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GUATEMALA HUMAN RIGHTS OMBUDSMAN REPORT TO UNITED NATIONS COMMITTEE AGAINST RACIAL DISCRIMINATION - CERD -

INTRODUCTION

The UN Committee on the Elimination of Racial Discrimination (CERD) will hold its 86th session in April and May 2015, and will evaluate 14° and 15° consolidated reports of the State of Guatemala. The test will be performed in April 29 (15:00-18:00 hours) and April 30 (10:00-13:00 pm) at the lounge on the first level of the Palais Wilson (Geneva, Switzerland), to tending Resolution 68 / 268 United Nations General Assembly.

The Human Rights Ombudsman of Guatemala has the following considerations:

CHALLENGES OF THE STATE OF GUATEMALA INCLUDED ON CONSOLIDATED REPORT

1. To increase the budget for the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA)

CODISRA had a slight increase in 2013 and 2014 budgets. However, in 2014 it was reduced in 14.29%. By 2015 it was assigned less budget than for the previous two years. Moreover, it fails to match either the budget amount at the beginning of its creation.

CODISRA need a bigger budget due to the nature and importance of their work and the increase in complaints of discrimination that are attending.

CODISRA Annual Budget behavior
2012 to 2015

Year	Budget allocation	Modified budget	Current budget	Executed Budget	% Executed budget
2012	5'985,751	1'407,945	7'393,696	6'786,531.17	91.79
2013	9'500,000	0	9'500,000	8'525,671.78	89.74
2014	9'500,000	-1'358,000	8'142,000	7'805,117.74	95.86
2015 *	9'000,000	0	9'000,000	1'426,765.76	15.85

Source: integrated accounting system -SICOIN-

* By March 6, 2015

2. Awareness processes and spreading International Convention on the Elimination of all forms of Racial Discrimination and other international instruments that promote the rights of indigenous peoples at the state level, such as social

The State of Guatemala has not dissemination processes for the Convention or other international instruments.

In December 2008 was issued Public Policy for Coexistence in order to eliminate Racism and Racial Discrimination, which contains 120 strategic actions in 6 axis: economic-social, political-legal, cultural, civic education, equality of access to state services and environmental. This policy was approved by government agreement (Acuerdo Gubernativo) number 143-2014 of 13 May 2014 and came into force on the day following its publication.

In 2014, Ombudsman for Human Rights conducted an administrative monitoring of CODISRA specifically oriented to political-legal axis, in order to "Establish the causes and deficiencies in the weak access to justice in the formal legal system for indigenous peoples; to verify implementing programs promoting legal protection and compliance with international conventions and recommendations; to confirm the strengthening of technical, legal and financial entities created to address discrimination and racism."

It is important to point out that CODISRA has prioritized 20 of the 120 actions under this public policy; deficiencies are mostly due to lack of human and technical resources, materials. This situation should be improved by seeking public or private funding or managing donations from international agencies.

3. Strengthen the legislative to approve standards relevant to indigenous peoples that are pending in Congress, to harmonize national legislation with the Convention.

The responsibility for approving those rules is the Congress, composed of representatives of several political parties, with a majority government party members. Congress has a Commission on Indigenous Peoples which dictates regarding the bills.

CODISRA has not a direction or department to perform work in the Congress; the work of accompaniment and impetus for the adoption of international standards relevant to indigenous peoples and to harmonize national legislation with the Convention, corresponds to the legal area, currently under the responsibility of the Presidential Commissioner Karen de la Cruz and a team of three lawyers.

As identified in the table below, initiatives related to issues of Indigenous Peoples spent many years in the Congress. Two initiatives have been promoted by CODISRA and the other by different organizations of indigenous peoples to the accompaniment of some state institutions and social movement.

Status of proposed laws pending in the Congress

No.	NAME OF PROPOSAL	TIMEOUT IN THE CONGRESS	IMPACT
1	Law for the recognition of the competence of the Committee against Racial Discrimination, No. 2699	18 years	Search fulfillment of the commitment assumed by the State in the elimination of racial discrimination, accepting the competency of CERD (Article 14 of the Convention). Led by CODISRA.
2	Amendments to Decree 17-73, Penal Code, No. 4539	2 years	Looks for more strongly punishment to the crime of discrimination in accordance with international standards. Led by CODISRA.
3	Law for indigenous communities (three initiatives have arisen, including the General Law of Indigenous Peoples, No. 4047)	18 years	Looking mechanisms of institutionalization and implementation of Articles 66 to 69 of the Constitution of the Republic of Guatemala
4	Law for indigenous sacred places, No. 3835.	16 years	Seeks to regulate the recognition, use and protection of sacred sites and places within the spirituality of indigenous peoples (commitment in Peace Accords)
5	Law for community media, No. 4087	16 years	Search recognition of community media and community access to radio frequencies (commitment in Peace Accords)
6	Law of National Reparations Program (Programa Nacional de Resarcimiento), No. 3551	16 years	Search institutionalize the Programa Nacional de Resarcimiento giving it legal support to better fulfill its role in providing redress for the victims of the armed conflict (since its beginning in 2003 is a government agreement)

No.	NAME OF PROPOSAL	TIMEOUT IN THE CONGRESS	IMPACT
7	Law for Generalization of Multicultural and Intercultural Bilingual Education, No. 3913	10 years	Seeks to strengthen the system of bilingual education contained in Article 76 of the Constitution and which is currently regulated in a government agreement.
8	Law for consultation indigenous peoples, No. 4051	9 years	Search regulate consultations with indigenous peoples in accordance with Convention 169 of the International Labor Organization and the UN Declaration on the Rights of Indigenous Peoples. The ILO put ultimatum to the Guatemalan State to have adopted this law in late 2014; to date has not been fulfilled.
9	Reform to the Law of the Consejos de Desarrollo Urbano y Rural (Urban and Rural Development Council), No. 3934.	7 years	Seeks to strengthen indigenous participation in that councils, and solve conflicts of current law, for example the fact that the Coordinating President of the Council is the Community Mayor (Alcalde), which has allowed him to bring into that space the administration of justice and other functions that correspond to community level
10	Law for indigenous jurisdiction, No. 3946.	5 years	Seeks to regulate the recognition of the application of indigenous law in indigenous communities and coordinating with the formal justice system
11	Law of Indigenous Dress	4 years	Seeks to develop Article 66 of the Constitution in recognition of indigenous costumes and identity
12	Law for Indigenous or Communitarian Management of Wilderness Areas	4 years	Aims to strengthen indigenous knowledge and preservation of community practices of natural resource conservation
13	Organic Law of Indigenous Development Institute	3 years	Seeks to strengthen the Guatemalan Fund for Indigenous Development (FODIGUA) created by governmental agreement and currently operates under the Presidency of the Republic, converting it in an Institute
14	Law for Comprehensive Rural Development, No. 4084.	12 years	Seeks to promote comprehensive development in rural communities and design appropriate institutional mechanisms

Source: Prepared by the Defender on the Rights of Indigenous Peoples, PDH

4. To recognize the competence of the Committee on the Elimination of Racial Discrimination

When Guatemala became State Part to the Convention, did not make the declaration to recognize the competence of the Committee to receive individual request.

Nearly two decades ago an initiative was presented by Executive Branch before the Congress in order to impulse this action; this proposal was registered with No. 2699, which has not yet been 5 approved by the Congress. The Committee therefore has

not legal capacity to receive and consider communications from individuals or groups of individuals against the State of Guatemala.

5. Monitoring law proposal No. 4539, which should approve amendments to Decree No. 17-73, Penal Code (Amendment of 202 bis, discrimination)

It has two years in Congress awaiting approval.

6. Strengthen the political participation of indigenous peoples in all areas

There are opportunities for participation of indigenous peoples in national legislation, such as:

- Sistema de Consejos de Desarrollo Urbano y Rural (CDUR) -system of urban and rural development councils- Law of urban and rural development, Decree No. 461-2002.
- Consejo Nacional de Acuerdos de Paz (CNAP) -national council of peace agreements-, Framework Law on Peace Agreements, Decree No. 52-2005.
- Consejo Directivo del Fondo de Tierras (FONTIERRA), -board of land fund- Land Fund Act, Decree No. 24-99.
- Instancia de Consulta y Participación Social (INCOPAS) -instance for consultation and social participation, a part of the national system for food and nutrition security (SINASAN, for its acronym in Spanish), Act of SINASAN Decree No. 32-2005.
- Comisión Presidencial contra la Discriminación y el Racismo (CODISRA) - Presidential Commission against Discrimination and Racism- Government Agreement No. 390-2002.
- Defensoría de la Mujer Indígena (DEMI) –indigenous women defense council- Government Agreement No. 525-99 and its reforms Government Agreement No. 38-2013.
- Academia de Lenguas Mayas de Guatemala (ALMG) -mayan languages academy of Guatemala- Decree No. 56-90.
- Fondo de Desarrollo Indígena de Guatemala (FODIGUA) -Guatemalan indigenous development fund- bipartisan entity: government and Mayan organizations, Government Agreement No. 435-94 and its reforms.
- Foro Nacional de la Mujer -national forum for women.
- Gabinete de Pueblos Indígenas e Interculturalidad -Cabinet for Indigenous Peoples and Intercultural Affaires.

Participation of indigenous peoples in the Consejos Departamentales de Desarrollo (CODEDE) -departmental development councils-

Development councils are an important space for community participation; its mission is local development through projects and physical work¹. They do not have a specific approach to participation of indigenous peoples, although they involve indigenous persons.

The Ombudsman has received several complaints about politicization in the distribution of products of governmental social programs and how Mayors influence election of representatives from Community Councils (COCODE, for its acronym in Spanish) to the CODEDE. There is discretion in the announcement and nomination of representatives; is generally sectorial but has not ensured the participation of all sectors. When the population have demand to accomplish established norms, the authorities have made legal modifications to enforce their political control.

Therefore, we can say that levels of participation for indigenous peoples are reduced. The main motivation to participate for indigenous peoples is to contribute in the process of democratize the country and build the Plurinational State. However, the imposition of official agendas and the poor results obtained generated disenchantment within the indigenous population.

There are not programs that encourage broad participation, conversely many barriers impede and limit it, ranging from bono work and having to cover their own expenses to participate, to practices of cooptation and political patronage that they have to combat.

7. Strengthening care areas for indigenous peoples in public institutions

During 2014 the Ombudsman led an administrative supervision in entities that have public spaces for indigenous peoples, obtaining the following results.

Mapping entities May 2014

Situation	Number of entities
Active	29
Inactive	04
Closed	04
Total	37

Source: Defender of the Rights of Indigenous Peoples, PDH

¹ Although in August 1, 2014 press reports indicated that they had allocated 1.084 million quetzals from the IVA-Paz tax, also identified that only 24.3% were executed, allegedly caused by excessive bureaucracy and lack of ability to integrate work files.

Inactive institutions are those with legal, institutional and even financial support, but without offices and staff, such as:

- a. Consejo Asesor sobre Pueblos Indígenas y Pluralidad, Presidencia y Vicepresidencia de la República (CAPIP - PIXAB') -advisory council on indigenous peoples and plurality, Presidency and Vice Presidency of the Republic.
- b. Comisión de Multiculturalidad e Interculturalidad del Consejo Nacional para los Acuerdos de Paz (CMI-CNAP) -committee on multiculturalism and intercultural affairs from national council for Peace Agreements.
- c. Embajada Itinerante de los Pueblos Indígenas, Presidencia de la República - itinerant embassy of indigenous peoples, Presidency of the Republic.
- d. Unidad Técnica Asesora de Género y Pueblos Indígenas (UTAGPI), Instituto Nacional de Estadística (INE) -technical advisory unit for gender and indigenous peoples in National Institute of Statistics.

The closed institutions are entities that are not already included in the organizational chart.

1. Consejo de Pueblos Indígenas, Fondo Nacional de la Paz (FONAPAZ) - council of indigenous peoples in National Fund for Peace.
2. Unidad de Pueblos Indígenas, Secretaría de la Paz (SEPAZ) -indigenous peoples unit in Peace Secretary of State.
3. Unidad de Pueblos Indígenas, Instituto Guatemalteco de Turismo (INGUAT) -indigenous peoples unit from Guatemalan Tourism Institute.
4. Unidad de Pueblos Indígenas, Secretaría de Seguridad Alimentaria y Nutricional (SESAN) -indigenous peoples unit in Food and Nutritional Security Secretary of State.

Legal Framework

Nature of the norm	Number of entities
Legislative Decree	Three
Government Agreement	6
Ministerial Agreement	21
No data	7
Total	37

Source: Defender of the Rights of Indigenous Peoples, PDH

As can be seen the highest number of entities are backed by internal arrangements of the various institutions. Also most are units (in the third level), not directions, as shown in the following table:

Location in public administration

Level	Frequency
Presidency (governing body)	One
Commissioner	One
Management	7
Branch	One
Units	13
Program	One
Sections	2
Departments	Three
Coordination	2
Embassy	One
Commission	One
Council	One
Instance	One
Total	27

Source: Defender of the Rights of Indigenous Peoples, PDH

Even all institutions have strengthened attention to the indigenous population, it remains to strengthen them in decision-making and given its own budget.

Supervision by the Ombudsman on the Rights of Indigenous Peoples in 2013 and the monitoring carried out in 2014, supports the conclusion that there is not full participation of indigenous peoples in public spaces within the Guatemalan state, having only a certain level of indigenous presence within state institutions.

Reactivation of Coordinadora Interinstitucional Indígena del Estado (CIIE) – interagency coordination for indigenous entities

The CIIE is a predominantly technical space for coordination, articulation and development of joint actions aimed at strengthening the attention of the needs, interests and concerns of Indigenous Peoples. It consists of indigenous officials or representatives of various accredited organizations, mostly entities of the Executive Branch of the State of Guatemala.

Among its objectives: a) Establish appropriate attention to the needs, interests and concerns of indigenous peoples. b) To sensitize and advise public officials to fulfill their established functions, in order to get a State response to the multicultural, multiethnic and multilingual nature of the country. c) Establish levels of coordination to design and implement comprehensive development plans to improve the quality of life of indigenous peoples. d) Record the progress of the actions of state agencies in addressing Indigenous Peoples.

Coordinating strategic lines: a) Position the CIIE as an advisor for multicultural and intercultural policies. b) Coordinate various institutions in internal and external

level. c) Strengthening the rule of law promoting compliance of national and international provisions on indigenous peoples.

Organizational structure: its supreme body is the Assembly, composed of delegates or alternates holders duly appointed by the authorities of the institutions that comprise it. The Assembly has a Coordinator Council, consist of Coordinator, Assistant Coordinator and Secretariat.

Some of the main actions carried out in 2014:

- Opinion on the establishment of the Cabinet of Indigenous and Intercultural Affaires, April 30, 2014.
- Participation in the update of cultural and sports policies under the Ministry of Culture and Sports.
- Presentation of institutional diagnosis for drafting the National Policy for Indigenous Peoples at the request of indigenous representation of the Consejo Nacional de Desarrollo Urbano y Rural (CONADUR) -national council of urban and rural development- under the responsibility of Defensoría de la Mujer Indígena (DEMI).
- Ensure indigenous representation in the Consejo Nacional para los Acuerdos de Paz -national council for Peace Agreements.
- Ensure indigenous representation in the INCOPAS -instance for consultation and social participation- in the SINASAN –national system for food and nutrition security.
- Ensure indigenous representation on the Fondo de Tierras -advisory council of the Land Fund.

8. Affirmative action in favor of indigenous peoples, coverage and cultural relevance of education.

The Guatemalan State pointed out education to members of indigenous peoples as a challenge, because education presents serious difficulties: overcrowding, poor quality of education, high pupil-teacher, and teachers have two, three or more degrees. More than that, it is important to note that the right to education of children is not guaranteed in Guatemala.

A big group of children entering the first grade drop out before they learn reading and writing in Spanish. The majority have received bilingual education in kindergarten, but when entering the primary school system they are forced to learn to read and write in Spanish and not in its mother tongue, which hinders their learning process, leading them to not pass the grade or to defect.

The State should implement measures to ensure bilingual education at all educational levels, thus ensuring retention in school and coverage in pre-primary and primary levels for children and adult primary.

The Chortí peoples are most affected, throwing rates of 59.6% for illiteracy in Spanish. An intermediate range bass are the Chuj, Akateko, Poqomchi', Ixil, Q'eqchi', Tektiteko, Uspanteko and Tz'utujil peoples. (49.5% to 31.2% of illiteracy). Illiteracy in Garifuna people reaches 97%.

The peoples who have the highest illiteracy rates also have the widest gender gaps, suggesting that the latter, in part, due to a limited widespread access to education, but also in a cultural conception that gives less value education of women, making opportunities to become literate in the first instance for men².

Basic education is made up of the preprimary or kindergarten -1 year, primary or elementary -6 years, and secondary education -3 years. Subsequently diversified level -of 2 or 3 years. In terms of basic education enrollment rates in indigenous children and adolescents are significantly lower (69%) than non-indigenous (80.1%). Female indigenous children and adolescents have lower enrollment rates (63.9%).

Most indigenous children of school age are enrolled in education degrees above corresponding to their age. The delay school entry can postpone educational achievements. The average age of indigenous children to enter the first grade is 9.5 years. Arriving in sixth grade, the average age is 15.5, according to the National Program Evaluation of Educational Achievement, PRONERE, in 2005.

In rural areas only 16% of children reach sixth grade in six years. In a period of 10 years, only 46% of children complete the six grades.

Furthermore, it is noteworthy that among the group of 13-15 years, only 53% were enrolled, being the participation of children and adolescents also the lowest (45.1%).

The expulsion or desertion in schools of rural areas is another aggravating figure, reaching 12.5%. Reasons for this repetition using a language that is not their own learner (mother tongue) and outside the same culture, which seriously affects their quality.

In the case of indigenous women in rural areas, the average schooling of those who are between 15 and 24 years is 2.1 years, compared to six years for non-indigenous men of the same age.

Racism in school constitutes a serious limitation on the right to education. It is a universal principle that education should be given without regard to race, color or ethnicity. But when it refers to indigenous peoples, practices and deep stereotypes persist, and the denial of their cultural elements, including clothing. There are several arguments and justifications to overlap racist behavior. *Is not given the educational service to one that comes with certain clothing, long hair, type of footwear, etc.*

² ILO. *Child labor and indigenous peoples*. 2006.

Guatemala has a 65% of indigenous persons³, so anywhere you can find people of Mayan, Garifuna or Xinka descent. Diversity is recognized by national law, coming from the Constitution of the Republic (Article 4 equal in dignity and rights; Article 58 cultural identity, and Article 66 the right to wear their costumes, among others).

People with indigenous appearance has been subject to discrimination and contempt that is detrimental to their dignity; being indigenous has been synonymous of ignored, excluded, discriminated, having negative impact on the exercise of other rights, such as education and health, among others.

9. Unidad para la Atención de Asuntos Indígenas del Organismo Judicial - care unit for indigenous affairs in the Judiciary

This Unit began its work in February 2012; among its features are:

- Promote and assist in the implementation of public policies on the rights of indigenous peoples in plans and projects of the Judiciary.
- Promote with Institutional Training Unit incorporating training programs and awareness of the right of indigenous peoples, Legal Pluralism and related topics, for judicial officers and administrative employees.
- Develop studies and propose solutions to guide and advise the authorities of the Judiciary in the matter.

The objective is to coordinate mechanisms that allow cultural relevance and gender approach in the context of access to justice and legal pluralism, leading to compliance with mentioned legal and political instruments in order to contribute to strengthen the rule of law and strengthening participatory democracy.

This unit represents progress in access to the system of self-righteousness of indigenous people; however, like other public institutions should be strengthened with staff and budget. The Ombudsman has coordinated actions with that unit to achieve dialogue spaces between indigenous authorities of Santa Eulalia, in Huehuetenango, and Aldea Pasac, in Nahualá, Sololá, and reaching contact with the President of Judiciary.

In 2014 the Ombudsman supervised justice operators, identifying the need for strengthening the training of judges, but also incorporating more interpreters, as existing are insufficient, given the demand for processes with elements of cultural and linguistic relevance.

³ Although official data points that it is 40%. The most recent census was in 2002.

10. Population census with cultural approach

The supervision led by the Ombudsman to state indigenous institutions in 2013, showed that the technical advisory unit for gender and indigenous peoples in the National Institute of Statistics (INE, for its acronym in Spanish) does not have the staff needed to perform its duties.

It is necessary to conduct a new census (the latest was in 2002), but it also need to have cultural and gender relevance.

11. About health for Indigenous Peoples

National policy for midwives (comadronas)

The Ministry of Public Health and Social Assistance during 2014 prompted the development of the "Policy of Midwives of four Peoples in Guatemala", under the responsibility of the Unit for Health of Indigenous Peoples and Intercultural Affaires. This policy aims to regulate the levels of coordination and relations of midwives with the state. In the first half showed the route to prepare the policy, involving midwives, institutions of Indigenous Peoples and indigenous organizations related with the issue. The goal was to finish it by the end of 2014, but to date has not been approved by the authorities.

12. Creating the Cabinet of Indigenous People and Intercultural Affaires

Created by Government Agreement No. 117-2014, March 25, 2014, for a period of 10 years, with the goal *of coordinating the design and management of actions and policies for plans, programs and government projects have cultural relevance, in accordance with the diversity of the nation.*

To date the main action has been coordinating actions for the development of the National Policy for Indigenous and Intercultural Affaires.

13. National Policy for Indigenous People and Intercultural Affaires

The Cabinet for Indigenous Peoples and Intercultural Affaires presented a proposal of this policy, integrating a multidisciplinary team and performing consultations with member institutions of the CIIE and validating it with some organizations or communities.

At the time of writing this report the Policy was scheduled to be publicly filed on March 31.

14.K'atun Plan

The Secretaría de Planificación de la Presidencia (SEGEPLAN) –presidential planning secretary- promoted a National Development Plan for 20 years, which has been called *K'atun, Our Guatemala 2032*. It was proposed to seek a joint, shared and long-term vision about Guatemala to 2032, in order to develop a strategy for the country to insert profitably *in the context of the different dynamics of development and meet the most important challenges that have social, economic, cultural, environmental and political terms*.

This development occurred under the Sistema de Consejos de Desarrollo -system of development councils, which aims to *organize and coordinate public administration through the formulation of development policies, plans and budget programs and the promotion of inter-institutional, public and private coordination*.

The Ombudsman is concerned about the absence of a number of actors in the discussion and development of a national plan, and the difficulty of giving continuity to programs and projects in the long term if there is no state appropriation, as these are easily broken with changes in government.

15.Judicial System

Discrimination

The Defender for the Rights of Indigenous Peoples of the Ombudsman Office, as already mentioned, made an oversight of CODISRA in February 2014 related to the implementation of the Public Policy for Coexistence and Elimination of Racism and Racial Discrimination, in order to establish the progress and difficulties in its implementation. Among the findings regarding the administration of justice include:

- Between 2010 and 2013 CODISRA presented 104 cases to the Public Ministry (the Prosecutor's office) for the offense of discrimination, but only three have achieved statement. The sentence imposed was less than three years imprisonment, which allow that people gain their freedom through an economic bail or other alternative measure.
- In 2014 were present 84 complaints for the same offense; the majority (75) are still under investigation; only 8 have been brought to trial, and only in one case has been sentence, the accused was given alternative measure.
- These data indicate that although increased the number of complaints in 2014, research in the prosecution remains very slow and poor.
- Also, the CODISRA did not perform an efficient monitoring of cases presented before the Public Ministry.

- It was also established that CODISRA not always applies protocols for victim assistance, resulting in poor attention and victimization; Victims often have to wait long and the wait does not mean that judicial proceedings begin immediately.
- Furthermore, CODISRA delegations do not encourage the implementation of National Languages Law before public bodies that deal with access to justice for indigenous peoples; in many cases they have not even made the promotion of Public Policy for Coexistence for the Elimination of Racism and Racial Discrimination.

Regarding DEMI, the supervision was held in May 2014, for institutional coverage in the northern region of the country and to establish the institutional capacity to address situations of discrimination and vulnerability for indigenous women in the full exercise of their rights and the implementation of the Protocols of Victim Assistance. The main findings were:

- The regional DEMI of Alta Verapaz and Quiche had sent 45 complaints to Public Ministry, although most of them for other offenses than discrimination. This is a constant practice of all regional offices, because usually remit cases of discrimination to CODISRA.
- Five regional offices of DEMI were monitored, in four of them officers indicated that there is a protocol for comprehensive care; the delegate of Quetzaltenango (the second largest department in the country) unknown it. It is noteworthy that in the 2014 budget implementation, the DEMI was reduced by 29% under "Psychological, Social and Legal Services" and 64% under "Promotion and Dissemination of Indigenous Women's Rights".
- DEMI has not undertaken as part of their duties the promotion of National Languages Act, and does not promote it with justice officials, but only focuses on interagency coordination and community approach with children.

An important institutional effort to eradicate discrimination is the General Instruction of the General Prosecutor of the Republic and Head of the Public Ministry, for Criminal Prosecution of Crime of Discrimination, of May 14, 2014, in order to *provide district prosecutors, assistant district prosecutors, attorney section, municipal attorney, prosecutors, prosecutor assistants, officers, staff in Office of Victim Assistance, Office of Permanent Personal Care, and staff in general prosecution, general criteria and guidelines to allow better application of criminal laws to be reflected in an efficient and effective prosecution of the crime of discrimination.*

Enforcement of National Languages in the Judicial Organism, Public Ministry, Institute for Public Defense, Civil National Police

The right to justice for indigenous people means they understand and be understood in legal proceedings in which participates, as it was established in Decree 19-2003 National Languages Act and its regulations. Furthermore, the Code of Criminal Procedure provides that hearings and proceedings should be in the indigenous language, as the case and circumstances.

To do this, institutions should have interpreters and translators. The Judiciary planned in 2014 the implementation of regional networks and national network of interpreters. On the other hand, the Indigenous Affairs Unit presented the first edition of the Legal Bilingual Glossary in the 22 Mayan languages, in order to update the vocabulary, because it has added new words created by the various laws passed by Congress. The Glossary is an important tool in the Official Interpreter in the exercise of their functions, to ensure the constitutional principle of due process and may also be useful for the user and the operator of justice itself, as appropriate.

In July 2014 the same Unit developed the Guide for Indigenous Women and Children's Assistance on access to Justice, addressed to all people working in the Judiciary, so that they have a useful and comprehensive tool that allows them to observe the specific rights of indigenous women when they come to seek the services of the administration of justice.

The Institute for Public Defense has defenders in the different language communities.

The Public Ministry created in April 2014 the Office for Attention to Indigenous Peoples, performing actions in coordination with the ancestral authorities from Quiché and Totonicapán. It also created the Prosecution Office against Discrimination, attached to the Office of Human Rights.

The Public Ministry lacks human resources hired as legal interpreters; however leverages the presence of indigenous personnel in some prosecution offices and go to them to perform this function. There are places where the interpretation is done by person hired as assistants, officers, or housekeeping, so it is not satisfied with the ideal profile.

Rafael Landívar University (private) reports that it has professionals with Technical University Level.

Additionally it should be noted that the Congress has still not adopted the Law on Ancestral Community Authorities Jurisdiction.