., by means of which various provisions affecting women and denying equality with men were rescinded.

E. Standing Commission on the Rights of Indigenous Women

47. In August 1996 the Guatemala Mayan Organizations Coordination Office, (SAQB'ICHIL COPMAGUA), pursuant to the Agreement on the Identity and Rights of Indigenous Peoples, established the Standing Commission on the Rights of Indigenous Women. On 12 December 1997 the Commission submitted a proposal to the Peace Secretariat for the establishment of an Office for the Defence of Indigenous Women's Rights.

1. Office for the Defence of Indigenous Women's Rights

48. In the context of the Peace Agreements, the Agreement on the Identity and Rights of Indigenous Peoples established the Government's commitment to promote the dissemination of and compliance with the Convention on the Elimination of All Forms of Discrimination against Women, as well as other international instruments relating to the rights of indigenous peoples. In that regard the Government undertook to establish the Office for the Defence of Indigenous Women's Rights, with participation by women's representatives, to provide legal counselling and social services.

49. As a result, Government Order No. 525-1999, of 19 July 1999, established the Office for the Defence of Indigenous Women's Rights, under the Presidential Commission for Coordinating Executive Policy in the field of Human Rights (COPREDEH), with administrative management, technical and financial responsibilities to meet the specific needs of indigenous women in terms of vulnerability, helplessness and discrimination. The Office comprises regional offices, the Coordinating Board, the Advisory Council and the Institutional Support Commission. Its functions include the promotion and development, with government agencies and non-governmental organizations, of proposals for government policy, plans and programmes for the defence of indigenous women's rights and the prevention and eradication of all forms of violence and discrimination against them.

2. Women's Forum

50. The Agreement on Social and Economic Aspects and the Agrarian Situation reflects acknowledgement by the State that active participation by women is essential to economic and social development; it sets forth the obligation to promote the elimination of all forms of discrimination against women, and the consensus view that there is a need to empower women

so that they can participate in economic and social development on a basis of equality. In this regard Government Order No. 105-98, of 3 March 1998, regulates the establishment of the Women's Forum as a pluralistic, broad-based and representative body guaranteeing the inclusion of women, women's organizations and State institutions responsible for promoting the full development of women's rights. Another objective of the Forum is to promote a participatory process to facilitate conciliation and follow-up to proposals having an impact on national human development policies.

51. In its operations the Forum acts in conjunction with the National Assembly, the highest deliberative and decision-making organ, and comprises female representatives from various linguistic communities, as well as representatives elected by each of the 22 departments.

F. Access by women to education

52. Guatemala has the second highest rate of female illiteracy in Latin America: 60 per cent of women are illiterate, almost 80 of whom are Mayan women in rural areas. This is a consequence of the obstacles affecting women in terms of school attendance and retention and the advancement of boys and girls, particularly in rural areas with a Mayan-speaking population.

53. Data provided by the Ministry of Education indicate that in 1996 fewer girls than boys attended school, particularly in rural areas where girls accounted for 44.5 per cent of enrolments. Approximately 500,000 girls between 7 and 14 years of age are not enrolled at primary school, compared with 300,000 boys who are not enrolled.

54. Drop-out rates for girls over the six grades are very high, particularly in rural areas with indigenous populations and in certain departments. In rural areas 66 per cent of girls leave school in third grade, and only one girl in eight graduates from sixth grade.

55. The above is the result of the convergence of various factors which limit access by women to education, such as economic, cultural, educational, infrastructure, nutritional and health barriers.

56. Ministry of Education policy is designed to strengthen the education system and meet the needs of the population, attain government targets and comply with the provisions of the Peace Agreements and the Children and Youth Code, which are intended to extend coverage, bring about education reform, improve the quality of teaching staff and promote community participation.

57. With regard to the extent of coverage by the education system, the Ministry of Education has been promoting educational approaches at the pre-primary and primary levels focused on rural areas, education for girls and bilingual intercultural education, designed to bring more of the population into the education system so as to achieve greater participation and community support in the organization and operation of the system. Data provided by the Information Technology Unit indicate that there was a total enrolment of 2,306,543 students for the 1997 school year, showing an increase for girls of 6.8 per cent over 1996 enrolment.

58 The Ministry of Education, with a view to promoting and encouraging participation by girls in school activities, has developed programmes such as those described below.

1. Programme for girls

59. The United States Agency for International Development (USAID) has provided technical and financial support to the Ministry of Education through the strengthening of basic education (BEST/AID) project, which includes the programme for girls, launched in early 1991 as part of the human resources and curriculum development system. The aim of the programme was to increase coverage for and retention of girls in rural areas; 30,000 scholarships, worth 3.3 million quetzales, were provided to girls enrolled in the first to fourth grades at official primary schools.

60. As part of its programme of work, in 1997 the programme for girls began to encourage gender mainstreaming of the curriculum, textbooks and teaching materials, and training activities.

2. “Let’s educate girls” Commission

61. This Commission was established in 1991 in the context of a national forum on the theme “Educating girls will help us to develop Guatemala”, organized by the Ministry of Education, USAID, UNDP and ONAM, with the basic aim of helping to promote the formal education of Guatemalan girls by improving retention rates and encouraging graduation to the next grade at the primary level. This is an inter-agency, intersectoral and inter-administration initiative to formulate policy through an education programme. The Commission, with the support of donors and implementing agencies, launched such projects as:

(a) The “Educate girls” project: the project was launched in 1994 as a joint initiative of the Ministry of Education, USAID, the World Bank, the Sugar Foundation, the Mariano and Rafael Castillo Córdova Foundation, the Baha’i community and the Rafael Landívar University with the aim of giving study grants to needy girls and providing support through social outreach workers. Between 1994 and 1996, 1,264 girls were helped by the project;

(b) “A new world for girls” project: the project was implemented in 1993 and 1994 with the support of the Castillo Córdova Foundation in eight communities in the department of Sololá, four in the Kaqchikel linguistic area and four in the K’ichee’ linguistic area. The aim of the programmes was to improve enrolment of girls at school and make parents aware of the importance of educating girls. Very positive results were obtained, especially with regard to the need to take action to promote the advancement and care of girls;

(c) “Making parents aware of the importance of education for girls” project: this was a nationwide campaign aimed at Mayan-speaking rural groups to encourage them to organize parents’ committees which, with the support of a social outreach worker, would monitor girls’ performance and participation at school. The project was sponsored by the Castillo Córdova Foundation;

(d) "Kitchen at my school" project: the aim of this initiative was to reduce nutritional and health obstacles by working with mothers and children in the community and at school, focusing on topics relating to hygiene and preventive health. Between 1996 and 1998 training was provided for girls in approximately 730 schools in 17 departments and over 30 municipalities;

(e) National radio and television campaign: in 1995, the Castillo Córdova Foundation, under the slogan "An educated girl is the mother of development", launched a national campaign on 3 television channels, 127 radio stations and 19 local cable networks with the aim of publicizing the issue of education for girls and the search for solutions;

(f) Scholarship programme for indigenous girls: in 1994 the Ministry of Education began a decentralized regional scholarship programme for indigenous girls in rural areas in eight departments as an incentive to enable girls to enrol and remain in the education system. In 1996, some 5,122 scholarships were awarded to girls at 1,115 schools in 113 municipalities;

(g) School programme for girls in rural areas: the programme is implemented by CARE Guatemala in the department of Chimaltenango, with the basic aim of ensuring that girls remain in and complete primary school. It consists of providing parents with loans for their daughters' education through a community bank so as to reduce the financial burden on the family. The loan is granted at a monthly interest rate of 2.5 per cent, of which CARE receives 2 per cent and the girls pay the remaining 0.5 per cent to an education fund.

G. Access by women to health care

62. The lack of comprehensive health care for Guatemalan mothers is a factor affecting their individual and social development. In terms of health, Guatemalan women and girls have been confronted with a system and philosophy whose perception and view of women is that their only role is reproduction, and accordingly that their needs are limited to mother and child and gynaecological and obstetrical services. This approach takes no account of the needs and risks that they confront on a daily basis in their reproductive and non-reproductive lives.

63. The 1995 national mother and child health survey revealed that mortality rates among Guatemalan women, particularly indigenous women, was due to such factors as little or no education: of women of childbearing age, 28 per cent had no education, 47 per cent had completed primary school, 21 per cent had a secondary education, and only 3.5 per cent had a university-level education.

64. With a view to lowering maternal mortality rates, a national plan for the reduction of maternal mortality was implemented with support from the United Nations Population Fund (UNFPA). Under the plan the quality of care in 20 municipalities throughout the country was approved, as was community participation and the training of health personnel. The plan encouraged community-based alternatives, such as the training of traditional and institutional midwives and the creation of district maternity clinics, offering advice on nutrition and breastfeeding.

65. The general state of health of women and girls is characterized by high rates of malnutrition, inadequate protein and calorie intake, and vitamin A, iodine and iron deficiencies. This causes high-risk conditions for newborns, with low birth weight and small size.

66. In 1989 the Ministry of Public Health and Social Welfare created a women, health and development programme, with specific activities for women and training for staff from a gender and health perspective. The programme included an indigenous women's project covering communities in the departments of Chimaltenango, Sacatepéquez and Baja Verapaz, home to K'ichee' and Kaqchikel communities. The project focused on the health situation and living conditions of indigenous women, and the role of both Western and traditional medicine. Eight indigenous women's councils were organized to raise awareness among indigenous women of their needs and of health and gender issues.

National cervical cancer plan

67. The Mother and Child Unit of the Ministry of Public Health and Social Welfare has implemented activities aimed at preventing and monitoring uterine cancer, one of the three principal causes of death among women aged 30 to 50. These include the provision of specialized equipment to improve health, Pap smears, diagnostic confirmation and care of women with uterine cancer. In 1999 some 1.2 million women were screened by the programme.

H. Status of rural women

68. According to the most recent housing census (1994) by the National Statistics Institute (INE), 5,417,687 inhabitants live in rural areas, accounting for 65 per cent of the total population; there is an urban population of 2,914,687, representing 31 per cent of the total. Rural women account for almost half of the total female population (2,706,283); urban women constitute 52 per cent (1,522,022).

69. Guatemalan society comprises various sociocultural and linguistic groups, in particular the Mayas, Ladinos, Garífuna and Xinca. According to the INE classification, the indigenous population numbers 3,476,684, representing 42.8 per cent, and the non-indigenous population numbers 4,637,380, representing 57.2 per cent.

70. Work performed by women in rural areas has varied, but is concentrated in the four sectors of agriculture, industry, manufacturing, and trade and services, which indicates a traditional view of working women. Currently, 65 per cent of the rural female population is engaged in agriculture.

71. Agriculture is a primary means of subsistence and development for rural women; it is considered part and parcel of housework, and is thus generally not remunerated. Even when women's activities are closely linked to the land, they generally have little access to land, or to funding or technology.

72. Historically, it is a matter of record that indigenous women have not enjoyed easy access to land, as a result of factors peculiar to Guatemala, where men are the landowners, which explains why indigenous women rarely have an interest in land. Regarding access to credit, indigenous communities in general do not possess the resources needed for access to credit, since there is an absence of appropriate organization and assets for collateral.

73. According to records and statistics from the National Institute for Agrarian Reform (INTA), access to land by women has been and remains limited in comparison with that of men. In that regard, of the 116,209 awards by INTA between 1954 and 1996, only 8 per cent (9,240) were to women.

74. Intended to support widowed and single mothers, the Guatemalan Housing Fund supports and strengthens the human development process, sustaining and encouraging self-management by indigenous groups of Mayan descent, their communities and organizations, taking into account their philosophical outlook.

75. In this vein, the Fund has supported education, health, culture and infrastructure programmes, and assisted 12,360 women in the period 1996-1997.

IV. ARTICLE 6. RIGHT TO WORK

76. Characteristic of the employment situation in Guatemala is a tendency for the working population to be underemployed or to work in sub-standard conditions. The percentage of the economically active population at work is tending to rise, since from 89.2 per cent in 1987, the equivalent of 2.1 million, it reached 3.1 million, i.e. 94.4 per cent of the economically active population, in 1997. The open unemployment rate reached 10.8 per cent of the economically active population in 1987, drifted downwards until 1994, when it reached 3.3 per cent, and ended up in 1997 at 5.6 per cent of the economically active population.

77. In 1987 the total jobs shortage was 50.4 per cent, the equivalent of 1.2 million workers. In 1992 there was an increase of 1.4 million workers, representing a decrease in the jobs shortage to 48.2 per cent of the economically active population. By 1997 the jobs shortage had reached 47.2 per cent of the economically active population, i.e. the equivalent of 1.6 million workers.

78. The Ministry of Labour has established that the departments vulnerable to or suffering from employment problems in any economic sector are, in order, Totonicapán, Jalapa, El Progreso, Baja Verapaz, Jutiapa, Sololá, Quiché and Zacapa.

79. The employment situation in Guatemala is reflected in the sluggish growth in demand for labour and uneven development across the country which has generated a pattern of demand for employment that benefits only minority sectors of the population. This can be seen in the fact that the economy has both a formal and an informal sector. The formal sector runs under contracts and labour regulations that, in practical terms, mean stability and access to greater benefits for workers. The salient features of the informal sector are the predominance of underemployed labour and its inherent insecurity and irregular nature. Workers in the formal sector pay contributions to the Guatemalan Social Security Institute (IGSS).

80. Workers in the formal sector represent a minority of the total in employment, at a little more than a quarter of the economically active population. Since the objective of its labour policy is to permit rising sustainable levels of employment and reduce structural underemployment, Guatemala has supported programmes and activities designed to update and extend social welfare coverage, adjusting contribution rates to secure appropriate financing of benefits over the medium and long term.

81. The general strategy adopted by the Ministry of Labour and Social Security to improve the employment situation in Guatemala is based on what is laid down in the Executive Authority Act, article 40, paragraph (f): “Decentralized administration of systems of up-to-date information on migration and on supply and demand in the labour market in order to design mechanisms to facilitate mobility and entry of the labour force into the labour market”; and (h) “Design of appropriate policy on technical and vocational training for workers. The implementation of training programmes will be the responsibility of the competent private and State-run bodies.” The implementation of this strategy encompasses the following:

(a) Modernization - includes expansion of the Ministry’s reach by decentralizing services, chiefly in the interior of the country;

(b) Reallocation of resources - by which is meant rationalizing public spending, improving the quality of services, and steering them towards high-priority objectives and geographical areas;

(c) Increasing levels of well-being among workers and their families, by improving levels of remuneration, job placement services, leisure services, promoting justice in employer-employee relations and encouraging women to enter the labour market.

82. Resources were set aside in 1998 for a variety of employment-related programmes:

(a) Active employment policies were implemented under the coordination of the Ministry of Labour and Social Security:

(i) Job fairs were organized to provide a direct, flexible and effective link between labour supply and demand, bringing together at a specific location firms looking for workers to meet their needs and job seekers. Two fairs were held in Guatemala City and one in the department of Escuintla in 1999;

(ii) Job information machinery: the Department of Employment publishes job offers in the printed media once a week; there are pamphlets, radio advertising slots and information events on the various regional networks. An Internet web page offering access to employment services has also been set up;

(iii) Vocational and job guidance: vocational and occupational guidance modules for the unemployed have been set up at job fairs, offering training in drafting a curriculum vitae and interview preparation, informing them about the places where the papers they need to get a job are processed, and telling them the most appropriate way of applying for information about a vacant post at a firm;

(b) Migrant workers: the registration and control procedure for Guatemalan farm labourers entering Mexico to work on ranches in the Soconusco region has been improved as a result of an agreement between officials at the Mexican and Guatemalan ministries of labour and migration. Foreigners and employers have also been given personalized assistance in the handling of work permits for foreigners in and outside the country, with expedited procedures;

(c) Legislative and administrative measures: among the actions taken by the State to strengthen and modernize the Ministry of Labour and Social Security as the body guiding labour policy was a decree passed by Congress, No. 35-98, which sets out reforms to the Labour Code stemming from the need to improve labour law safeguards, streamline labour dispute settlement, consolidate minimum health and safety standards at work and speed up and clarify the procedures relating to the recognition and exercise of the right to form trade unions;

(d) Labour dispute settlement facilitator programmes: to improve the quality of its labour inspection services, the Ministry of Labour and Social Security has, through the Professional School of Mediation and Conciliation, developed a diploma course for labour dispute settlement facilitators targeted at labour inspectors and other Ministry staff, the aim being to promote negotiation and, in particular, the training of negotiating partners to resolve disputes and work together for the benefit of the parties involved;

(e) Work training: as part of its efforts to make work more productive, the State has encouraged work training through the Technical Institute for Training and Productivity (INTECAP), a decentralized body that serves as a State agency for skills-building, vocational training and human resources development. Its activities are coordinated with general State policy by the Ministry of Labour and Social Security. INTECAP is responsible for the technical aspect of the training of 200,000 workers, set as a target for 2000 in accordance with the Peace Agreements, since technological advances in this increasingly competitive world require an increasingly technically literate workforce to reach the socio-economic levels that the challenges of the new millennium demand.

V. ARTICLE 7. RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

83. Article 102 of the Constitution guarantees equality among workers and recognizes equal pay for equal work. It acknowledges that all human beings are free and equal in rights and freedoms, and thus admits of no distinction in professional guidance and training, employment or occupation on grounds of race, colour, sex, religion or national origin.

Minimum wage system

84. A minimum wage system governed by a series of supporting legal provisions in the Constitution, international labour agreements, the Labour Code and government orders is in force in Guatemala.

85. The Labour Code regulates the minimum wage and the way it is set. Article 103 states that “all workers are entitled to earn a wage that covers their normal material, psychological and cultural needs and enables them to meet their obligations as family heads. The wage shall be set periodically, with due regard for the nature of each job, the particular conditions in each region and what employers can afford in each intellectual, industrial, commercial, stock-raising or farming activity. Regard shall also be had to whether wages are paid for hours worked, at piece rates or as a share of the employer’s profits, sales or revenues, and steps shall be taken to ensure that workers on piece rates are not put at a disadvantage.” Article 104 stipulates that the system for setting the minimum wage must apply to all workers other than those serving the State or its institutions, whose earnings are set under a public budget.

86. The minimum wage system applies to all workers in the private sector, both farming and non-farming. This classification is based on the categories laid down in the United Nations International Standard Industrial Classification of All Economic Activities.

87. Government Order No. 20-2000, of 11 January 2002, sets the following minimum wages:

| | |
|------------------------|---|
| Farming activities | 21.62 quetzales per day for a normal working day; |
| Non-farming activities | 23.85 quetzales per day for a normal working day. |

88. On top of the set minimum wages there is a bonus, an incentive offered in accordance with Congressional Decree No. 78-89, which stipulates Q 0.15 per hour actually worked in farming activities and Q 0.30 per hour in non-farming activities.

89. Minimum wages set in accordance with the established procedure have legal force and constitute a non-waivable labour right; failure to respect them can thus give rise to an action by a worker before the employment and social security tribunals, which can impose on employers fines ranging between 500 and 2,500 quetzales without prejudice to the right of workers to recover the sums owing to them.

90. In setting the level of minimum wages and meeting the broad objective of wage policy, i.e. to set minimum wages annually so as to restore workers’ real purchasing power to compensate for losses they sustain from increases in the cost of living and other external factors, account is taken of the needs of workers and their families, general pay levels in the country, the cost of living, social security benefits, and economic factors such as how much employers can afford, the needs of economic development, productivity levels and the desirability of reaching and sustaining a high level of employment; this is based on economic surveys, proposals submitted by workers’ and employers’ organizations, and the views of National Wage Commission advisers.

Minimum wage - procedure for setting, monitoring and adjusting

91. In the first 20 days of January the members of the National Wage Commission and the Joint Minimum Wage Commissions are appointed for two-year terms. The Joint Commissions must submit reports recommending minimum wages to apply within their respective sectors no later than the last working day of August of the same year. Once their reports are in, the National Wage Commission has to submit a recommendation with supporting arguments to the Ministry of Labour and Social Security. Copies are sent to the Monetary Board of the Bank of Guatemala and the Guatemalan Social Security Institute so that they can, within 30 days, submit to the Ministry of Labour and Social Security written comments on how the proposed rates might affect their respective fields of activity. The executive will then, on the basis of these various reports and recommendations and by an order issued through the Ministry of Labour and Social Security, set the minimum wages that are to apply to farming and non-farming activities.

Legal provisions on occupational health and safety

92. As regards the regulation of minimum occupational health and safety standards, article 197 of the Labour Code states that “all employers are required to take the necessary precautions to provide effective protection for workers’ lives, health and morals”. The Ministry of Labour and Social Security, through the Department of Social Security, has issued regulations on occupational health and safety with a view to regulating the general hygiene and safety conditions in which individuals employed by private employers, the State, municipal authorities and independent institutions have to work, so as to protect their lives, health and physical safety.

93. The Department of Social Security keeps the application of health and safety standards under constant watch through health inspectors who periodically visit the workplace, i.e. anywhere where industrial, farming, commercial or any other kind of work takes place, to check that the minimum standards are being complied with. The Guatemalan Social Security Institute conducts similar checks on workplaces using its own health inspectors.

Principle of equal opportunities for promotion

94. Article 102 of the Guatemalan Constitution lays down a series of minimum social rights under labour legislation, including the right to equal pay for equal work under equal conditions and performed with the same efficiency and seniority. It also institutionalizes protection for working women and regulates the conditions under which they may work, while stipulating that no distinction should be drawn between married and unmarried women as far as employment is concerned.

95. As regards equality of opportunities for promotion, the principle laid down in article 4 of the Constitution applies, namely that all human beings are free and equal in dignity and rights, and that men and women have equal opportunities and responsibilities. No group of workers in Guatemala is deprived of the principle of equal opportunity. At present, women have the same access to the same jobs as men, and the same opportunities to win promotion.

Guarantees of the freedom to choose one's employment

96. Article 101 of the Constitution states: "Work is a right of the individual and a social obligation. The labour system in Guatemala must be organized in accordance with the principles of social justice." Minimum social rights include the right to "free choice of employment and to satisfactory economic conditions which will guarantee a dignified existence for the worker and his family". Article 43 recognizes the "freedom of industry, trade and labour save for such restrictions as may be imposed by law on social grounds or in the national interest". The Labour Code also governs the free choice of employment in article 6, which says that: "An individual's right to work may be restricted only by decision of a competent authority taken on the basis of the law on the grounds of public order or the national interest. As a result, no one may prevent another from devoting himself to the lawful occupation that he considers best. Freedom of employment shall not be deemed restricted when the authorities or individuals act in exercise of rights or in fulfilment of obligations laid down in law."

Working and rest days

97. Under Guatemalan labour law, normal daytime working hours may not exceed 8 per day or 48 per week. Normal night-time working hours may not exceed 6 per day or 36 per week. Normal mixed working hours may not exceed 7 actually worked per day or a total of 48 hours in a week.

98. On the subject of working hours, article 120 of the Labour Code says that permanent employees who by legal requirement or arrangement with their employers work less than 48 hours per week are entitled to draw the full wage for a normal daytime week.

99. The Labour Code also says that all work actually performed beyond the hours laid down by law for the normal working day or in excess of the lower limit agreed between the parties shall constitute an exceptional working day, to be paid at at least 50 per cent above the minimum wage or such higher wage as may have been agreed between the parties. Normal and exceptional working days may not amount to more than 12 hours per day except in rigorously defined exceptional cases laid down in the regulations or in the event of an accident or imminent threat to individuals, establishments, machinery, facilities, plots, products or harvests when it would not be possible to replace workers or suspend work without obvious risk.

100. On the subject of rest time for workers, article 126 of the Labour Code stipulates that all workers are entitled to one paid day of rest after each week of work. It also defines as paid holidays for workers 1 January; Maundy Thursday, Good Friday and Easter Saturday; 1 May; 30 June; 15 September; 20 October; 1 November; 24 December from noon onwards; 25 December; 31 December from noon onwards; and the local feast day.

101. Similarly, all workers without exception are entitled under the Labour Code to a minimum of 15 working days' paid vacation after a year of continuous service with the same employer.

102. No category of workers in Guatemala is legally disbarred from exercising the right to leisure, free time, periodic paid vacations and paid public holidays.

International assistance in furtherance of the right to work

103. International assistance plays a decisive role in supporting the creation of sources of employment, through international reimbursable and non-reimbursable financial cooperation and through technical cooperation, which is essentially geared to the strengthening of human resources. Guatemala's main sources of cooperation in the international sphere are the World Bank, the European Union, the Inter-American Development Bank, the Central American Bank for Economic Integration, the United Nations, through its specialized agencies, and the Organization of American States. Bilateral cooperation comes from sources including the Governments of Germany, Sweden, Switzerland, France, the Netherlands, Belgium, Italy, Norway, Japan, Canada, Mexico, Korea, Cuba, the United States, Argentina, Spain and Brazil.

VI. ARTICLE 8. RIGHT TO FORM TRADE UNIONS

104. Article 34 of the Constitution recognizes freedom of association as the general setting for the legal and administrative conditions that permit unhindered exercise of the right to form a trade union. Article 102 (q) states:

“Workers’ freedom to form trade unions. This right may be exercised without any form of discrimination and without prior authorization, workers needing merely to comply with the requirements laid down by law. Workers may not be dismissed for involvement in the formation of a trade union, being covered by this right from the moment the General Labour Inspectorate is notified.”

105. The legal procedure for securing recognition of legal personality, obtaining approval of statutes and registering unions is laid down in article 218 of the Labour Code as amended by Decree No. 35-98 of 1998 to promote the right to form and join trade unions by means of a swifter establishment procedure. The following legal requirements apply to the formation of a trade union:

Written application on unstamped paper to the Department of Labour, or through the nearest labour authority, within 20 days following the constituent assembly of the union, indicating an address to which correspondence may be sent;

Attachment of the original and a copy of the act of constitution and the statutes signed by the general secretary and all the members of the provisional executive board;

The Department of Labour will, after considering the documentation submitted, issue a favourable decision acknowledging the legal personality of the union, approving its statutes and ordering its addition to the Public Register of Trade Unions.

106. Processing of the application may not take longer than 20 working days from receipt of the application, on penalty of dismissal of the individual responsible for the delay. The decision ordering addition to the Register must be published, free of charge, within the 15 days following addition.

107. By law, trade unions may not commence activities before they obtain recognition from the Ministry of Labour and Social Security; however, article 217 of the Labour Code says that even before obtaining such recognition, incipient unions may:

Hold meetings to elect their provisional executive and advisory boards, hold meetings of those bodies and the general assembly, or hold meetings to discuss and approve their statutes;

Take action with a view to securing recognition of their legal personality, approval of their statutes and registration.

108. Article 216 of the Labour Code stipulates that “twenty or more workers shall be required to form a union of workers, and a minimum of five employers shall be necessary to form a union of employers”.

Classification of trade unions

109. Article 215 of the Labour Code says that unions shall be classified according to their nature as urban or agricultural, and also as: (a) craft unions, when they are formed by employees engaged in the same occupation or trade or, in the case of employers, in the same economic activity; and (b) works unions, when they are formed by employees engaged in different occupations or trades who are employed in one and the same undertaking or in two or more similar undertakings.

110. Guatemalan labour legislation states that two or more unions of workers or employers may form one or more federations, and two or more federations may form a confederation. Federations and confederations may be national, regional, or industry-specific.

111. Public- and private-sector workers may exercise their freedom to form and join unions, with the exception of members of the army and the National Civil Police.

112. As regards the number of registered unions, Department of Labour figures indicate that between 1981 and 1997 there were about 1,275 registrations of unions, federations and confederations, 299 in the public and 976 in the private sector. Together these have a membership of 91,514, of whom 2.3 per cent are women.

Right to strike

113. For private-sector workers, article 104 of the Constitution provides that: “The right to strike and to engage in a work stoppage, exercised in accordance with the law, after all conciliation procedures have been exhausted, is recognized. These rights may be exercised only for economic or social reasons. The cases and situations in which strikes and work stoppages shall not be permitted shall be determined by legislation.”

114. Article 243 of the Labour Code stipulates restrictions on the right to strike:

“A strike may not be called:

(a) By agricultural workers at harvest time except in the case of crops which are picked or harvested year-round or if the unharvested crop will not deteriorate;

(b) By transport workers in the middle of an uncompleted journey;

(c) By clinic and hospital, public hygiene and sanitary workers, and by those providing the general public with power, lighting and water, until they have laid on the staff necessary to prevent the suspension of such services without severe and immediate harm to public health and the economy; and

(d) By workers in enterprises or services where the executive declares the interruption of work in all or part of the country would seriously affect the national economy, or where the Public Order Act is invoked, but solely for the period during which that Act is in effect and in the region or regions affected.”

115. Article 1 of the State Employees Unionization and Regulation of Strikes Act provides that: “Employees of the State and its decentralized and autonomous entities may exercise their freedom to form and join unions and their right to strike in accordance with the provisions of this Act, with the exception of the armed forces and police.”

116. Article 2 of the Act, in keeping with the restrictions imposed on the right to strike, adds that: “The right to strike of employees of the State and its decentralized and autonomous entities shall be subject to the provisions of this Act and the Labour Code with the exception of the essential public services mentioned in this article, which shall in no case be affected. Strikes called in solidarity with other unions or with movements springing from ad hoc committees, or on grounds unrelated to socio-economic claims, are categorically forbidden.”

117. The Act also specifies that, for the purposes of the Constitution, the following are declared to be essential public services:

Hospitals, health centres and infirmaries, and public hygiene and sanitation services;

The telephone, air traffic control, telegraph and postal services;

Administration of justice and ancillary institutions;

State and municipal urban and ex-urban public transport of all kinds;

Public water supplies and the production, generation, transport and distribution of electricity and fuels generally; and

Public security services.

118. As a means of settling disputes and avoiding unnecessary recourse by workers to strikes, the Guatemalan Government, through the Ministry of Labour and Social Security, makes constant efforts to resolve differences between workers and employers through dialogue and negotiation, mostly with satisfactory results. Mention should be made of Ministerial Order No. 001-97, dated 8 January 1997, of the Ministry of Labour and Social Security, which ruled that disputes arising out of relations between employers and workers threaten industrial peace. In order to prevent or, as appropriate, mediate in and settle disputes quickly and efficiently, the sectors concerned must participate with a view to putting forward balanced conciliation proposals to the parties and thus forestall or check any deterioration or delay in arriving at a fair and lasting solution. The Order approved the creation of bipartite and tripartite conciliation boards to anticipate and mediate in the out-of-court settlement of disputes arising between workers and employers in the bonded manufacture/assembly industry.

119. Under Ministerial Order No. 002-97, the Office for the Prevention and Settlement of Labour Disputes was set up in 1997 as part of the Ministry of Labour, in response to the Government's commitment in the Agreement on Social and Economic Aspects and the Agrarian Situation; the Ministry of Labour and Social Security was delegated the task of promoting a culture of negotiation and, in particular, of training interlocutors to settle disputes and coordinate efforts on behalf of the parties involved so as to facilitate direct settlement between the parties through the use of specialized methods and procedures.

120. By virtue of the State Employees Unionization and Regulation of Strikes Act, an exception to the exercise of the rights freely to form and join trade unions and to strike is made for the 31,423 men and women employed in the National Army, and for the 15,248 individuals working for the National Civil Police. During the period covered by this report, the number of male and female workers subject to special legal provisions as regards these rights was 46,671.

VII. ARTICLE 9. RIGHT TO SOCIAL SECURITY

121. The Guatemalan social security system is a compulsory, unified, national system based on the most comprehensive and up-to-date principles. Its ultimate aim is to protect the entire population of the country on the basis of contributions proportionate to income and the distribution of benefits to all contributors and their financially dependent family members. The provision and quality of the benefits are to be compatible with the requirements of the interests and stability of society. The administration of the system is the responsibility of the Guatemalan Social Security Institute, a parastatal body with legal personality.

122. The social security system operates through programmes that provide benefits in kind or in the form of services or cash. It protects the health of its members and beneficiaries, considering it vital to restore a person's capacity to work, while at the same time it sustains the family budget by paying all or part of workers' salaries in the period during which they are involuntarily incapacitated.

123. The social safety net provides the two kinds of benefit mentioned above, covering the risks of accidents in general, sickness, maternity, invalidity, old age and survival, and tries to meet the real needs of the beneficiaries in terms of both quality and quantity. The system is duty-bound to ensure that members and beneficiaries receive their entitlements.

124. The social security system operates on the basis of a financial mechanism that is a major factor in the economic life of the country, as it results in a more equitable distribution of earned income. The system is funded by employers, workers and the State, as follows:

Contributions to the general accident, sickness and maternity schemes are as follows: workers, 3 per cent of their salaries; employers, 7 per cent of the salaries they pay their workers; and the State, 3 per cent of the salaries of all workers;

In the case of the invalidity, old-age and survivors' schemes, workers contribute 1.5 per cent of their salaries, employers 3 per cent of the salaries they pay their workers and the State 25 per cent of the system's annual payout for pensions.

125. In Guatemala, 1.2 per cent of gross domestic product (GDP) was paid into the social security system (1.4 per cent in 1999). Similarly, the Guatemalan Social Security Institute was allocated 0.008 per cent of the national budget in 1998, and 0.007 per cent in 1999. The Institute covers 25.9 per cent of the population with the benefits mentioned above.

VIII. ARTICLE 10. THE FAMILY

126. With regard to protection of the family, the Constitution of the Republic of Guatemala stipulates in article 47 that: "The State guarantees the social, economic and legal protection of the family. It shall promote the organization of the family on the legal basis of marriage, equal rights of spouses, paternal responsibility and the right of individuals to decide freely on the number and spacing of their children."

127. Family matters are regulated in the Civil Code, chapter I, title II. Although there is no specific definition of the meaning of "family", the Code states that it consists of all relatives, either by consanguinity or affinity, in direct ascending or descending line, including collateral relatives.

128. The above-mentioned legal instrument also stipulates in articles 47 and 51 that the State has a duty to guarantee the social, economic and legal protection of the family. The State must also protect the physical, mental and moral health of minors and the elderly. It must guarantee their right to food, health, education and social security.

129. The Guatemalan family has a number of characteristics that reveal the heterogeneity typical of the country in socio-economic and employment matters as well as in terms of ethnicity and income distribution. As far as the latter is concerned, poverty is seen to influence the composition, structure and functions of the family. Thus, rural families' lives centre on the village, hamlet, farm or large agricultural enterprise. The first two are the places where the families normally live, while the other two are places where the head of household or the whole family works. Rural families are normally engaged in small, family-size farming activities, while the indigenous population is also engaged in handicrafts and small-scale trading.

130. The multiculturalism of Guatemalan society affects the definition of the family, so that it is difficult to incorporate in the definition all the elements characterizing the various groups within society. A case in point is the "Mayan family", whose members see it as the unit of the

community or village where they live and which is an extended family by virtue of the role played by everyone in it, from maternal and paternal grandparents, the mother, the father, maternal and paternal aunts and uncles and sons and daughters to cousins, nephews and nieces. Religious belief is one of the main features of Mayan families, providing the structure and order for community life and giving meaning to its various elements.

131. Notwithstanding this multicultural and multi-ethnic richness and diversity, the Government, through the Office for Social Work of the First Lady (SOSEP), has taken steps that include establishing a national Family Coordination Office, which has 22 departmental family commissions and which is the outcome of joint efforts by the authorities at all levels (central, departmental and municipal) and by civil society to promote and uphold Guatemalan family values. The aim is to promote the consolidation and practice of family values throughout the country. Among the activities undertaken has been the broadcasting of advertisements for family values by various media. A national "Day of the family" is also held, highlighting educational, cultural and recreational activities for all Guatemalan families without exception.

132. On another front, in 1998 the Presidential Office for Social Work set up the child and family welfare boards (JUAN), which are intended to involve the various social sectors in the delivery of national policies on children, young people and families. The boards were set up as voluntary organizations and are an effective way to promote and strengthen self-management in social matters in communities where the Office for Social Work provides help programmes.

133. Within the framework of State protection for families, the Constitution recognizes common-law marriage, marriage and equal rights in law for children. The Civil Code contains the following provisions:

(a) Article 81 (Capacity to enter into marriage): "The age of majority determines the capacity freely to enter into marriage. However, the following may also enter into marriage: males over 16 years of age and females over 14 years of age, provided that permission is granted as provided for in the following articles";

(b) Article 82: "Permission shall be granted jointly by the father and the mother or whichever of them exercises sole parental authority. Permission for adopted minors shall be granted by the adoptive father or mother. In the absence of parents, permission shall be given by the guardian";

(c) Article 94 (Minors): "Minors wishing to enter into marriage shall appear in court accompanied by their parents or guardians or shall present written permission from them in certified or, where appropriate, legal form, and shall, in addition, produce birth certificates or, where that is not possible, the judge's assessment of their age";

(d) Article 153: "Marriage is modified by separation and dissolved by divorce";

(e) Article 154 (Separation and divorce): "A couple may be declared to have separated or divorced (1) by mutual agreement of the spouses or (2) at the instigation of either of them for a specified reason. Separation or divorce by mutual agreement of the spouses may not be requested until one year has elapsed from the date of marriage";

(f) Article 162 (Protection of women and children): “From the moment a request is submitted to assure the security of their person and goods, urgent measures will be taken as necessary. Children shall remain temporarily in the care of the spouse named by the judge until a definitive solution is reached, unless there are serious grounds for entrusting them to a temporary guardian”;

(g) Article 166 (Care of children): “The parents may agree on who is to have care of the children; however, the judge may, if there are serious and justified grounds, decide otherwise, taking into account the children’s well-being. The judge may also decide on the custody and care of the minors on the basis of studies or reports by social workers or specialized child protection agencies. In any event, the judge shall take care to ensure that the parents are able to communicate freely with them”.

134. With regard to the legal impediments to marriage, the Civil Code also stipulates, in article 88, that: “An absolute impediment to marriage applies to the following:

(1) consanguineous direct or collateral relatives, brothers and sisters, half-brothers and half-sisters; (2) relatives in the ascending and descending line united by affinity; and (3) married persons and those in a de facto union with a person other than their cohabiting partner, as long as the union has not been legally dissolved.”

135. A partner’s mental disability is grounds for seeking the annulment of a marriage, according to article 145 of the Civil Code, which states that “the marriage may be annulled ... [in the case of] (3) any person suffering from mental disability upon entering into it”.

Maternity protection

136. Maternity protection is regulated by the Guatemalan Constitution, which stipulates in article 52 that “maternity is protected by the State, which shall take special care to ensure strict compliance with the rights and obligations arising from it”. Article 102 (k) of the Constitution states that a pregnant worker is not allowed to perform any work that might endanger her unborn child. This provision protects the pregnancy from the beginning.

137. The rules affording protection in legislation other than the Constitution refer specifically to the period of pregnancy, childbirth and breastfeeding. Aspects relating directly to working mothers’ rights are regulated in the Labour Code, chapter II, title IV, which regulates jobs and activities subject to special regimes, prohibiting the dismissal of pregnant or nursing women. Article 151 (c) stipulates the following: “Employers are prohibited ... from dismissing a pregnant or nursing worker, who may be dismissed from her job only with good cause based on a serious breach of her contractual obligations, in accordance with article 177 of this Code. In this case, the employer must take the case for dismissal to an employment tribunal and prove the contractual breach, and the dismissal can take effect only after the tribunal has given its express authorization in writing. If the employer fails to follow this procedure, the woman can go to the tribunal to exercise her right to reinstatement in the same job and shall be entitled to payment of the wages which she would have earned in the period she was out of work.”

138. With regard to the rules on breastfeeding, article 153 of the Labour Code stipulates the following: "Every woman worker who is breastfeeding may take two 30-minute breaks a day from her work in order to nurse her child. She may combine the two 30-minute breaks to which she is entitled and come to work an hour after the start of the working day, or leave an hour before it ends, in order to nurse her child. Her employer must pay her for the hour in question and failure to do so will incur a penalty." Likewise, article 155 of the Code states that: "All employers with over 30 women workers in their service must provide a special room where mothers can safely breastfeed their children who are under 3 years of age and where they can leave their children during working hours in the care of a suitable person hired and paid by the employer. The arrangements for this should be simple and within the financial reach of the employer, in the opinion of, and with the approval of, the General Labour Inspectorate."

139. The Convention concerning Maternity Protection of the International Labour Organization (No. 103) was ratified by Guatemala and adopted by Congressional Decree No. 14-89. The decree gives working women the right to a minimum of 12 weeks' prenatal and post-natal leave on full salary and to medical and hospital maternity services. Consequently, in Guatemala a total of 84 days' maternity leave on full salary is available, paid either by the Guatemalan Social Security Institute if the woman contributes to its social security scheme or by her employer if she does not.

140. The Guatemalan Social Security Institute is the main body responsible for providing medical and cash benefits. No category of female employee is excluded and the Institute covers payment of 100 per cent of the woman's salary for the period of 84 days' prenatal and post-natal leave. It should be pointed out here that maternity benefits for working mothers are restricted to women working in the formal sector.

141. Working mothers not covered by the Guatemalan Social Security Institute and who need hospital and medical care during pregnancy and childbirth have access to State hospital services. The maternity benefits provided by employers for women not covered by social security are usually limited to payment of 100 per cent of their salary.

142. The extension of the period of prenatal and post-natal leave from 75 to 84 days, which was introduced in the changes to the Labour Code by Decree No. 64-92, constitute an important advance in women's employment rights.

143. Decree No. 99-97 of 15 October 1997 introduced changes to article 25 of the State Pensioners Act (Decree No. 63-88) with the aim of preventing discrimination against women on grounds of marriage or maternity and ensuring their right to work was put into practice. The new article reads: "A. In calculating the amount of the pension, continuity of employment is not affected by holidays, leave, lawful strikes or similar reasons, provided that contributions are made to the scheme during those periods. In the case of prenatal and post-natal leave, even if no contributions are made to the scheme, it shall be counted as time worked, in implementation of the protection of maternity as a social function."

Child exploitation

144. Child or youth labour means different things according to the sector concerned. For some it is a means of subsistence; for others it is a source of cheap labour for certain productive activities or jobs, a way of helping the family or a form of apprenticeship. The presence of children and young people in the labour market is due to causes such as the spread of informal work, poverty and family breakdown.

145. The study “Entre el olvido y la esperanza” (“Between oblivion and hope”), by the Commission for the Convention on the Rights of the Child (PRODEN), points out that in 1989 the economically active population of Guatemala numbered 2.9 million persons, including 477,886 children and young people between 10 and 17 years of age, of whom 24 per cent were girls. Child workers aged between 10 and 14 accounted for over 210,000, or about half, of the total number of child workers. There were 258,977 young people between the ages of 15 and 17 working. Of the boys, 80 per cent were working in agriculture, 10 per cent in industry and 10 per cent in trade and services. Of the girls, 30 per cent were working in agriculture, 25 per cent in domestic service, 23 per cent in industry, 18 per cent in trade and 4 per cent in other activities.

146. According to a 1989 national sociodemographic survey, 92,800 children aged between 10 and 17 were employed in domestic service, and, of these, one in three was aged between 10 and 14.

147. According to the report prepared by the Archdiocesan Human Rights Office entitled “Report on the situation of children’s rights in Guatemala, 1986”, the sector employing the largest number of children and young people is agriculture, which employs 1,428,700 young people, including 116,700 girls.

148. The 1996 statistical report by the Ministry of Labour and Social Security shows that 3,740 work permits for minors, including 1,327 girls, were issued in the formal sector.

149. The Child Workers Protection Unit, of the Ministry of Labour and Social Security, is currently running programmes to strengthen the protection of child workers on the basis of the current legislation, by promoting action that contributes to training on the job and their all-round development. It publicizes national and international legislation on children’s employment rights in the production sector.

150. In 1996, the Ministry of Labour and Social Security signed a memorandum of understanding with the International Labour Organization (ILO), committing it to adopting the strategies of the International Programme on the Elimination of Child Labour (IPEC).

151. It should be emphasized that there has been a move by non-governmental organizations in Guatemala in the last few years to support the elimination of child labour and to protect and promote the rights of the child, through organizations such as PRODEN, the Asociación Unidad de Desarrollo Integral “La Novena” (UDINOV), the Asociación de Desarrollo Nuevo Amanecer

San Raymundo (ASODESNA), the Movimiento de Educación y Desarrollo Fe y Alegría, the Centro de Desarrollo Integral Comunitario (CDIC), the Mother and Child Care Programme (PAMI), the Desarrollo Integral de la Niñez y la Adolescencia (DINA), the international Cuchumatanes project and the University for Peace.

152. The above-mentioned report by the Archdiocesan Human Rights Office of Guatemala also points out that the problem of the sexual abuse and exploitation of children arises as a result of risk factors both within and outside the family that make girls and boys especially vulnerable to this evil. These factors include violence, abuse within the immediate family, child and family poverty, the existence of well-organized prostitution rings, the media stereotype of women as objects (in which the image of innocence is also exploited), market demand for sex and the scant protection afforded by the State to child victims.

153. The missing persons section of the National Civil Police Criminal Investigation Service reported that minors of both sexes are sexually exploited in certain night spots, such as bars and hotels where the rooms are let out by the hour. When these minors are found, they are sent before the youth courts, which order them to be admitted to specialized centres of the Presidential Office for Social Welfare, according to age and sex. In the period 1996-1998, the National Civil Police rescued 81 minors from short-stay hotels, bars and nightclubs in the municipality of Guatemala, department of Guatemala.

Minors with disabilities

154. The 1994 national population census put the number of children and young people with physical, sensory or mental disabilities at approximately 20,000, of whom over 50 per cent live in rural areas.

155. In this connection, attention should be drawn to the enactment of Decree No. 135-96, which contains the Disabled Persons Services Act, an important instrument for people (including children and young people) with disabilities and for their parents and the rest of their family as it provides for them to exercise their rights and civic duties without discrimination. The National Council for Disabled Persons, consisting of representatives of the public sector and civil society (including the country's universities), was set up to implement the Act.

156. The Ministry of Education has strengthened the special education system by setting up the Department of Special Education, by Government Order No. 156-95, which has its own budget, although it is not sufficient to meet the needs of the country's disabled schoolchildren.

157. In June and July 1997, the Eighth Guatemalan Seminar on Special Education was held on the subject of "Disabled children in the peace process", with the participation of a number of different institutions. A training course for community facilitators from 12 departments in the north-eastern and western regions of the country was also held, after it had been concluded that the problems of disabled children should be approached by establishing a medium-level professional qualification for teachers specializing in the teaching of disabled children and young people and by conducting campaigns in all languages to raise public awareness of the situation and rights of disabled children and young people.

158. The health levels of Guatemalan children in the countryside and marginal urban areas are inadequate and are linked with the country's high rates of poverty and extreme poverty. The available data on the nutritional status of children under the age of 5 show that 50 per cent of them suffer from chronic malnutrition and 24 per cent from severe malnutrition.

**IX. ARTICLE 11. RIGHT OF EVERYONE TO AN ADEQUATE
STANDARD OF LIVING FOR HIMSELF AND HIS FAMILY,
INCLUDING ADEQUATE FOOD, CLOTHING AND HOUSING**

159. According to the Human Development Report 1998 of the United Nations Development Programme (UNDP), the highest levels of human development were recorded in the department of Guatemala and the central region, while the lowest were found in the north and north-west, where the population consists largely of indigenous people. It was observed that all regions improved their levels of human development between 1989 and 1998, especially in terms of life expectancy. The greatest improvements in the period between 1994 and 1998 took place in the north, which includes the departments of Alta and Baja Verapaz. It was also found that the gap between the metropolitan region, with the highest level of human development, and the north-western region, with the lowest, increased between 1989 and 1998.

160. In 1998, the human development index for the country as a whole was 20 per cent higher in urban areas than in rural areas, but the differences were even greater in the west than in the department of Petén.

161. The women's development index for 1998 was higher in the regions with higher levels of human development and lower in those with less. Gender-based differences were confirmed, with the differences in income being greater than those in education, showing that gender-based discrimination still exists.

Right to adequate food

162. In the last couple of decades, the average per capita nutritional deficiency in the country has been 200 kcal a day, as compared with 400 kcal a day in the early 1980s, which means that if all foods were distributed equitably, the whole population would still be undernourished. However, as distribution is not equitable, there are population groups with enough or too much food while others - the majority - are seriously undernourished.

163. According to studies by the Institute of Nutrition of Central America and Panama (INCAP) and the Ministry of Public Health and Social Welfare, the only basic cereal of which there has been a sufficient supply in the past decade to meet the minimum needs of the population is maize. The greatest shortage has been of rice and beans; in 1997 this reached 60 per cent of the minimum estimated needs of one ounce of rice and two ounces of beans per day. This would mean a shortfall of 90,000 tonnes of rice and 170,000 tonnes of beans in 1999 if current levels persist. Supplies of chicken and beef appear to be sufficient to meet the estimated minimum needs of four ounces of chicken and two ounces of beef a week; however, because of the inequitable distribution of these products, a sizeable proportion of the population lacks them. The supply of dairy products such as milk meets 80 per cent of the estimated minimum needs, with the shortage for 1999 estimated at 118,000 tonnes. Minimum needs for

dairy products are estimated at 3 ounces a day per capita of milk in liquid form and 1½ ounces of cheese a week for children between 1 and 12 years of age, and at half a litre for infants below the age of 1. The per capita supply of eggs has been stable, with production increasing in line with the increase in population. The shortfall in 1997 was 12 per cent, on the basis of consumption of three eggs a week; a similar situation would result in a shortfall of 14,000 tonnes in 1999.

Access to food

164. National food security can only be achieved if food is not only available but also economically and socially accessible to the whole population, that is, if it can be bought or produced and people are well enough educated and informed to be able to take the most appropriate decisions on choosing and sharing food in families. From 1988 to 1998, the consumer price index for food increased more than the consumer price index for all goods and services. During the same decade, the correlation between the cost of the minimum food basket and the minimum wage decreased slightly: the cost of the minimum food basket was 2.3 times the minimum wage in 1991 and 1.9 times in 1999. However, not all economically active persons are in employment (this is particularly true of women); nor do all employers pay the minimum wage. The cost of the basic food basket represents between 50 and 60 per cent of the cost of all basic needs. Thus, on the basis of the minimum wage and food prices in 1999, it is estimated that a person needs to work for two hours to buy a litre of milk; over five hours to buy a pound of beef or unripened cheese; about three hours to buy a dozen eggs or a bottle of oil; and over one hour to buy a pound of beans or rice. The above analysis shows how difficult it is for the majority of the population to purchase the minimum amount of food.

Malnutrition in children under the age of 5

165. In the last 10 years, the proportion of children suffering from chronic malnutrition has fallen by 40 per cent and the overall number has fallen by 33 per cent. In absolute terms, the number of children is still high: in 1999 over 850,000 children were estimated to be suffering from chronic malnutrition (small size for their age) and 37,000 from severe malnutrition (low weight for their size), while over 400,000 had a low weight for their age.

166. In 1995, 16 per cent of children under the age of 5 suffered from vitamin A deficiency, and the proportion is similar today; it is estimated that 290,000 children are suffering from this vitamin deficiency. Some 86 per cent of the sugar samples collected in households were fortified with vitamin A. Coverage was maintained at 80 per cent between 1995 and 1999, as sugar is the main source of vitamin A in the Guatemalan population's diet.

Prevention and control of micronutrient deficiencies

167. In 1999, the Ministry of Public Health and Social Welfare, in cooperation with the Society of Endocrinology and the Department of Nuclear Medicine and Technical and Financial Cooperation of the Institute of Nutrition of Central America and Panama (INCAP) of the Pan-American Health Organization (PAHO), the United Nations Children's Fund (UNICEF), the International Council for the Control of Iodine Deficiency Disorders (ICCIDD) and Merck Laboratories, carried out a study under the name "Tiroides móvil" ("Thyroid mobile") in six towns in six different departments. The study looked at 540 schoolchildren of both sexes

between the ages of 6 and 12. The results showed that only 33.3 per cent of the salt samples examined contained a sufficient concentration of iodine; 5.6 per cent contained intermediate levels and 61.1 per cent contained no iodine or less than the accepted critical level. Urine samples in five of the six towns were below the accepted critical level, with 36.3 per cent of the samples showing excretions of urinary iodine in concentrations indicating moderate to severe iodine deficiency.

168. Taking the studies carried out as a starting point, the relevant institutions of the Guatemalan Government are concentrating their efforts on strengthening the programme to control iodine deficiency disorders, maintaining permanent surveillance and monitoring systems, waging an information, education and communication campaign and bringing the results to the attention of the general public and discussing them with the producers of iodized salt.

169. In 1999, studies were carried out by the National Commission for Refugees, Returnees and Displaced Persons (CEAR), with the support of UNDP, INCAP and the World Health Organization (WHO), on the feasibility of production projects aimed at ensuring food and nutritional security in five microregions housing uprooted populations in Guatemala, located in the departments of Chimaltenango, Escuintla, Alta Verapaz, Huehuetenango and Quiché. Similarly, INCAP and the World Food Programme (WFP) made a joint assessment of the food and nutritional security in uprooted populations in Guatemala that covered 12 communities in the departments of Petén, Alta Verapaz, Quiché, Quetzaltenango, Retalhuleu and Suchitepéquez. Consequently, WFP is providing food aid to the communities in urgent need of it, and the Guatemalan Government and a number of non-governmental organizations and agencies are directing their action towards meeting the basic needs of all the communities, with special emphasis on the areas identified as priorities.

Comprehensive care for women, children and young people

170. In 1999, the community day-care centres programme of the Presidential Office for Social Welfare set up, with technical and financial support from INCAP, a project to improve the diet and nutrition in community day-care centres. The project consisted of training 84 counsellors for centres throughout the country and 256 childminders in the basics of diet and nutrition, food with added nutritional value, the proper way to handle food and how to weigh and measure children.

171. INCAP provided technical input to assist the Ministry of Education in drawing up the breakfast menu for schools and the technical specifications for the processed foods to be served and in reviewing the technical requirements to be met by food suppliers for school breakfasts and snacks. It also worked on the child survival project in the departments of Quetzaltenango, Totonicapán and Sololá. Meanwhile, it provided assistance to the Ministry of Health in the design and management of a project to improve the health of women and children in rural areas of Guatemala and to the Office for Social Work of the First Lady in the design and implementation of a project on the advancement and full development of Guatemalan women.

172. In 1999, the Guatemalan National Commission on Healthy Schools, with the support of INCAP and 12 government and non-governmental organizations, trained 6,000 teachers from 1,059 schools and distributed 40,000 instruction packs for the "Healthy schools" course.

173. WFP, in its March 2000 report on the dietary limitations of the Guatemalan population, undertook to provide 80 per cent of its assistance directly to women as from that date and to continue training men and women in the country in how to contribute towards gender equality.

174. According to data from the World Bank, food production in Guatemala increased by 17 per cent between 1990 and 1997.

X. ARTICLE 12. GENERAL STANDARD OF PHYSICAL AND MENTAL HEALTH OF THE POPULATION

175. Up to the period covered in this report, the State of Guatemala continued to promote the comprehensive health-care system (SIAS), with the participation of non-governmental organizations, as the main means of extending the coverage of services in order to provide basic services for the lowest-income population groups in most of Guatemala's departments. In addition, activities were carried out by government agencies working in the sector, such as the Guatemalan Social Security Institute, the municipalities, the social funds and the National Municipal Development Institute and the military health authority, while considerable growth took place in private health services, for the most part concentrated in the department of Guatemala.

176. In the course of 1997, the Ministry of Public Health and Social Welfare, in a diagnosis of the country's mental health situation, identified the following as the main mental health problems:

Psychological disorders as a result of violence and the armed conflict, predominantly among children and young people;

Alcoholism;

Depression and anxiety disorders.

177. A programme was subsequently implemented to deal with and solve mental health problems, based on the fundamental primary health-care strategy, comprising:

Appointment of staff specializing in mental health to health departments and centres;

Training of primary care teams in the psychosocial component of health;

Assigning priority to prevention in mental health;

Assigning priority to the identification and treatment of psychosocial problems in population groups most affected by the armed conflict;

Assigning priority care to children, and development of a methodology for working with schoolchildren.

National health policy

178. In the context of compliance with the Peace Agreements and on the basis of national health policies the Government, through the Ministry of Public Health and Social Welfare, has established a set of management commitments which are specific objectives for 2000 and include:

Implementing the comprehensive health-care system nationwide, with involvement of other service-providing bodies;

Vaccinating not less than 90 per cent of children under 1 year of age against diphtheria, measles, tetanus, poliomyelitis and tuberculosis; completing the vaccination sequence among all children under five who have begun it; bringing under control 100 per cent of epidemic outbreaks of vaccination-preventable diseases;

Expanding the coverage of prenatal care, detecting and providing care for 100 per cent of high-risk pregnancies and reducing maternal mortality to 50 per cent of the rate observed in 1995;

Reducing infant mortality and morbidity due to respiratory infections and food and waterborne diseases; improving the efficiency of care in these cases by extending the application of a uniform approach to them on the basis of standard protocols;

Exercising close epidemiological control and response to outbreaks of cholera and reducing the death rate from the disease to zero;

Keeping under epidemiological control 100 per cent of outbreaks of diseases transmitted by vectors and not less than 95 per cent of the homes infected by the transmission of dengue, malaria and onchocerciasis; improving treatment quality and standards of care in affected areas;

Vaccinating at least 90 per cent of dogs against rabies and reducing the incidence of rabies in human beings to zero;

Dealing with the population's needs for curative care, with emphasis on the extension of care to communities without access to services;

Consolidating institutional modernization through the implementation of local programming systems, health management information, epidemiological surveillance, supervision, monitoring and evaluation in all areas, districts and hospitals in the country;

Improving the efficiency and flexibility of budget performance, with up to 100 per cent implementation of the funds accrued monthly, improving the quality of purchase and payment orders and coordinating the central system for the follow-up and monitoring of performance by means of a computerized telecommunications network;

Maintaining the supply of medicines at 100 per cent of minimum levels of availability in service establishments and 100 per cent of basic list medicines.

179. In order to achieve the objectives proposed, the Ministry of Public Health and Social Welfare has planned and implemented the following activities in formulating the relevant operational policies:

Reordering, decentralization and modernization of the health sector;

Increase in coverage and improvement of the quality of care in basic health services;

Improvement of efficiency in the management of resources and the quality of hospital care;

Development and modernization of human resources management in health sector institutions;

Promotion of health and healthy environments to improve living conditions for the population;

Increase in coverage and improvement of the quality of water for human consumption and extension of the coverage of basic rural sanitation;

Participation and oversight by society in the public management of the health services;

Strengthening of capacity for implementing technical cooperation in health matters.

180. Guatemala endorsed the decisions adopted in 1977 at the thirtieth World Health Assembly, which decided that the main social goal of the Governments of the World Health Organization for the coming decades should be to attain a level of health for all citizens of the world by 2000 which would enable them to lead a socially and economically productive life. Accordingly, the Government of Guatemala has implemented two approaches for providing primary health care, consisting in:

Strengthening the immunization, oral rehydration therapy and acute respiratory infections programmes;

Active participation by the community.

181. In 2000 Guatemala continued to implement the comprehensive health-care system with the participation of health service providers and health service administrators.

182. The Government defines as public health spending expenditure on the promotion, protection, recovery and rehabilitation of health in the population, comprising for the most part the expenditures of the Ministry of Public Health and Social Welfare, the Presidential offices for

health projects, the social funds, the mother and child health programmes which finance activities of non-governmental organizations, the Military Medical Centre, the National Civil Police Hospital and medical consultation expenses and medicines which some bodies such as the Ministry of Public Finance and the Controller's Office provide for their employees.

183. A percentage of the allocation for public health spending is earmarked for preventive programmes and activities, such as epidemiological and environmental surveillance, environmental health, health education, public health programmes to avoid the spread of epidemic illnesses such as vaccine-preventable diseases, metoxenous diseases and tuberculosis, activities for the promotion of mother and child health and social assistance.

Public spending on preventive care

| Year | Percentage |
|------|------------|
| 1997 | 49.4 |
| 1998 | 62.0 |

Public spending on health as a percentage of GDP

| Year | Percentage GDP | Health budget as percentage of total budget |
|------|----------------|---|
| 1995 | 0.88 | 9.54 |
| 1996 | 0.84 | 9.66 |
| 1997 | 1.02 | 7.80 |
| 1998 | 1.54 | 7.42 |
| 1999 | 1.10 | 8.2 |
| 2000 | 1.43 | 7.1 |

184. According to the 1998-1999 national survey on mother and child health, infant mortality in Guatemala fell significantly between 1995 and 1999 from 51 to 44 per thousand live births, representing a decrease of 12.8 per cent. In 1995 infant mortality was 39.9 and in 1998 34.8 per thousand live births. This decline was greater in the central, south-east and north-west regions which had the highest rates, particularly in rural areas. The decrease applied equally to the indigenous and non-indigenous population. Infant mortality among male children declined, reaching a level similar to that of female children.

185. According to the 1994 population census, 68.44 per cent of Guatemalan homes had access to piped water while 30 per cent had to carry water; of the former, 91.1 per cent were in urban areas and 54 per cent in rural areas.

186. The Ministry of Public Health and Social Welfare reported that in 1999 child immunization coverage against poliomyelitis was 94 per cent, against diphtheria, tetanus and whooping cough 92 per cent and against measles 95 per cent, while 92 per cent of children under the age of 1 were immunized against tuberculosis.

187. Between 1997 and 1999 average life expectancy in Guatemala was 67.19 years. The breakdown by gender indicates that average life expectancy for women was 69.81 years. Life expectancy in all departments is higher for women. The highest level is recorded in the department of Guatemala, followed by Izabal, and the lowest rates can be found in Totonicapán and Sololá.

188. According to Ministry of Public Health and Social Welfare records 2,994,166 persons in rural areas have access to trained personnel for the treatment of common illnesses and injuries, with a regular supply of 20 essential medicines, at a distance of one hour's walking or travel time.

189. As regards the numbers of pregnant women who have access to trained personnel during pregnancy and birth, according to a survey carried out between 1995 and 1996, coverage in the department of Guatemala amounted to 100 per cent of the 9,150 births; the department of Chimaltenango came second with 1,010, and Quetzaltenango last with 533.

190. The number of children under 5 years of age in rural areas with access to trained health-care personnel was 492,623. This does not include information on hospitals, health centres and health units.

191. There are no groups in Guatemala whose health situation is substantially worse than that of the majority of the population since the State's health strategy is aimed at ensuring that conditions of preventive and curative health care result in general physical, mental and social well-being. Emphasis has been placed on access by the population to health services, extending coverage of the system and promoting family and community responsibility in the provision of services through the reform of the health sector, designed as a substantive change in the sectoral approach which seeks to combat the origins of illnesses.

192. In this context, the Government has implemented the comprehensive health-care system (SIAS) as the political, organizational, technical, administrative and programmatic mechanism adopted by the public health system with a view to planning, organizing, directing, monitoring and assessing health programmes and activities for the promotion of health, the prevention of illness, and recovery and rehabilitation of health in Guatemala's population, on the basis of the health policies and objectives defined by the State and ratified in the Peace Agreements. The implementation of the comprehensive health-care system, in addition to extending the coverage of health services, particularly for mothers and children, is basically aimed at poor groups in rural and indigenous areas.

193. Through the Ministry of Public Health and Social Welfare, the Government has included among the country's health priorities four programmes to reduce maternal and child mortality: treatment of vaccine-preventable diseases, of acute respiratory diseases, and of food and waterborne diseases. Priority has also been given to the problem of malnutrition and diseases of the mouth and teeth. Women and children are covered via care programmes, for which adequate technical and financial resources have been provided.

194. The Government, through its Ministry of Public Health and Social Welfare, has adopted a series of measures for preventing, treating and combating endemic and epidemic diseases, giving priority attention to emerging and re-emerging diseases on the basis of the epidemiological situation in Guatemala, of which the following may be mentioned:

Establishment and reinforcement of local health committees;

Participation and involvement of the community in solving health problems;

Planning and restructuring of continuing education programmes;

Strengthening of the epidemiological surveillance system;

Programming and distribution of vaccines and syringes for the vaccination of the under-5s and schoolchildren;

Reinforcement of horizontal or continuing vaccination in health services and communities at risk identified on the basis of a detailed analysis, in which specific strategies are developed according to the characteristics of the population;

Planning and implementation of immunization promotion programmes, laying stress on the social mobilization of all sectors;

Holding of national health days.

195. Basic measures for the prevention of diarrhoea and cholera have focused on the protection of food and the safe handling of water for human consumption on the basis of the following activities:

(a) Health education:

Training of groups in the hygienic handling of food;

Educating groups of mothers in the hygienic handling of food;

(b) Health checks of food and water:

Health and hygiene inspection of establishments which prepare food with recommendations for eliminating areas of risk;

Collection and submission of samples, on a programmed basis, for the monitoring of food and water quality;

Health licences granted to permanent establishments offering prepared food;

Administrative procedures to penalize health breaches;

Residual chlorine in sources of supply of piped water inspected periodically;

(c) Epidemiological surveillance:

Weekly notification of cases;

Investigation of cases;

Intensification of control measures;

Environmental surveillance;

(d) Treatment of cases:

Early diagnoses;

Timely treatment;

Community follow-up.

196. For the prevention of vector-borne diseases, the Government has adopted the following measures:

Preparation and updating of standards and technical and methodological procedures for epidemiological surveillance, diagnosis and treatment; comprehensive control measures; supervision, monitoring and evaluation methods; and in-service research and training;

Orientation of the main activities of the vectors programmes within health policies based on decentralization, intra- and intersectoral coordination, specific and organized participation of the community with a view to reinforcing primary health care and increasing coverage in an efficient manner, giving priority to care for the most vulnerable groups.

197. With regard to specific diseases:

(a) Dengue:

Systematic, intensive, targeted, comprehensive, multi-purpose control activities were simultaneously carried out;

Intra- and intersectoral and community participation was developed;

Operations were intensified in conjunction with comprehensive local surveillance;

Vector-control and household refuse removal measures were implemented;

Breeding areas were brought under control;

Serological and virological samples were taken;

(b) Malaria:

Early diagnoses were made and the disease treated effectively without delay;

Plans were established and preventive and selective measures implemented on a continuing basis;

Epidemics were detected promptly;

The malaria situation in Guatemala was re-assessed regularly, with the inclusion of the ecological, social and economic factors favouring the disease;

Anti-bacterial measures were intensified;

Comprehensive vector control was instituted;

Biological and chemical control was implemented;

Regional entomological laboratories were set up;

(c) Chagas disease:

Follow-up was provided for seropositive cases, diagnosis was confirmed and treatment provided;

Care was provided for ambulatory patients;

Health education and promotion were provided and housing conditions in the affected areas improved;

Residual spraying of insecticides for vector control was carried out among specific populations;

Entomological training was provided for field personnel in the endemic regions most affected;

Periodic entomological surveys were made of endemic zones after spraying had been carried out or measures taken to improve housing, in order to compare infection indices;

(d) Leishmaniasis:

Incidence of the disease was reduced through surveillance, prevention and control, preventing the occurrence of outbreaks with significant morbidity and mortality rates and the emergence of serious chronic forms;

Early diagnoses were carried out and cases were properly managed;

The appearance of outbreaks of serious forms was prevented and morbidity and mortality rates reduced;

Medical and paramedical training was provided in health education and promotion, through intra- and intersectoral coordination;

(e) Onchocerciasis:

Sufficient medication was provided for 88 per cent of the persons affected;

Local authority and district personnel were given training on data collection;

Local authority and district health personnel were given training on medication and monitoring of secondary reactions;

In two endemic departments, the medication by body weight method, as recommended by the Merck Company, was used;

(f) Rabies:

Anti-rabies vaccine for human use and anti-rabies serum of human origin for human use, for the treatment of serious wounds, free from the hepatitis B and human immunodeficiency viruses, was distributed in accordance with the regulations in a timely and efficient manner in all health areas;

Distribution of over half a million doses of canine anti-rabies vaccine for horizontal vaccination in the health services and in specific campaigns in the urban and rural environment;

Phased training in rules for epidemiological surveillance in all areas of health, according to risk and damage priority;

Classification of the risk factors in the emergence of this disease;

Coordination in border areas with Mexico and Belize for the implementation of joint control and prevention activities, such as vaccination by districts, community education campaigns and dog censuses in priority areas;

Technical support in epidemiological surveillance techniques for exposed persons;

(g) AIDS:

Training of health workers in matters relating to sexually transmitted diseases (STDs) and HIV/AIDS;

Holding of workshops on STDs and HIV/AIDS;

Epidemiological surveillance of STDs and HIV/AIDS;

Carrying out of studies at HIV zero-prevalence sentinel sites;

Carrying out of HIV tests on request;

Prevention and counselling before and after HIV tests;

Carrying out of preventive activities in the community;

Care and follow-up of STDs and HIV;

Treatment for HIV-positive pregnant women and their newborn infants;

Treatment of STDs according to the syndrome approach;

Hospital treatment of AIDS-related infections.

198. As regards education for health and social participation:

Training in basic notions of illness continued for local authority and district health personnel;

Educational material was developed;

The validity of educational material from various endemic communities was checked;

Before and after HIV-test counselling was provided;

Sponsorship of community prevention activities.

199. With the aim of ensuring medical care for the population and medical services in the event of illness, the Government provides health services throughout the country via its health sector by means of a network of 3,861 establishments, distributed as follows:

(a) Ministry of Public Health and Social Welfare (27 per cent):

36 hospitals;

32 type A health centres;

- 188 type B health centres;
- 785 health units;
- 53 State pharmacies;
- 104 municipal sales outlets for medicines;
- (b) Guatemalan Social Security Institute (IGSS) (2 per cent):
 - 24 hospitals;
 - 35 consultancies;
 - 21 first-aid posts;
- (c) Private sector (52 per cent):
 - 2,018 profit-making establishments
- (d) Armed forces and police (1.5 per cent):
 - 6 hospitals;
 - 21 infirmaries;
 - 24 health units;
- (d) Non-governmental organizations (17 per cent):
 - 4 hospitals;
 - 656 service establishments.

200. The Ministry of Public Health and Social Welfare has established a comprehensive health plan for older people with a view to creating a different form of care for older people within Guatemala's health services by means of a comprehensive functional approach based on self-help, respect, dignity and solidarity between generations, which will improve the coverage and quality of care. The following basic policy approaches were defined in implementing this plan:

An initial functional approach in which psychobiosocial independence is stimulated, the emergence of disability is avoided or retarded, and older people are encouraged to remain within the family and community;

Promotion of healthy lifestyles and an approach to health as a development resource, by giving older people the opportunity to be part of their family and community;

Positive and mutually supportive link-up of activities between generations of grandparents, parents and grandchildren;

Encouragement of organized participation by older people;

Provision of care through functional and appropriately trained interdisciplinary teams acting in a framework of intersectoral and inter-institutional coordination with the participation of the community.

201. The plan takes four basic elements for the implementation of its activities:

(a) Research: development of local situation diagnoses, clinical, epidemiological and sociodemographic research, and the establishment or strengthening of documentation centres on ageing;

(b) Participation of older people: organization and training of older people to look after themselves, development of activities coordinated with the health services and other government and non-governmental institutions and older people, with a view to encouraging appropriate use of their free time in voluntary projects, recreational health and secondary employment;

(c) Human resources: local development of continuing education offerings which foster the formation of functional health-care teams for older people;

(d) Differentiated comprehensive care: creation of community-based alternatives to long-term institutionalization, including day-care centres and home care programmes with active involvement and focus on risk.

International cooperation and the right to health

202. The international community's contribution to the promotion of the right to health of the Guatemalan population takes the form of priority programmes and projects in support of national health policies and the commitments contained in the Peace Agreements in relation to prevention, promotion, recovery, rehabilitation and coordination, with the aim of achieving the full physical, mental and social well-being of the population in general.

203. In addition, the various international health commitments stemming from agreements and conventions are materializing as regional and national action plans, programmes and projects for the people of Guatemala.

204. The operational modalities of international cooperation include reimbursable financial cooperation in the form of loans; non-reimbursable cooperation such as donations; and technical cooperation from bilateral and multilateral sources in national, binational and regional programmes and projects.

205. In recent years financial and technical assistance has been provided through international cooperation further to the "Health for all" commitments. This involves the promotion and reinforcement of changes in the health systems contributing to the proposed objective of fairness by developing the national capacity for sectoral stewardship, developing health systems and services and drawing up health programmes; all of this is incorporated in the support given to the national reform of the sector.

206. In 1997 the contribution of international cooperation in financing the health sector amounted to 5 per cent of the national total. An analysis by the Ministry of Public Health and Social Welfare states that its investment in health in 2000 amounted to 7 per cent of total financing.

Programmes and projects benefiting from international cooperation with most impact on the population

207. These programmes are:

Health services improvement programme (Inter-American Development Bank, (IDB));

Resettlement and reintegration, comprehensive emergency health care (United Nations Development Programme, (UNDP));

Consolidation of the comprehensive health-care system (SIAS), levels I and II.
Strengthening stewardship and management capacity (Swedish International Development Cooperation Agency (SIDA)/Pan-American Health Organization (PAHO));

Region VII rural health programme (Kreditanstalt für Wiederaufbau (KFW));

Support for health sector reform in Guatemala (European Union (EU));

Reduction in maternal mortality (United Nations Population Fund (UNFPA));

Integrated project for health policies and systems (PAHO);

Primary health-care programme (GTZ);

Support for management and coordination of the country programme (PAHO);

Health Promotion and Protection (PAHO);

Disease prevention and monitoring (PAHO);

Integrated project for mother and childcare, Cuilco municipality, Huehuetenango (PAHO);

Decentralized technical cooperation in Quiché (PAHO);

Primary health-care programme (GTZ);

Better health for women and children in rural areas (USAID);

Chagas disease vector control (Japan);

Education and Training in Reproductive Health (USAID);

Family Health Programme (USAID).

XI. ARTICLE 13. RIGHT TO EDUCATION

208. The Government guarantees the provision of compulsory free primary education, in accordance with article 74 of the Constitution, through the implementation of priority measures such as broadening of the coverage of the education system, with enhanced emphasis on the pre-primary and primary levels, especially in rural areas, a focus on girl children and the strengthening of bilingual intercultural education.

209. Between 1997 and 1998, 10,753 new pre-primary and primary teaching posts were created.

210. In 1995 the education budget stood at 1,304.2 million quetzales, or 1.7 per cent of (GDP). This sum rose to 2,692,302,849 quetzales in 2000, or 2.3 per cent of GDP, reflecting the increase provided for in the Peace Agreements.

211. Consequently, priority was given to efforts to provide education in the first three primary grades for all children, with the total reaching 84 per cent in 1995 and 94 per cent in 1999.

212. With the development of the national programme for educational self-management (PRONADE), 211,123 children at the primary and pre-primary levels were covered during the 1999 school year. Also in 1999, 95,908 6-year-olds were covered by the community centres for accelerated pre-school education (CENACEPs), with the help of students from infants teacher training colleges. In addition, 117,578 scholarships were awarded to children between 1996 and 1999.

213. In 1999, education was provided through the Ministry of Education free of charge throughout the country to 278,801 pre-primary pupils, 1,603,440 primary pupils, 287,278 pupils in the basic cycle, 129,789 in the diversified cycle and 10,283 in the distance secondary programme.

214. In 1998, 2,116 State bilingual pre-primary schools, 2,359 pre-primary, 10,765 primary, 232 basic-cycle, 136 diversified-cycle and 133 adult primary schools were in operation in Guatemala. Their official status means that these establishments offer free education at the various levels. For the diversified cycle, the Ministry of Education has authorized 160 courses, almost all of which are taught in the State educational establishments.

215. The Ministry of Education has institutes and schools in both urban and rural areas which provide free education at the basic and diversified levels.

216. As for higher education, the University of San Carlos de Guatemala is the State university. In accordance with articles 82 and 84 of the Constitution, it enjoys autonomy and separate legal status, as well as a financial allocation of no less than 5 per cent of the level of regular income under the State budget.

217. The university charges nominal registration fees and fees per term, making it accessible to the whole population, and especially the working class.

218. Guatemala also has eight accredited private universities. These universities impose registration and monthly fees which are higher than those of the State university, so that they are accessible to the middle class and the upper class in Guatemalan society.

219. It should be pointed out that all the universities, both State and private, have programmes of scholarships which they offer to poorly-off students who reach the required academic standard.

220. In recent years the universities have offered a wider range of postgraduate programmes, especially masters' degrees, to enhance the technical and management skills of various groups of professionals.

221. Basic extramural instruction for those aged over 15 who have not received or not completed primary education is provided through the Department of Extramural Education and the National Literacy Committee (CONALFA) in the form of targeted programmes funded essentially by the State and designed to offer citizens an opportunity to complete their primary studies.

Obstacles to the exercise of the right to education

222. Realization of the right to education, in the context of the constitutional provision that it should be free and obligatory, has been restricted by such factors as:

The wide range of Mayan languages spoken by the various ethnic groups in the country;

The highly dispersed population in rural areas, which makes it difficult to gather enough school-age children in schools for purposes of teaching;

Difficult access to population centres, as the lack of proper infrastructure often makes travel impossible during the rainy season;

A lack of suitable premises to accommodate classes;

A lack of teachers prepared to go to rural population centres where their services are required, because of poor access and remoteness;

Budgetary limitations.

223. Despite these difficulties, the Government has drawn up a clear policy for discharging the constitutional obligation to provide education, as well as the undertakings in this field stemming from the Peace Agreements. Plans are in hand to:

Extend coverage while maintaining quality, through an educational reform designed to enhance quality and relevance;

Strengthen decentralized participatory management, so as to ensure the more efficient use of resources;

Strengthen extramural education and literacy programmes;

Provide at least three years' schooling for the school-age population aged between 7 and 12 by 2000, through the coverage extension policy, thus reducing illiteracy to 30 per cent, especially in rural areas;

Foster greater efficiency in the use of resources, by promoting participation by local authorities, non-governmental organizations and other similar institutions in the implementation and funding of educational programmes and projects;

Raise the share of GDP devoted to education and increase the annual budget allocation for pre-primary and primary education.

Literacy

224. The National Literacy Committee (CONALFA) is a decentralized body falling under the Ministry of Education which implements a variety of literacy and post-literacy programmes in Spanish and 18 Mayan languages, jointly with governmental and non-governmental organizations. CONALFA's strategy is aimed at priority sectors and groups in rural and marginal urban areas with the highest illiteracy levels - the population aged between 10 and 14 which is not covered by the formal education system.

225. The literacy programme is composed of two stages: the first involves learning to read and write and make basic mathematical calculations, and the second - post-literacy - consolidation and additional studies. It has evolved through such activities as the following:

The formation of a network of government and non-governmental institutions, which have carried out 95 per cent of the literacy programme with technical and financial support from CONALFA, which, as the coordinating body at the national level,

implements the remaining 5 per cent of the activities in areas where such organizations do not exist. In 1995, 1,527 such organizations took part, in 1996 1,115 and in 1998 1,419;

Between 1994 and 1996 cooperation agreements were signed with the Ramiro Castillo Love Foundation and Servicios Profesionales Educativos to cover children aged from 9 to 14 who had been marginalized or ignored by the formal sector. The two institutions supply special reading and writing material for this target group, while CONALFA supplies mathematical material. In 1995 51,000 children were covered, in 1996 69,903, in 1997 83,078 and in 1998 79,938 - all in the initial stage;

Establishment of a bilingual literacy promotion system which meets the needs of the Maya-speaking population. The literacy programme is implemented in 18 Mayan languages: Kaqchikel, Q'eqchi', Mam, K'iché, Ch'orti', Itzaj, Q'anjob'al, Akateko, Chuj, Awakateko, Poqomam, Ixhil, Popti', Mopán, Ach'i', Poqomchi', Tektiteko and Tz'utujil. In 1999, with cooperation from the Governments of Norway and Sweden, material in Mayan languages was distributed for the first and second stages of bilingual post-literacy in 17 language areas;

With the drawing up and implementation of the bilingual literacy programme, 101,001 persons attended courses in 18 Mayan languages throughout the country in 1999;

In 1999, 53,783 members of the indigenous population benefited from the first literacy stage, 19,791 from the first post-literacy stage and 4,967 from the second post-literacy stage, bringing the total to 78,541;

In 1991, with the start of the literacy programme, CONALFA covered 72,912 persons in all, while in 1999 the number increased to 406,516;

In 2000 CONALFA planned to provide training for 554,410 people;

The greatest challenge facing CONALFA is that of reducing the level of illiteracy to 12 per cent during the period 2000-2008.

Share of the national budget earmarked for education

226. The Government considers that educating the population is of fundamental importance for the country's economic, social and political development, and will continue to modernize the sector. Under the Peace Agreements efforts will continue to strengthen the programmes for broadening coverage at the pre-primary, primary and middle levels to include as many children and young people as possible in rural and urban areas. In pursuance of the objectives set out in the strategy for the education sector and in order to bolster actions and processes initiated to date, resources earmarked for education in fiscal year 2000 rose to 3,676.2 million quetzales, or 15.2 per cent of the entire general budget.

School system

227. In Guatemala the school system comprises the following levels:

(a) Pre-primary level. This level covers children aged 5 and 6. Coverage is greater in the urban areas. There are two sections:

- (i) Infants - for children who speak Spanish;
- (ii) Bilingual pre-primary - for children who speak one of the Mayan languages;

(b) Primary level. Intended for children from age 7 to 14, with six grades (one per year) divided into two cycles:

- (i) Basic cycle - grades 1 to 3;
- (ii) Complementary cycle - grades 4 to 6. This level covers those aged 15 or over who have not been able to follow or complete studies at primary school for children.

Accelerated primary instruction for adults is also provided, with a duration of four years. There are four stages: the first year covers the first-grade curriculum, the second year the curricula for the second and third grades, and the third year the curricula for the fourth and fifth grades, while in the fourth year the sixth-grade curriculum is completed;

(c) Middle level. This consists of two cycles:

- (i) Basic cycle - with a duration of three years, intended for children aged 13 to 15. The basic cycle may be taught as follows:

Common basic - covers the curriculum without any specialization;

Basic with vocational orientation - pupils are trained in such areas as carpentry, mechanics, cookery, etc.;

Experimental basic - provides vocational guidance and uses more active methods than those used in the common basic course;

- (ii) Diversified - aimed at those aged between 16 and 20; duration between two and three years, except for a few evening and weekend programmes which last a year longer than the daytime courses. Includes four basic areas:

General education - school-leaving certificate in sciences and humanities; serves as a basis for further studies;

Commercial education - training with emphasis on accounting activities and administrative support;

Technical education - training in preparation for occupations related to industrial and agricultural development, administration and services.

Entry to the diversified cycle is subject to completion of the basic level.

228. School construction is the responsibility of the School Building Construction Unit, which falls under the Ministry of Communications, Infrastructure and Housing. The Ministry of Education has the task of coordinating activities involved in school construction between the Unit, social funds such as the Social Investment Fund, the National Peace Fund and the Community Development Fund and other private agencies which promote and provide infrastructure for school operations. During 1997 788 schools were built, with total investment of 131 million quetzales.

229. Standards have been laid down to govern the appropriate siting of school buildings in rural areas, to guarantee access for the largest possible number of pupils in each area.

Access to the various levels of education

230. There are obstacles to access to the education system at all levels, especially in rural areas, as a result of poverty and the persistence of various sociocultural patterns which are patriarchal or male-dominated, and where women and children are still vulnerable groups. In the same way, difficulties arise in the system itself owing to the expansion of all levels of education and to the level of illiteracy.

231. With the aim of overcoming these constraints, the State has focused on efforts to make its activities more effective through the design and implementation of a school attendance policy which is intended to reduce illiteracy and secure access for all children to the three primary grades in 2000, the target being to achieve fairness at all levels of education during the coming decade.

232. The figures on participation by the school population in the services provided at the various levels of education show that boys outnumber girls at school.

233. In 1998, adult literacy programmes produced a literacy level of 68.3 per cent among the population aged 15 and over and 94.4 per cent for the 15-24 age group, indicating that in that year 1,915,003 persons aged 15 or over were illiterate, including 123,612 adults in the 15-24 age group. In 1990, the illiteracy rate was 44.9 per cent, falling to 31.7 per cent in 1998 and 30 per cent in 1999.

234. Against a background of cultural and linguistic diversity, bilingual intercultural education is being strengthened and expanded to teach children in their mother tongue, with Spanish as the second language. With international help, new methods of training for middle-level teachers

have been introduced, and bilingual teachers have been trained and recruited. Support has been provided through subsidies to the private sector to cater for this sector of the population, including middle-level Mayan education centres in rural areas where Spanish-Mayan bilingual teachers are trained. Bilingual texts for the four main Mayan languages are also produced and distributed.

235. Pre-primary bilingual education enables children of Mayan and other ethnic origin to be provided with the requisite formal preparation in their mother tongues before entering primary school. Trends in bilingual pre-primary education between 1992 and 1998 show a greater focus on children in rural areas and greater participation by the public sector through the Department of Bilingual Intercultural Education, which covered 90 per cent of total enrolment in bilingual pre-primary schools in 1992 and 90.1 per cent in 1998. There were 5,813 posts of bilingual teachers, to which 1,000 were added in 1999.

Status of teaching staff

236. The following is a breakdown of staff employed at different levels in the education sector:

| Level | State | Private | Cooperative | Municipal | Total |
|-----------------------|--------|---------|-------------|-----------|--------|
| Bilingual pre-primary | 6 813 | 174 | 0 | 0 | 6 987 |
| Infants | 2 059 | 3 566 | 0 | 0 | 5 625 |
| Urban primary | 11 365 | 8 054 | 0 | 26 | 28 829 |
| Rural primary | 21 601 | 2 125 | 0 | 103 | 23 829 |
| Adult primary | 619 | 189 | 0 | | 808 |
| Basic level | 3 446 | 8 598 | 2 615 | 7 | 14 666 |
| Diversified | 1 369 | 6 596 | 0 | 0 | 7 965 |

237. The starting salary for teaching staff at the pre-primary and primary levels is 1,582 quetzales per month. Middle-level teaching posts carry a starting salary of 1,683 quetzales for 30 periods. The initial salary is supplemented by payments based on years of service - 20 per cent extra after 5 years, 40 per cent after 10 years, 60 per cent after 15 years, 80 per cent after 20 years and 100 per cent after 25 years. Elsewhere in the public service, salaries for manual workers range from 1,156 quetzales to 1,368 quetzales. Salaries for technical staff range from 1,502 quetzales to 1,849 quetzales per month.

XII. ARTICLE 14. PROGRESSIVE IMPLEMENTATION OF THE PRINCIPLE OF COMPULSORY EDUCATION FREE OF CHARGE

238. The Government's plan for 2000-2004 contains a commitment to double the Ministry of Education's budget with the long-term aim of reaching the target of a 6 per cent share for investment in education laid down by UNESCO and thus fostering a large-scale literacy programme encompassing existing institutions and all sectors in the country, and broadening the coverage of the school system until all Guatemalans have access to primary education.

Likewise, the activities planned by the Government in the education sector include that of raising the quality of instruction, and introducing and promoting technical courses at the middle level so as to enable Guatemalans to attain immediately the new standards of competitiveness which production processes demand.

XIII. ARTICLE 15. RIGHT OF EVERYONE TO TAKE PART IN CULTURAL LIFE

Legislative and administrative measures

239. In Guatemala there is a set of laws promulgated at various times which govern aspects of the conservation of the cultural heritage and the promotion of culture and the ability of individuals to take part in the country's cultural life. They include:

Cultural Heritage Protection Act, Decree No. 26-97, as amended by Congressional Decree No. 81-98;

City of Antigua Guatemala Protection Act, Congressional Decree No. 60-69;

Promotion of Books Act;

Public Performances Act;

Decree No. 17-92, stipulating that the State has a fundamental obligation to foster and popularize the culture of the nation, and promulgate laws and regulations designed to enrich it;

Ministerial Order No. 009-2000, approving the institutional profile of the Germán Alcántara National Conservatory of Music;

Ministerial Order No. 472-99, setting up the board of curators of the art collection of the Ministry of Culture and Sport in the National Palace of Culture;

Ministerial Order No. 597-98, approving the institutional profile of the Carlos Figuerera Juárez National School of Dramatic Art.

240. In pursuance of the Peace Agreements, a decentralized unit, the Cultural Decentralization Support Unit (ADESCA), was set up by means of Decree No. 95-96 for the purpose of bolstering the State's cultural policy, which is directed and implemented by the Ministry of Culture and Sport and constitutes the most flexible and direct means of underpinning the right of everyone to take part in cultural events, through:

Activities in support of artistic and cultural creativity and popularization;

Projects that foster the recovery, popularization and promotion of popular cultures, and encouragement of their exponents and those who serve as repositories of culture;

Conservation and popularization of the cultural heritage.

241. Within the machinery of the Ministry of Culture and Sport there are art schools, museums, artistic groups, cultural complexes, archaeological centres, theatres, libraries and units engaged in restoring buildings and other property, which offer scope for participation and access by the people of Guatemala.

Cultural promotion

242. The Ministry of Culture and Sport has a unit responsible for cultural promotion, whose staff live in various communities in the interior and deal with the management, recovery, promotion and popularization of various cultures, with the aim that the communities should conduct cultural activities in an autonomous manner.

Availability of resources for the promotion of cultural development and popular participation in cultural life

243. In order to perform its functions in the various areas of culture and recreational sport, the Ministry of Culture and Sport has a budget of 129 million quetzales, which we view as inadequate to cover all the programmes and requirements involved in promoting and furthering the right to culture.

244. Under specific projects, the Ministry of Culture and Sport concludes agreements with embassies, academic institutions, cultural associations, universities and cultural centres to enable people to take part in cultural events, congresses, festivities, seminars, competitions and other events in various parts of the country.

245. In its efforts to promote awareness and enjoyment of the cultural heritage of ethnic groups, national minorities and indigenous peoples, the Ministry of Culture and Sport is currently working on the cultural policies which will underpin the governance agreement called for by the President. These policies will be aimed at achieving a far-reaching reorganization which will correspond to the requirements of the multicultural, multi-ethnic and multilingual social situation in Guatemala in a broad intercultural process.

Role of the information and mass communication media in the promotion of cultural life

246. Each day, with some limitations, the print media cover the various forms of artistic expression being pursued, especially in the metropolitan area. Cultural programmes are broadcast on the national radio and heard throughout the country.

247. In rural areas, radio programmes are broadcast in Mayan languages, though there are some gaps in coverage. Likewise, the country's radio stations comply with applicable provisions concerning the broadcasting of marimba music and national music.

248. At the beginning of 2000, the Ministry of Culture and Sport assessed progress in the conduct of its work through the promotion of culture, regional art schools, the natural and cultural heritage, museums and programmes for the restoration, conservation and protection of archaeological sites and the restoration of colonial buildings. Currently all efforts are focused on a reorganization which will correspond to the requirements of the situation in Guatemala, with emphasis on national cultures. Likewise, efforts are being made to reorient the content of the mass media in order to embrace all possible forms of expression of the country's culture.

Vocational training in the sphere of culture and art

249. The Ministry of Culture and Sport has art schools in Guatemala City and all the country's regions. Private schools for dancing, painting, theatre and music also exist. A degree course in humanities and art in general is taught at university level. A private university also awards a diploma in cultural promotion and administration.

Role of international assistance in the full realization of the right to participate in culture

250. The Ministry of Culture and Sport frequently concludes agreements with the embassies of countries represented in Guatemala and with specialized agencies and intergovernmental organizations such as UNESCO, UNDP and the European Union, as well as with other Central American countries, from which support is obtained for the implementation of projects and programmes and the provision of technical assistance in the cultural field.
