



**Economic and Social  
Council**

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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
2-6 December 2002

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

**List of issues to be taken up in connection with the consideration of  
the second periodic report of GUATEMALA concerning the rights  
referred to in articles 1-15 of the International Covenant on  
Economic, Social and Cultural Rights (E/1990/6/Add.34)**

## **I. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

1. What degree of autonomy and representation do the indigenous peoples enjoy in the constitutional order of the State party?
2. Could the State party elaborate on whether the use of indigenous languages is obligatory in certain judicial and administrative proceedings?
3. Please indicate what effective measures, legislative or otherwise, the State party has adopted to combat racial discrimination which might have an impact on the realization of economic, social and cultural rights.
4. Please provide detailed information on whether men and women have equal rights in the sphere of family law.

## **II. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

### **Article 6 - The right to work**

5. Please supply recent comparative statistics on unemployment disaggregated by region, age and sex.
6. Have the employment policies mentioned in paragraphs 113, 114 and 115 of the report yielded any positive results?
7. Do the migration agreements between the Governments of Guatemala and Mexico take into account the economic, social and cultural rights of workers entering the Soconusco area?
8. Please indicate whether the State party intends to ratify ILO Convention No. 2 concerning Unemployment, ILO Convention No. 102 concerning Minimum Standards of Social Security and ILO Convention No. 174 concerning the Prevention of Major Industrial Accidents.

### **Article 7 - The right to just and favourable conditions of work**

9. What steps have been taken by the Wages Commission and the Joint Minimum Wage Commissions to ensure that the minimum wage earned by workers provides a decent standard of living for them and their families?

### **Article 8 - Trade union rights**

10. Please explain in more detail the prohibition on the right to strike in the public administration, in particular in relation to the category of non-essential services.

### **Article 9 - The right to social security**

11. Please provide detailed statistics for the past five years on the population covered by social security, including pensions, unemployment benefits, social assistance, health insurance, sickness and other benefits. Please also indicate what share of the budget has been earmarked for social expenditure during the past five years. In paragraph 163 it is stated that “in Guatemala 1.2 per cent of the gross domestic product was allocated to social security”, but no year is given for these data. Please supply the missing information.

12. What rights do dependants of an insured worker have when they do not form part of the family as registered with the social security authorities?

### **Article 10 - Protection of the family, mothers and children**

13. What measures does the State party intend to adopt in order to introduce specific legislation criminalizing domestic violence and marital rape?

14. What is the extent of the problem of “street children” in the State party and how is it being tackled?

15. What programmes and measures have been adopted to combat trafficking in children, pornography and child prostitution?

16. What programmes and systematic measures has the State party adopted in the field of reproductive and sexual health to prevent the spread of HIV/AIDS among children and young people?

### **Article 11 - The right to an adequate standard of living**

17. Is there a specific strategy for efforts to lessen income and other disparities between the different regions of the country and, in particular, to foster the development of western Guatemala and El Petén?

18. What have been the results of the policy aimed at returning to indigenous communities the land taken from them by the large landowners, and generally regularizing land ownership in rural areas since 1996?

19. Is there a comprehensive programme of social housing in the State party? Please supply comparative statistics on the housing shortage disaggregated by region over the past five years. Is there a legal framework for providing alternative housing to individuals and groups who have been evicted, in conformity with General Comment No. 7 of the Committee?

### **Article 12 - The right to physical and mental health**

20. Please supply comparative statistics on the ratio of hospitals, clinics and doctors to the population, in rural and urban areas, over the past five years.

21. What is the incidence of maternal and infant mortality for the past five years? What effective measures have been taken by the State party to reduce it?

22. Please supply information on the number of persons affected by HIV/AIDS and the programmes to address this epidemic, in conformity with General Comment No. 14 of the Committee.

23. What steps has the State party taken to combat the problem of illegal drugs?

**Articles 13 and 14 - The right to education**

24. To what extent are schoolchildren provided with meals by the State party in order to encourage school attendance and in particular to reduce the drop-out rate, as recommended in General Comment No. 13?

25. Please indicate whether books and school supplies are free of charge at the primary level.

26. Is bilingual education provided for the 18 principal variants of the Maya language family?

**Article 15 - The right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property**

27. Have institutions and curricula been created for the purpose of preserving and studying the indigenous languages?

28. Has the State party established a body or programme to promote the culture, traditions and arts of the indigenous peoples?

29. Are radio and television programmes in indigenous languages provided in the State party? Are there official programmes of a cultural nature on private television?

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