

Guatemala's Review in the Working Group
Tuesday 6 May 2008, Afternoon 3pm-6pm
Overview of the Working Group Session
Report by Tiffany Henderson

The Troika

The troika was composed of representatives from Gabon, Slovenia and Brazil. Gabon did not take the floor during the interactive dialogue.

Presentation by Guatemala

Speaking Time: 40 minutes

Recognition of problems and/or concerns: avoiding impunity and recognition of civil and political rights identified as one of the main weaknesses of the State; discrimination and racism occurs against the indigenous people of Guatemala, despite the indigenous population representing the majority;

Achievements made: Judiciary: Human rights training given to judges, implementation of a system of mobile judges for rural and quicker justice, five administration Centers for Justice established; Prosecutors Office and Institute of Penal Public Defense created measures to increase prosecution of offences; justice system based on respect for human rights; Ministry of Interior: focused on professionalizing civil police; Focus on preventing delinquency and drug trafficking; International Commission Against Impunity created (under United Nations ('UN') auspices: independent and focus on strengthening investigative capacity through co-ordinates with national bodies and the Public Prosecutors Office, role is to investigate illegal bodies and clandestine units operating outside the law; Creation of National Institute for Forensic Sciences for investigation of crimes; Law created in 2006 to improve the condition of detention centers; National Security System: creation of National Security Council with a human rights focus; 2007 Law concerning femicide; Signed Convention on Enforced Disappearances and established a National Commission to investigate missing persons; Creation within Foreign Ministry a Directorate of Human Rights and Indigenous Rights to implement international commitments; Creation of the Ombudsman for Indigenous Women that advises the office of the President; 195 million allocated for emergency situations that affect Economic, Social and Cultural Rights: emergency plan for grain, social development, access to land, housing, malnutrition and labor; Co-Sponsor of World-Food Crisis on 23 May 2008; Strengthening social development activities: water and sewerage improvements, rural roads, micro-credit for women, fertilizer for production; victims of armed conflict: opening up military archives; State policy of recognition of victims of serious human rights violations during armed conflict;

Other issues: Implementation of laws and regulations; Indigenous Rights; Economic, Social and Cultural Rights: Priority given by the government to access to health, housing and food security; government focusing on sustainable development as a part of its development policy;

Answers to written questions: *Human Rights Defenders* (Canada, Germany, Ireland, Sweden, United Kingdom); *Enforced Disappearances* (Canada); *Reforms and Amendments to Legislation* (Germany, Sweden); *Family Violence* (Sweden, Germany); *Impunity* (UK, Sweden, Netherlands, Germany, Canada); *Combating Violence and Extrajudicial Executions* (Sweden, United Kingdom); *Protection of Children* (United Kingdom); *Rights of Indigenous Persons* (Canada, Denmark, Germany, United Kingdom); *OHCHR preventing discrimination* (Germany); *violence on grounds of sexual orientation* (Sweden); *Migrants and Foreigners* (Denmark)

Interactive Dialogue:

Number of countries that took the floor

44 States took the floor during the interactive dialogue: **26 Member-States of the Human Rights Council** (Mexico, India, Slovenia, Canada, Malaysia, Cuba, Brazil, Russian Federation, South Africa, Ukraine, Switzerland, Nicaragua, China, the Netherlands, France, Italy, Azerbaijan, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, Peru, Republic of Korea, Bangladesh, Uruguay, Jordan, Philippines). **18 Non-Member States** (Algeria, Austria, Colombia, Chile, Luxembourg, Bolivarian Republic of Venezuela, United States of America, Denmark, Finland, Australia, Portugal, Tunisia, El Salvador, Ireland, Czech Republic, Ecuador, Dominican Republic, Norway).

Questions/Issues raised

Indigenous Peoples – Algeria, Denmark, China, Republic of Korea, Venezuela, Azerbaijan (education); *implementation of the rights of* – Algeria, Jordan, Slovenia (noting CEDAW and CERD recommendations); *office on indigenous rights* – India, Brazil (access to justice); Denmark (Economic, Social and Cultural Rights); **Impunity** – Mexico, Czech Republic, Portugal, Russian Federation, Peru; *Commission on Impunity* – Chile, Malaysia, Brazil, Venezuela, The Netherlands, Switzerland; *signing Rome Statute of ICC* – Portugal, Peru; *Judiciary and Police* – The Netherlands, Dominican Republic ; Republic of Korea (reparations program); **Women’s Rights** – Peru, Republic of Korea, India (decision-making process), Portugal (CERD & Sexual violence), *indigenous women* – Venezuela, China ; **Implementation** – Dominican Republic, Columbia (technical assistance), Austria, El Salvador (socialization of UPR exercise, Civil Society involvement), National Action Plan (France); Convention on Enforced Disappearances (France); Azerbaijan (CEDAW); (Italy gang phenomenon); The Philippines (NHRI’s effectiveness); **Torture** – Chile, Brazil, The Philippines, Germany (achievements of OHCHR in Guatemala, Femicide); **Discrimination** – Chile; **Trafficking** – China, Luxembourg (of women and girls); **Rights of the Child** – Brazil, Austria; *chronic malnourishment* – Russian Federation, Uruguay; Japan (street children recruited to gangs, education, right to life) **Death Penalty** – Brazil, Italy; **Human Rights Defenders** – Austria, *Special Rapporteur’s Report* – Germany, United Kingdom, Norway; **Sexual Orientation** – Czech Republic; **Human Rights Education** – Republic of Korea, Ukraine; **Migrants** - Ecuador; **Economic, Social and Cultural Rights** – Denmark (social exclusion, extreme poverty, work conditions, high illiteracy); **Racism** – Finland (CERD recommendations and access to justice)

Recommendations

Indigenous Peoples

- Promote NHRI to facilitate Indigenous Peoples access to their Human Rights (**Algeria**)
- Follow up on CERD and CEDAW recommendations concerning the jura and de-facto rights of indigenous peoples (**Slovenia**)
- Indigenous women have full access to bilingual education, credit and decision making (**Slovenia**)
- Measures to ensure the effective participation of indigenous people including implementing the recommendations of treaty bodies and special procedures (**Jordan**)
- Measures to improve the situation of indigenous peoples: Trafficking, education and health etc (**Switzerland**)

National Human Rights Institutions

- Support the NHRI of Guatemala (**Algeria**)

Implementation

- Promote their National Policy of Human Rights and their National Action Plan (**Mexico**)
- Implementation of the Femicide Law and implementing CEDAW (**Canada, Switzerland**)
- Implement laws against lynching on the basis of Sexual Orientation (**Switzerland**)
- Civil Society involvement in the follow up to this report (**The United Kingdom**)
- Increase the number of police officers to enhance capacity building (**Japan**)
- Implementation of CERD recommendations and other UN Treaty Bodies (**Slovenia**)
- Encourage OHCHR to give technical assistance (**Nicaragua**)
- Human Rights education to end culture of violence (**Nicaragua**)
- Sharing of best practices (**The Philippines**)

Impunity

- Ratify the Rome Statute of the International Criminal Court (**Mexico, Canada, The Netherlands, Italy**)
- End impunity for marginalized persons, target law enforcement officials (**Slovenia**)
- Persons killed during the war, follow up on recommendations of CAT to investigate deaths and compensate victims (**Canada**)
- Continue fight against impunity (**Cuba, Ireland, The United Kingdom**)
- Creation of new Human Rights Units as a preparatory measure for justice and security sector and to end impunity (**The Netherlands**)
- Support the Commission on Impunity and create a better environment for Judges (**Japan**)
- Allocate resources to fight impunity (**United States of America**)
- More information regarding intimidation and lack of justice in investigation process, investigation process should be independent and effective (**Australia**)
- More police protection for witnesses (**Switzerland**)

Racism

- Accept the competence of the Committee Against Racial Discrimination (**Mexico**)
- Taking appropriate remedies to victims of racial-discrimination (**South Africa**)

Women's Rights

- Greater participation of women in the decision making process (**Mexico**)
- Integrate gender perspective into the UPR process (**Slovenia**)
- Gender inequality still a concern, implementation of 1996 Peace Accord (**United Kingdom**)
- Reduce illiteracy amongst women (**Switzerland**)
- More information on combating violence against women and combating trafficking of women (**The Philippines**)

Human Rights Defenders

- Measures to protect human rights defenders from violence and impunity (**Canada**)
- Measures to ensure the security of Human Rights Defenders (**United States of America**)
- Taking into account, particularly, the report by Special Rapporteur on Extra-Judicial Punishment (**Australia**)
- Punish violations against human rights defenders, Defenders rights' should be strengthened through the Presidential Human Rights Commission (**Ukraine**)
- Creation of a law guaranteeing the rights of Human Rights Defenders (**Switzerland**)

Torture

- Investigate and prosecute cases of torture (**Canada**)
- Follow up on the recommendations of the CAT (**The United Kingdom**)

Economic, Social and Cultural Rights

- Expand programs of social justice particularly health programs (**Cuba**)

Rights of the Child

- Prohibit corporal punishment in school and at home (**Austria**)

Death Penalty

- Abolish the death penalty in its entirety (**The United Kingdom, Italy**)
- Enhance efforts to prevent the re-establishment of the death penalty (**The Philippines**)

Sexual Orientation

- More information on killings based on Sexual Orientation (**Australia**)

Answers provided by the delegation

Rights of the Child (Brazil, Austria, Russian Federation), **education** (Japan); **National Plan of Action** (France); **Trafficking of Persons and Children** (China and Luxembourg); **Human Rights Education** (Republic of Korea), **Judicial officials and law enforcement personnel**; **indigenous people** (Algeria, Denmark, China, Republic of Korea, Venezuela, Jordan, Slovenia), **indigenous women illiteracy** (Azerbaijan); **Economic, Social and Cultural Right** (Denmark) **Food security and malnutrition** (Russian Federation, Uruguay); **Human Rights Defenders** (Austria, Canada, United States of America); **Implementation** (Dominican Republic, Columbia, Canada, Switzerland, Mexico), **Institutions** (The Philippines, Ukraine), **budgetary allocation**; **Women's Rights** (Peru, Republic of Korea), **decision making** (Mexico); **Migrants rights** (Ecuador); **Racial Discrimination** (South Africa); **Impunity** (Japan, United States of America, Slovenia, Cuba Ireland, United Kingdom).

Issues for follow-up

The **delegation** of Guatemala stated in its opening address that Congress had approved the Convention on Persons with a Disability and **will ratify the Convention**; in the process of designing and implementing public policy for young children in co-operation with civil society and national bodies; The Institutional Commission for Transparency will follow up on the governments investment of resources towards development, in particular dealing with corruption of officials and proposing law reforms; reaffirmed political will and commits resources to achieve a progressive development in Economic, Social and Cultural Rights, undertaking a **fiscal reform**; Supports the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala, appealed for technical and financial support; there is a **standing invitation to all Special Procedures** to enter into Guatemala.

As for the issues raised by **other States** during the interactive dialogue, some may be interesting for follow-up. Among them: the recommendation to follow up on the **recommendations of the CAT**, the recommendation on the passing of a **law guaranteeing the rights of Human Rights Defenders**, the recommendation to create a new Human Rights Units as a preparatory measure for justice and security sector and to end impunity and the recommendation to **ratify the Rome Statute** of the International Criminal Court.

States that made solely welcoming statements

Tunisia.

Human Rights mentioned in the NGOs reports but not raised during the review

Land disputes; Children's rights (adoption issues); Access to water; Detention conditions; Freedom of opinion and expression; Workers' rights (to join trade unions, right to strike); Electoral violence.

Human Rights mentioned during the review but on which the delegation did not give a response

Torture (Chile, Brazil, The Philippines); **achievements of OHCHR in Guatemala** (Germany); **Femicide** (Germany); **Discrimination** (Chile); **Racism - CERD recommendations and access to justice** (Finland); **Impunity - signing Rome Statute of ICC** (Portugal, Peru, Mexico, Canada, The Netherlands, Italy); **Justice and Impunity - Creation of new Human Rights Units** (The Netherlands); **Indigenous Peoples – CEDAW and CERD recommendations** (Slovenia); **National Human Rights Institutions** (Algeria); **Death Penalty – abolishment** (The United Kingdom, Italy, The Philippines); **Sexual Orientation** (Australia); **Impunity** (Australia).

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