



General Assembly

Distr.: Limited
29 October 2012

Original: English

UNEDITED VERSION

Human Rights Council
Working Group on the Universal Periodic Review
Fourteenth session
Geneva, 22 October–5 November 2012

Draft report of the Working Group on the Universal Periodic Review*

Guatemala

* The final document will be issued under the symbol A/HRC/22/8. The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Guatemala was held at the 6th meeting on 24 October 2012. The delegation of Guatemala was headed by the Secretary of Peace and the President of the Presidential Human Rights Commission, H.E. Mr. Antonio Arenales Forno. At its 12th meeting held on 29 November 2012, the Working Group adopted the report on Guatemala.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Guatemala: Czech Republic, Jordan and Senegal.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Guatemala:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/GTM/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/14/GTM/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/GTM/3).
4. A list of questions prepared in advance by Czech Republic, Hungary, Ireland, Finland, Mexico, the Netherlands, Norway, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Guatemala through the troika. These questions are available on the extranet of the UPR. The replies of Guatemala are also available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The National Report of Guatemala was introduced by the Secretary of Peace and President of the Presidential Human Rights Commission (COPREDEH), H.E. Mr. Antonio Arenales Forno.
6. The Head of the Delegation stated that the review of Guatemala requires awareness of—what they are and where they come from. Guatemala is in its initial phase to build a democratic state based on the rule of law. Even though Guatemala has 191 years of independence, transitional democracy started only 27 years ago, and the armed conflict—that lasted 36 years, ended only 16 ago.
7. Guatemala is satisfied with the important achievements made during the short period of 16 years of peace and democracy, despite its lack of tradition, experience and democratic institutions. Guatemala is experiencing its longest period of democracy.
8. Guatemala is part of the indigenous Latin America, different to the euro descendants or the mestizo Latin Americas. Due to its multi-ethnic, multicultural and multilingual characteristics, it requires deep reforms. The current legal and institutional order, created in the early years of independence, does not correspond to these characteristics, and results in discrimination and exclusion. Those Guatemala's realities, disregarded by some States and

by some Guatemalans people, are the guiding framework of the three national pacts which prioritize the Government's objectives, and of the proposed legal and institutional reform, which includes a constitutional reform that incorporates fundamental changes, necessary for a new Guatemala, democratic and inclusive. Two reforms derive from the peace agreements. The first one refers to the multi-ethnic, multicultural and multilingual character of the nation, recognizing the identity as peoples of indigenous nationals and their related rights, such as the recognition of their languages, as official languages, thus enabling the end of discrimination and exclusion. The second reform is aimed at establishing limitations to the Army's functions in internal security, as temporary and extraordinary support to the civilian Security Forces, under the command of the civil authority. The Army will submit a report to the civil authority at the end of the mission.

9. The Constitutional Reform also contemplates to reform the system of election of parliamentary representatives and electoral districts to enhance Congress' representativeness and legitimacy; to separate the administrative and jurisdictional functions of the Judiciary; to create a Judicial career including judges of superior courts now elected by Congress; to increase the budget of the Judiciary, the Public Prosecutor's Office and the General Comptroller's Office, and larger budget allocations to municipalities.

10. In conformity with the *Esquipulas* agreements, the Government and the four guerrilla fronts negotiated an amnesty, with the participation of the United Nations and the support of the Group of Countries, friends of the peace process. The amnesty was enacted as law by a legitimate Congress, democratically elected. This reality has also been disregarded.

11. Aware of the need to end the conflict, while at the same time, aware of the reluctance from the victims, the Government and the guerrilla conditioned the Amnesty to a report on the historical truth, without judicial effects. The report was drafted by a commission composed of notable national and international members, without governmental participation. The Amnesty was also conditioned to a National Programme of Reparation for the Victims.

12. Historical truth and reparation are for the Government of Guatemala the key elements of reconciliation, and the possible extent of post-conflict justice. To end the conflict, the amnesty was required. Although not acceptable to everybody, it was necessary to lay the arms and avoid further death and destruction.

13. The judicial processes initiated challenging the Amnesty, prevent or make impossible to carry out investigations and recording testimonies. It is required to reach the historical truth in order to grant adequate reparation and reach reconciliation. The Government expects that the superior courts of Guatemala will settle the debate on the legal effects and scope of the Amnesty soon, in order to facilitate reconciliation processes.

14. It should also be taken into account that the democratic transition resulted in an enormous number of human rights institutions that have not been efficient, due to their dispersion and lack of coordination. The Presidential Human Rights Commission (COPREDEH) and the Peace Secretary maintain structures and functions created on the basis of the armed conflict, which do not adequately coordinate with human rights offices within other ministries and secretaries. The Government is committed and assumes as a pledge before the Human Rights Council, to redesign the human rights institutional system of Guatemala. In this regard, it has requested assistance to OHCHR-Guatemala.

15. Mr. Arenales Forno highlighted that Guatemala has ratified the Rome Statute to ICC as well as the International Convention on the Rights of Persons with Disabilities, and enact the Law creating the national mechanism to prevent Torture.

16. **Intervention of Mr. Arkel Benitez, Vice-Mistry of the Interior.** Mr. Arkel Benitez referred to the Human Rights Office of the Ministry of the Interior and highlighted that, in 2008, a body for analysing attacks against human rights defenders was created. This body is composed of representatives of the Judiciary and the Human Rights Presidential Commission and is aimed at analysing the criminal context and attacks patterns.

17. Pursuant to Decree 40-2000, the Army supports the civil security forces in preventing and combating the organized criminal organizations and delinquency, according to security needs and when the means of the public security forces are considered insufficient. In 2015, it is expected an increase of 10 000 police officers.

18. The Pact of Security, Justice and Peace, develops a strategy which includes the participation of social actors and State institutions, in order to build legitimacy of actions aimed at improving governance and protection against criminality and impunity. The Pact integrates social programmes into security and justice programmes.

19. Mr. Benitez indicated that, in the 18th zone of Guatemala City (*Colonia EL Limón*), which has high rates of criminality, contract killers committed seven murders between January and May. However, since the intervention Safe Neighborhood-Friendly Neighborhood (BARRIO SEGURO-BARRIO AMIGABLE), that took place on 6 June, there has been a notable reduction of criminality and no homicides have been registered since that date.

20. A governmental decree was issued to create a specific Cabinet, aimed at coordinating justice and security annual plans of all the institutions.

21. General-order 9-2012 of the National Civil Police Directorate created task forces, aimed at coordinating a strategy with the Public Prosecutor's Office, to combat contract killers, femicide, extortions, abductions and theft of vehicles and mobile phones. They are also aimed at strengthening the criminal investigation on complex cases, during a six months which can be extended. As a result, 29 criminal organizations and seven Femicide organizations have been disbanded. Murders have decreased 16%, and there were 200 fewer cases of Femicide compared to the average of over five-years. 50% of the homicides take place in Guatemala City and this year, during 16 days, no violent deaths occurred. This has never happened in the last decade. Responding to the political will demonstrated by Guatemala, the international community increased assistance to facilitate knowledge transfer to the Judiciary from the "Task Force" and the CICIG at the conclusion of their operations. In addition, the Law of the General Directorate for criminal investigation was issued.

22. The Police assists in the criminal proceedings, whose investigative elements are subjected to scientific analysis through the National Institute of forensic sciences, the younger judicial institution aimed at creating legal security.

23. **Intervention of Mrs. Gabriela Contreras, Secretary of International Affairs and Cooperation of the Public Prosecutor's Office.** Ms. Contreras stated that, further to the reform of 1994, the Public Prosecutor's Office became responsible for criminal investigations and prosecutions. Taking into account the historical levels of violence and impunity, the following priorities have been identified: a) crimes against the right to life; b) Violence against women (25% of complaints); c) Fighting against organized crime; and d) Fighting against corruption. In order to increase efficiency, the following strategies have been implemented: a) Inter-institutional coordination among the Public Prosecutor's Office and the Ministry of the Interior; collaboration with the CICIG in areas such as the Office of Protection of Witnesses; the Unit of Criminal Analysis and the Special Office against Impunity; b) Special investigation methodology; c) Use of scientific evidences; d) Establishment of the new tax administration system; and e) Implementation of methodologies on criminal prosecution aimed at criminal structures and illicit markets.

24. Other measures taken include the extension of the geographical coverage of the Special Prosecutor's Office for Women and Children Victims, and the implementation of an integral attention model. In order to be in conformity with the Law against sexual violence, the Prosecutor's offices for trafficking in persons and human rights was also created. Mrs. Contreras mentioned that, in 2012, seven conviction sentences were issued related to the protection of human rights defenders, and three concerning attacks against journalists.

25. Mrs. Contreras also stated that, in 2011, the Public Prosecutor's Office Unit was created to deal with crimes against trade union members. The Public Prosecutor's Office is part of a board composed of the Ministry of Labour, the Judiciary, and the Ministry of Foreign Affairs. The board is aimed at following-up the implementation of ILO Convention No. 87. The board carried out a study of 58 cases which were systematized and categorized to determine whether or not the crimes were interlinked and targeting trade union members. As a result, the investigations were accelerated and will be concluded soon.

26. According to Mrs. Contreras, the Public Prosecutor's Office honoured its commitment to double the number of interpreters in indigenous languages. Today, Guatemala has 40 Maya interpreters in place, which will progressively increase.

27. **Intervention of Mrs. Lucy Lainfiesta, Minister of Social Development.** Mrs. Lainfiesta referred to the establishment of the Ministry of Social Development (MIDES), as one of the first governmental actions in line with Guatemala's commitment to progressively improve the rights of the most excluded people. After six months, MIDES became operational and its social programmes are being articulated through the Cabinet of Social Development. Transparency, accountability, and implementation of the Law on Access to Public Information have been achieved. A database was also created and 800 000 women benefiting from the programme on conditional cash transfers, have now access to banking services.

28. Mrs. Lainfiesta added that the Government has been leading exceptional efforts deployed to address malnutrition and its causes. Through the Pact *Zero-Hunger*, the President has called all the actors to work on: a) the 1000-day window to address chronic malnutrition; 2) integral rural development, and 3) the prevention of deaths caused by malnutrition. Thanks to the attention provided, the mortality rate related to extreme malnutrition has decreased from 22/1000 to 13/1000.

29. Guatemala is seeking to strengthen its institutional system, in order to implement the Law of Integral Protection of Children and Adolescents. In 2012, the investment to this sector increased to 20% of the budget. Guatemala has taken actions such as: a high level technical board established to support the children rights; criminalization of abuse against children; approval of the law on the alerting system ALBA-KENETH, to protect children from sexual violence and trafficking;; creation of specialized courts and the Attorney General's Office for Children and Adolescent; a protection system at municipal level is also being implemented.

30. The Minister of development stated that legislation, policies and institutional mechanisms were harmonized to eliminate the worst forms of child labour, which have been criminalized. She also mentioned that regulations to ILO Convention No.182 are currently in force; and that the National Commission to Eliminate Child Labour is developing guidelines to enrol children into schools, and to incorporate their families into social programmes.

31. Regarding the rights of persons with disabilities, among actions undertaken by Guatemala to implement the law and policies in this matter, Mrs. Lainfiesta mentioned that during the 2011 elections, special measures were taken to guarantee the right to vote of

persons with disabilities such as special ballot boxes and papers in braille. A bonus for poor families with a member with disabilities is also granted.

32. Regarding measures for the Juvenile, Mrs. Lainfiesta referred to the creation of the Cabinet and the policy to promote the young people's development and participation that, including the strategy "*Jovenes protagonistas*", aimed at promoting their artistic, sportive and technological development. The programme of grants for employment seeks their integration into the formal labour market.

33. Mrs. Lainfiesta also referred to the programme assisting elderly persons without social protection, which was strengthened, incorporating social programmes; and to the several centres of daily attention for elderly persons which were also put in place.

34. Mrs. Lainfiesta concluded indicating that MIDES supports the enjoyment of indigenous rights, by extending the participation of indigenous peoples in social programmes and by assisting them in strengthening their identity; and that development plans are being carried out in regions such as *El Polochic*.

35. **Intervention of Ms. Elizabeth Quiroa, Presidential Secretary of Women.** Ms. Quiroa stated that, through the National Policy of Promotion and Integral Development, and its Plan of Equality of Opportunities (2008-2023) Guatemala gives priority to the implementation of the rights of mayas, garífunas, xincas and mestizo women. She referred to actions taken to protect and promote the rights of women such as: a) the Lands Fund and the Secretary of Agrarian Affairs working together to respond to the women requests to access to land and housing; b) the concept of peasant economy being incorporated into the policy of rural integral development, for which peasant women are a priority. In this regard, actions have been taken with the banking institutions; c) the gender and the ethnic dimensions being taken into account when designing the budget structure; and d) the creation of a specific cabinet for women was created, headed by the Vice-President.

36. Regarding violence against women, Ms. Quiroa referred to efforts undertaken to strengthen the information and registration of different types of violence; and indicated that SEPREM coordinates the Articulated Inter-Institutional Plan to Address Prevention of Violence against Women. She added that, in 2011, a protocol to identify and provide assistance in cases of violence was implemented within the National Education System, and that in 2012, the Ministry of Education put in place several strategies to prevent violence against children from a human rights perspective, such as the media campaign "ALTO" and the pilot plan of municipal pacts, to prevent violence against women in four departments.

37. Regarding access to justice for women, Ms. Quiroa highlighted the establishment of the Justice Centre for Femicide and other forms of Violence against Women, which initiated its activities on 5 October. She also mentioned that the following tools were also created: the inter-institutional Protocol against Sexual Exploitation and Trafficking, and the inter-institutional Protocol for the repatriation of victims of trafficking. In addition, in 2011, the first shelter for victims of trafficking was established. She added that seven centres of integral attention are in place and the approval of three additional centres is in process. In 2012, the public investment increased 20% with respect to the previous four years.

38. Ms. Quiroa indicated that, through the Unit of health attention for indigenous peoples, the Ministry of Public Health and Social Assistance designed a proposal for a complaint procedure that has been supported by the hospitals and health centres in four departments and its implementation in the whole country is expected.

39. Ms. Quiroa added that, from 2011, the programme "restitution of rights" is being implemented. It is aimed at creating favourable conditions for restitution of rights to victims, and that they have a living project allowing them to satisfy their basic, emotional and social requirements.

40. Ms. Quiroa also highlighted that, in 2011, for the first time in the history, a woman was elected Vice-President of Guatemala.

B. Interactive dialogue and responses by the State under review

41. During the interactive dialogue, 55 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

42. Uruguay highlighted the adoption of the Rome Statute, CRPD, the Law against Femicide and the Law against sexual violence, exploitation and human trafficking. It welcomed the creation of the Ministry for Social Development as crucial to alleviating poverty. It expressed concern over the high number of unregistered births. Uruguay noted progress in follow-up on treaty and UPR recommendations. Uruguay made recommendations.

43. Venezuela (Bolivarian Republic of) appreciated efforts to implement the Zero Hunger Pact; social programs to combat poverty; actions on access to education and illiteracy reduction; the Holistic Health Care Model and the Accessibility to Medicine Program; and the Presidential Committee against Racism and Discrimination of indigenous peoples, recognising the multi-ethnic nature of Guatemala. Venezuela made a recommendation.

44. Algeria welcomed the inclusive approach in Guatemala's second report and its significant progress in human rights. It recognised government actions in favour of the poor and establishing programs to increase access to education. It welcomed the 2012 creation of the Social Development Ministry. It acknowledged progress in women's rights. Algeria made recommendations.

45. Argentina commended the ratification of the Rome Statute and CRPD. It commended Guatemala as depository of the OP-CAT and for implementing the Zero Hunger Plan. It encouraged Guatemala to continue to fight against impunity for serious human rights crimes committed during the internal armed conflict. Argentina made recommendations.

46. Australia welcomed the proposed Constitutional reforms, ratification of the Rome Statute and the homicide rate reduction. It expressed concern about the withdrawal of the death penalty moratorium, extra-judicial killings, intimidation of human rights defenders and journalists and the fact that perpetrators of violence against women are not brought to trial. Australia made recommendations.

47. Austria commended the Rome Statute ratification the International Commission against Impunity extension. It remained concerned about attacks on human rights defenders and journalists, requesting information on the special unit established. Austria also expressed concern about high levels of violence, and asked about the review of the Action Plan on violence against women. It asked about legislation to prohibit corporal punishment. Austria made recommendations.

48. Bangladesh recognised 3 major national pacts to address pressing social needs. It acknowledged Guatemala's commitment to cooperation despite challenges and obstacles. It reiterated concerns about punish ability and violence against indigenous peoples and others. It requested information on measures taken to address this situation. Bangladesh made a recommendation.

49. Belarus commended high level of interaction with special procedures. It welcomed measures to improve legislation to combat trafficking in persons. It noted a law and a secretariat to counter sexual violence, provide police training and disseminate information.

50. It recognised problems and expressed concern about child labour and sale of children for adoption. Belarus made recommendations.
51. Bolivia (Plurinational State of) highlighted legislative progress to prevent violence against women and the adoption of the law against femicide and other forms of violence against women and the law against sexual violence, exploitation and human trafficking, noting that this enabled Guatemala to reform its criminal code. Bolivia made recommendations.
52. Brazil noted measures to follow up on recommendations. It also noted the signature of and intention to ratify the OP-CAT, the presidential commission on discrimination and racism against indigenous peoples, and the program to defend indigenous women. Brazil welcomed the Zero Hunger Pact and encouraged Guatemala to ensure policy effectiveness. Brazil made recommendations.
53. Canada noted steps taken by Guatemala to adopt measures to protect human rights defenders and ensure investigation and punishment of crimes against them and requested an update in this regard. It commended the government's prioritisation of the most critical issues and its ensuing actions. Canada made recommendations.
54. Chile noted progress in ensuring enjoyment of human rights, particularly in the framework of social policies. It welcomed the institutional coordination by establishing mechanisms to disseminate human rights. It commended the efforts made on public security with a human rights approach, which is a very complex issue. Chile made recommendations.
55. China appreciated Guatemala's constructive approach to the UPR. It commended 3 major national pacts. It commended adoption of CRPD, support for women victims of violence and social programs for the poor. China understood the challenges facing the government and hoped the international community would provide support. China made recommendations.
56. Costa Rica welcomed the ratification of the Rome Statute, CRPD and OP-CAT. It acknowledged Guatemala's commitment to the universal human rights protection system, the national mechanism against torture, and its cooperation with the National Commission on Impunity. It was concerned over high levels of violence and inequalities facing indigenous peoples. It asked Guatemala's position on the death penalty and accession to ICCPR-OP2. It made recommendations.
57. Cuba commended significant human rights progress. It highlighted strengthened institutions, including the Ministry for Social Development. It commended steps to combat gender-based violence; progress in economic, social and cultural rights; prioritizing the fight against poverty; programs on rights to food, education and health; and efforts to protect indigenous peoples' rights, particularly women's literacy. Cuba made recommendations.
58. Czech Republic highlighted the issue of human rights defenders and requested information on government cooperation with civil society to raise awareness of the importance of human rights defenders. It welcomed the adoption of the law against femicide. It made recommendations.
59. Ecuador acknowledged Guatemala's significant human rights progress and UPR recommendations' implementation. It highlighted the adoption of the Rome Statute; CRPD ratification; the adoption of the law on the National Mechanism to Prevent Torture, Law against femicide and sexual violence, and Law against sexual violence, exploitation and human trafficking; and Guatemala's Social Development Policy to alleviate poverty. Ecuador made recommendations.

60. Finland welcomed efforts to protect children's rights but expressed concern over illegal international adoptions and the vulnerability of poor and indigenous families in this regard. Finland noted Decree 77-2007 and the CICIG recommendations for implementation. It asked what measures are being taken to implement them. Finland made a recommendation.

61. France raised concerns about the high rate of crime and impunity and asked about the measures planned for training and professionalization of judiciary and police. It expressed concerns about aggression against human rights defenders and asked what measures are planned to protect their rights. France made recommendations.

62. Germany recognised efforts to improve human rights. It commended progress in fighting impunity and welcomed ratification of the Rome Statute. While acknowledging a slight decrease in violent deaths, it raised concerns about alarmingly high levels of violence and the legal framework on arms. Germany asked what measures were planned to limit acquisition and bearing of arms. Germany made a recommendation.

63. Greece congratulated Guatemala on progress in fighting domestic violence and the adoption of related laws. Greece asked about further planned measures to combat domestic violence in practice. It acknowledged positive measures on adoption and recognised positive efforts made on the rights of indigenous peoples. Greece made recommendations.

64. The Holy See noted the significant steps taken in human rights and the constitutional protection of human life. It congratulated Guatemala on the constitutional, social, economic and legal protections for families. It commended the implementation of recommendations from the last UPR. It made recommendations.

65. Honduras acknowledged Guatemala's fulfilment of international human rights obligations, including UPR recommendations. It highlighted progress in fighting femicide and violence against women, acknowledging the national commission and task force to fight and investigate crimes against women and the law on femicide. It noted commutation of death penalties into life sentences. Honduras made recommendations.

66. Hungary noted accession to the Rome Statute, CRPD and OP-CAT. It noted attacks against human rights defenders, appreciating Guatemala's response to this concern. It was concerned about public security, requesting information on plans to address it; overcrowded prisons; and discrimination against indigenous peoples. It commended progress in addressing crimes against women. Hungary made recommendations.

67. Indonesia commended the inclusive approach to preparing the UPR; and Guatemala's prioritisation of violence against women. It emphasised the importance of human rights institutions outside the capital city. Indonesia made recommendations.

68. Iraq commended the election of a woman president for the first time and attempts to improve the standard of living without discrimination. Iraq welcomed the adoption of conventions. It enquired about the mechanisms to combat gender violence and human trafficking. Iraq made recommendations.

69. Ireland welcomed the act on Femicide and Other Forms of Violence against Women and the establishment of special courts in this respect, but remained concerned at high levels of violence against women. It was concerned about reports that indigenous populations were removed from their land without prior consultation and that protesters were ill-treated. Ireland made recommendations.

70. Italy commended accession to the Rome Statute and welcomed the death penalty moratorium, asking if Guatemala intended to abolish it and accede to ICCPR-OP2. Italy recognised progress on child labour; strong legislation addressing violence against women, asking about Guatemala's intentions to support related investigations; and regional bureaus

to defend indigenous women. It requested information on steps to increase women's participation. Italy made a recommendation.

71. Liechtenstein welcomed Guatemala's measures to strengthen child protection, following recommendations by the Committee on the Rights of the Child, but noted this committee's repeatedly voiced concern relating to continued corporal punishment in the home, alternative care settings and traditional justice systems and the absence of its explicit prohibition in schools. Liechtenstein made recommendations.

72. Luxembourg welcomed Guatemala's commitment to and efforts deployed in improving food security and encouraged the Government to forge ahead in the fight against child malnutrition. Progress remains to be made in the situation of women and girls, insofar as they continue to be victims of multiple discriminations. Combating impunity represents a major challenge in Guatemala. Luxembourg made recommendations.

73. Malaysia was encouraged by Guatemala's move to ratify and accede to a number of human rights instruments and by its assertive approach to preventing violence against women, improving living conditions of the poor and indigent and strengthening legislation on the rights of children, adolescents and indigenous people. Malaysia made recommendations.

74. Mexico welcomed Guatemala's progress on indigenous peoples' rights and the administration of justice for serious violations that occurred during the armed conflict. It welcomed the ratification of the Rome Statute and the Convention on the Rights of People with Disabilities and renewal of the mandate of the International Commission against Impunity. Mexico made recommendations.

75. Morocco congratulated Guatemala for making prevention of violence against women a key issue and for adopting several measures to strengthen legislation in this area, particularly the legislation supporting the fight against femicide and other forms of violence, including sexual violence, against women and the exploitation and trafficking in persons.

76. The Netherlands emphasized the importance of Guatemala's accession to the Rome Statute. It also welcomed the work of Guatemala's fiscal ministry in the fight against impunity. It made recommendations.

77. Nicaragua commended Guatemala's serious commitment to addressing human rights issues and the progress it has made since 2008. It highlighted Guatemala's social and economic solidarity programmes, the work conducted in the area of citizen security and the on-going fight against all forms of violence. Nicaragua made a recommendation.

78. Norway appreciated the opportunity to engage in further dialogue with Guatemala on human rights. Norway made recommendations.

79. Paraguay welcomed Guatemala's openness to international human rights mechanisms; advances in strengthening national human rights institutions aimed at combating femicide, sexual violence and human trafficking; and indigenous peoples' discrimination. It praised Guatemala's holistic care system for female victims of violence, legislation implementing the national mechanism against torture, its CRPD ratification, and its leadership in indigenous peoples' rights. Paraguay made recommendations.

80. Peru recognised Guatemala's firm commitment to improve the living conditions of all citizens and ensure their full enjoyment of human rights. Peru highlighted Guatemala's Zero Hunger; Security, Justice and Peace; and Fiscal pacts and its adoption of legislation against femicide, violence against women, sexual violence, exploitation and human trafficking. Peru made recommendations.

81. The Philippines acknowledged Guatemala's affirmative measures regarding women and children rights, particularly legislation addressing discrimination and violence against women and exploitation and trafficking in persons. It welcomes Guatemala's system for locating missing and abducted children, policies protecting the rights of migrants and their families, and establishment of human rights organizations. It encouraged Guatemala to adhere to international standards. It made recommendations.

82. Qatar noted that Guatemala's successful implementation of the first cycle of UPR recommendations is demonstrated by its legislative and executive reforms. It congratulated Guatemala on establishing the Social Development Ministry and hoped this will contribute to improving living standards and coordination of social policies. Qatar commended Guatemala's accession to the international Convention on Persons with Disabilities. Qatar made recommendations.

83. The Republic of Korea welcomed efforts by Guatemala to promote and protect human rights, but regretted that they have not resulted in strong, tangible improvements. Many organisations are recommending a fundamental reform of the justice system to prevent impunity. A number of social vulnerabilities within Guatemala's indigenous population were also noted. It made recommendations.

84. The Republic of Moldova recognised Guatemala's deep commitment to promoting and protecting human rights and congratulated it on its efforts to combat discrimination against women, as well as the prevention and eradication of violence against women. It also recognised Guatemala's activities in fighting against corporal punishment of children. It made recommendations.

85. Romania noted the various Acts adopted by Guatemala and its special courts for femicide and other forms of violence against women, which nevertheless remains an issue of high concern. Romania appreciated Guatemala's commitment to further action and measures to enhance the promotion and protection of human rights. Romania made recommendations.

86. Rwanda commended Guatemala's commitment to following up and implementing previous UPR recommendations. It acknowledged Guatemala's efforts in strengthening the institutional system through a decentralisation process and various socio-economic measures to uplift and improve the rights of its people. Like all countries, Guatemala faces some challenges to the full enjoyment of all human rights. Rwanda made recommendations.

87. Singapore noted the legislative efforts of Guatemala in the protection of women and the establishment of the Presidential Commission for Combating Femicide. Singapore noted Guatemala's emphasis on reforming the National Civil Police and its establishment of various Interior Ministry task forces to better coordinate inter-agency efforts to combat crime. Singapore made recommendations.

88. Slovakia recognised Guatemala's dedication to advance its human rights record and noted the progress achieved in bringing to justice those allegedly responsible for serious human rights violations committed during the past internal armed conflict. It praised Guatemala's ratification of CRPD in 2009 and OP-CAT in 2008 as well as its cooperation with UN human rights mechanisms. Slovakia made recommendations.

89. Slovenia commended Guatemala's human rights' progress since the first UPR, particularly the ratification of CRPD, OP-CRPD, OP-CAT and the Rome Statute. Nevertheless, it raised concerns that indigenous people remain excluded from social, political and cultural spheres. Slovenia made recommendations.

90. Spain commended Guatemala for ratifying the Rome Statute; creating the national mechanism for the prevention of torture; signing the Convention on Cluster Munitions; cooperating in full with the International Commission on Impunity; and creating the

Ministry of Social Development. It welcomed Guatemala's commitment in combatting femicide. Spain made recommendations.

91. Sri Lanka noted several national agencies aimed at alleviating poverty and praised the Zero Hunger, Security, Justice and Peace and Fiscal Pacts. It welcomed the educational programmes embracing equal access to education; health initiatives for the poor; its commitment to promote equality of indigenous peoples' rights; and its prioritization of the promotion and protection of women and children's rights. It made recommendations.

92. Sweden recognised the advanced Guatemalan legal framework on child protection, although sexual exploitation, forced labour, chronic malnutrition and adolescent pregnancies remain major concerns. Sweden welcomed positive steps regarding violence against women, including the adoption of laws and establishment of femicide courts, but noted that levels of violence and impunity remain high. It congratulated Guatemala for acceding to the Rome Statute. Sweden made recommendations.

93. Switzerland emphasised that impunity remains a major problem in Guatemala and that public security is not guaranteed. Switzerland was concerned by discrimination against the indigenous population and that, despite certain progress in the normative framework, violence against women remains widespread and Human Rights Defenders are subject to threats and attacks. Switzerland made recommendations.

94. Thailand commended the Guatemalan Government's serious promotion and protection of the rights of indigenous peoples, its ratification of the CRPD and its establishment of the National Council for Persons with Disabilities. Thailand supported policies to combat gender-based violence and promote gender equality, but was concerned by the high number of women subjected to domestic violence. Thailand made recommendations.

95. Trinidad and Tobago noted Guatemala's efforts to improve living standards and to promote and protect human rights through national pacts. It praised the all-inclusive consultative process implemented to prepare the National Report and Guatemala's accession to the Rome Statute and the conventions on the Rights of Persons with Disabilities and on Cluster Munitions. It made recommendations.

96. The United Kingdom of Great Britain and Northern Ireland welcomed the establishment of task forces on specific issues as a step toward long-term, sustainable resolutions and the recognition of the needs of indigenous people in proposals to reform Guatemala's Constitution. It was concerned by instances of gender-based violence and attacks against Human Rights Defenders. It made recommendations.

97. The United States of America was encouraged by Guatemala's increasing efforts to investigate and prosecute human trafficking, although these investigations have not focused on possible official complicity. Remaining concerns include the worst forms of child labour, labour law administration and enforcement deficiencies and the safety of members of vulnerable groups. It made recommendations.

98. In his closing remarks, H.E. Mr. Arenales-Forno thanked for the received recommendations that are in accordance with the governmental policies, and therefore Guatemala accepts the majority of them. Mr Arenales-Forno added that most of the questions posed have a reply in the preliminary interventions of the delegation, as well as in the document transmitted to the States replying to their advanced questions.

99. He highlighted that:

(a) In order to legally regulate consultation with the indigenous peoples, in conformity with ILO Convention No.169, the government Cabinet received ILO representatives and high officials of the government of Peru –which is the only country

having a Law and Rules in this regard. Guatemala expects that its regulatory law will be enacted soon.

(b) The Head of the Delegation stated that, from 2001, there have not been any death penalty sentences, and it corresponds to Congress its abolition. He recalled that there is a de facto moratorium to death penalty.

(c) Regarding judicial cases related to the armed conflict, Mr. Arenales-Forno reiterated that the Superior Courts of Guatemala should settle the debate over the interpretation about the exceptions and scope of the Amnesty, agreed during the peace negotiation in 1996, with the participation of the United Nations.

(d) Regarding the recent events that occurred in Totonicapán, where eight persons were killed, the Head of the Delegation indicated that a judicial process was initiated, and that the government is collaborating with the Public Prosecutor's Office and the Judiciary in order to carry out an impartial investigation.

II. Conclusions and/or recommendations

100. The recommendations formulated during the interactive dialogue/listed below have been examined by Guatemala and enjoy the support of Guatemala:

100.1. **Ratify the Optional Protocol to ICESCR and the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty (Spain);**

100.2. **Consider the definitive abolition of the death penalty in its domestic legislation and its accession to the related international instrument on the matter (Ecuador);**

100.3. **Consider formally abolishing the death penalty and acceding to the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty (Honduras);**

100.4. **Consider the accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (Rwanda);**

100.5. **Consider ratifying the ICCPR-OP2 on abolition of death penalty (Philippines);**

100.6. **Consider ratifying ILO Convention 189 (Philippines);**

100.7. **Complete the process of full alignment of its national legislation with all obligations under the Statute and to accede to the Agreement on Privileges and Immunities of the Court (Slovakia);**

100.8. **Continue the process of full alignment between its national legislation and all obligations under the Rome Statute (Sweden);**

100.9. **Adopt a law specifically classifying the various manifestations of racial discrimination as punishable acts (Bangladesh);**

100.10. **Guaranty the compliance of Guatemala's legislation with the provisions of ICEDAW (France);**

100.11. **Adopt legislation concerning indigenous people based on international standards (Hungary);**

100.12. **Identify a follow up body which includes the Government, Civil Society, International Organizations and possibly representatives of agreeable**

donor countries, in order to fully implement the international recommendations, including those from the UPR (Uruguay);

100.13. Continue making progress in promoting the economic, social and cultural rights through strengthening of social programmes, currently undertaken by the Government for the benefit of its people (Venezuela(Bolivarian Republic of));

100.14. Expedite its on-going efforts in developing comprehensive strategies, plans, programmes and projects with a view to improve the protection of women in Guatemala (Indonesia);

100.15. Strengthen promotional policies for women (Luxembourg);

100.16. Implement policies and programmes preventing violence against women and children (Switzerland);

100.17. Strengthen its efforts to eradicate child labor, improving coordination among the numerous national institutions dealing with the rights of the child (Italy);

100.18. Promote human rights in police and judicial cooperation by empowering the human rights units in state institutions through adequate funding, coordination and institutional capacity-building (The Netherlands);

100.19. Allocate adequate financial resources and ensure effective coordination among State institutions mandated to strengthen the implementation of the rights of the child (Sweden);

100.20. Take relevant steps to further promote and protect the rights of women (Sri Lanka);

100.21. Continue promoting the repeal of prevailing discriminatory provisions against women and girls, especially those in the Civil and Criminal Codes (Mexico);

100.22. Repeal of all discriminatory legislation against women, including in the Labour, Civil and Criminal Codes (Romania);

100.23. Adopt a general strategy to eliminate gender stereotypes (Republic of Moldova);

100.24. Adopt an overall policy and strategy and take action to eliminate gender stereotypes, gaps and all forms of discrimination that women still face (Rwanda);

100.25. Continue efforts to eliminate gender stereotypes and to repeal all discriminatory legislation against women, in the labour, civil and penal codes (Brazil);

100.26. Provide adequate funding and adopting the necessary measures for the effective implementation of the ICRPD that Guatemala had ratified in 2009 (Malaysia);

100.27. Consider the possibility of strengthening the necessary measures for the protection and integration of LGBT persons (Argentina);

100.28. Consider the abolition of the death penalty (Romania);

- 100.29. Take steps toward abolishing the death penalty entirely, while commuting the existing sentences to life imprisonment terms (Slovakia);
- 100.30. Continue with its enormous efforts to fight against violence in all its forms (Nicaragua);
- 100.31. Thoroughly investigate and promptly prosecute cases of femicide and other acts of violence against women (Australia);
- 100.32. Share the process of implementation of the recent Law on Femicide, particularly concerning the training of the judiciary (Chile);
- 100.33. Devote adequate resources, in particular financial resources and personnel, to combating femicide and all forms of violence against women (Czech Republic);
- 100.34. Consider allocating sufficient financial resources to effectively implement the Law against Femicide, in accordance with recommendations of CEDAW (Honduras);
- 100.35. Allocate necessary financial and human resources to these mechanisms and organizations (Ministry of Social Development; Presidential Commission for Combatting Femicide; Secretariat on Sexual Violence, Exploitation and Trafficking in Persons; and National Commission on Police Reforms) to ensure that their objectives are achieved (Philippines);
- 100.36. Provide necessary financial resources for the application of the law concerning femicide, as well as of the National Plan for the Prevention of Domestic Violence and Violence against Women (Romania);
- 100.37. Enhance the promotion and protection of women's rights, including addressing violence against women and femicide (Trinidad and Tobago);
- 100.38. Continue its efforts to enhance the protection of women against violence (Singapore);
- 100.39. Continue with the full implementation of the Law against Femicide and other forms of violence against women (Spain);
- 100.40. Continue to strengthen its efforts to prevent sexual and gender-based violence by ensuring the provision of financial resources for the full implementation of the legal framework, including mandatory training with a gender perspective of all legal and law enforcement officials and health service personnel in order to ensure that they are able to respond effectively to all forms of violence against women (Sweden);
- 100.41. Adopt concrete measures to ensure gender sensitive training of persons involved in investigation, prosecution and assisting victims of violence against women (Czech Republic);
- 100.42. Continue all relevant efforts in order to better address domestic violence (Greece);
- 100.43. Implement and adequately fund the National Plan for the Prevention of Domestic Violence and Violence against Women (Thailand);
- 100.44. Enhance legal protections for women, including by improving the investigation, prosecution and prevention of violence against women and fully implementing the National Action Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (Austria);

- 100.45. Pursue the efforts to facilitate access for women victims of violence to justice and particularly to fully implement the 2004-2014 prevention of domestic violence National Plan, in order to reach the objective established in the Plan (Algeria);
- 100.46. Maintain and expand the initiatives undertaken to reduce and eliminate sexual violence as well as exploitation and human trafficking while at the same time, provide services to and protect victims (Holy See);
- 100.47. Continue efforts to fight discrimination and violence against women as well as trafficking in persons (Qatar);
- 100.48. Take the necessary measures to adequately implement the national plan for the prevention and eradication of domestic violence and violence against women (Republic of Moldova);
- 100.49. Defend and protect women from all violence especially women prisoners (Iraq);
- 100.50. Improve the conditions of detained persons in accordance with the Standard Minimum Rules for the treatment of prisoners (Hungary);
- 100.51. Improve living conditions of inmates and carry out rehabilitation plans in penitentiaries (Spain);
- 100.52. Adopt further measures to ensure that any act of threat or reprisal against human rights defenders is effectively investigated, prosecuted and punished (Czech Republic);
- 100.53. Take steps to ensure a reduction in the attacks on anyone working to promote and protect human rights and to bring the perpetrators of such attacks to justice (Norway);
- 100.54. Continue increasing efforts countering the trafficking of persons including issuing an invitation to the Special Rapporteur on trafficking in persons, in particular women and children. (Belarus);
- 100.55. Take additional measures to eliminate criminal networks involved in the sale of children, including for the purposes of illegal adoption. (Belarus);
- 100.56. Enact legislation to explicitly prohibit corporal punishment of children in all settings, including the home and in schools (Liechtenstein);
- 100.57. Introduce legislative reforms to expressly prohibit corporal punishment against children in all settings (Republic of Moldova 3);
- 100.58. Create an effective abuse detection system in the educational, health and alternative care systems, in order to discourage the use of violence and to provide assistance to victimised children (Liechtenstein);
- 100.59. Implement all the recommendations of the International Commission against Impunity in Guatemala (CICIG) and ensure that adequate resources are available to strengthen the responsible institutions (Finland);
- 100.60. Continue efforts to counter insecurity and drug trafficking using the most effective measures including the improvement of the police force and the judicial system (Holy See);
- 100.61. Provide sufficient resources for gender-sensitive training of law enforcement officers and of the judiciary to improve the investigation and prevention of violence against women (Ireland);

- 100.62. Take all measures necessary to reduce the homicide rate, especially by allocating substantial resources for strengthening the national civil police and for reforming the justice system to ensure the prosecution of those committing homicide (Republic of Korea);
- 100.63. Expand judicial system reforms with a view to progressing towards independence of the judiciary and improving the fight against impunity (Spain);
- 100.64. Continue to enhance the rule of law by strengthening its law enforcement agencies (Singapore);
- 100.65. Provide a sustainable solution to tackling impunity by ensuring that the International Commission Against Impunity in Guatemala and the Guatemalan government agree an exit strategy that leaves behind a properly resourced and staffed justice mechanism with sole responsibility for tackling impunity (United Kingdom of Great Britain and Northern Ireland);
- 100.66. Complete the transfer of capacity from the International Commission Against Impunity in Guatemala to Guatemalan institutions and protect those made most vulnerable to crimes because of impunity, including judges, witnesses, prosecutors, human and labour rights defenders, journalists, and trafficked persons (United States of America);
- 100.67. Continue strengthening measures to ensure free birth registration of all children at birth, as well as to identify all children who have not been registered or have not obtained an identity document (Uruguay);
- 100.68. Implement a specific strategy of birth registration for indigenous communities based on the respect of their culture (Uruguay);
- 100.69. Adopt flexible measures of birth registration, with the objective of reducing the significant number of children without civil registration (Brazil);
- 100.70. Continue promoting measures to ensure the right to identity for children in rural areas (Chile);
- 100.71. Prepare and implement a specific birth registration strategy for indigenous peoples (Slovenia);
- 100.72. Enhance efforts in order to better serve the interests of the child on the issue of adoption (Greece);
- 100.73. Ensure the effective implementation of the UN Declaration on Human Rights Defenders and improve the protection of human rights defenders (Austria);
- 100.74. Ensure a safe working environment for journalists and continue to take proactive measures against impunity (Austria);
- 100.75. Ensure free access to information for the population of Guatemala through the effective protection of journalists and media as they are occasionally threatened by drug traffickers and organized crime (Holy See);
- 100.76. Seek to protect human rights defenders especially journalists and trade union members (Iraq);
- 100.77. Carry out concrete actions, including those of an administrative or budgetary nature, to consolidate effective communication channels with civil society and to promote the development of education programmes (Mexico);

- 100.78. Follow up its Constitutional Court decision that urges the legislative power to reform the legislation concerning access of indigenous people to radio frequencies to promote, develop and diffuse their languages, traditions and other cultural expression and reform the law on radio communication in order to guarantee the proper and free functioning of local radios (Norway);
- 100.79. Educate the national security forces to effectively uphold law and order particularly when policing demonstrations and large crowds by reviewing and enhancing security training programmes on crowd control techniques and implementing non-aggressive strategies (United Kingdom of Great Britain and Northern);
- 100.80. Provide the necessary resources, personnel and authority to the Ministry of Labour to effectively enforce Guatemalan labour law, and comply with internationally recognized worker rights (United States of America);
- 100.81. Pursue the implementation of the Zero Hunger programme in order to reach the largest possible number of municipalities. (Algeria);
- 100.82. Fulfil its commitment to reducing chronic malnutrition by 10% in four years including through the development of a long term strategy to reduce inequalities related to access to food (Canada);
- 100.83. Adopt necessary and effective measures to eradicate child labor in the framework of social and poverty reduction programmes (Costa Rica);
- 100.84. Continue implementing programmes to guarantee the enjoyment of economic, social and cultural rights, in particular the right to education and the right to health (Cuba);
- 100.85. Pursue the efforts to eradicate poverty and promote social justice (Cuba);
- 100.86. Continue developing and strengthening actions aimed at eradicating poverty and public policies aimed at guaranteeing equality of the entire population (Ecuador);
- 100.87. Back efforts to counter malnutrition with structural strategies which focus on the causes of poverty and hunger (Luxembourg);
- 100.88. Intensify its efforts on the improvement of mechanisms to further protect the rights of children and the advancement of the economic well-being and standard of living of the poor (Malaysia);
- 100.89. Implement targeted, sustainable and effective measures to reduce the alarmingly high rate of children suffering from chronic malnutrition, especially among the indigenous population, where eight of ten children are affected, according to UNICEF (Norway);
- 100.90. Effectively Implement the three main National Pacts (Zero Hunger Pact; Pact for Security, Justice and Peace; and Fiscal Pact), aimed at improving living conditions of the population in general and in particular of groups living in poverty and extreme poverty (Peru);
- 100.91. Continue strengthening the programmes to eradicate extreme poverty (Paraguay);
- 100.92. Further strengthen and improve the social security system, increase people's living standards (China);

- 100.93. **Continue efforts to protect and promote economic, social and cultural rights, especially in the field of food, health and education (Qatar);**
- 100.94. **Take steps to ensure access to safe drinking water for all the indigenous communities (Slovenia);**
- 100.95. **Increase the coverage and accessibility of medical services for women, with a special focus on the needs of indigenous women and women in rural areas (Liechtenstein);**
- 100.96. **Take further steps to improve the quality and accessibility to health care facilities and services in rural communities (Sri Lanka);**
- 100.97. **Intensify efforts to improve the delivery of health services (Trinidad and Tobago);**
- 100.98. **Continue public policies aimed at the reduction of illiteracy rates (Paraguay);**
- 100.99. **Increase the investment to education and take further measures to lower the illiteracy rate, especially the illiteracy of the female (China)¹;**
- 100.100. **Take the necessary measures to eliminate the limitations suffered by children with disabilities in accessing education, health and other services (Argentina);**
- 100.101. **Ensure access to education, health, cultural life and services for children with disabilities and give them the necessary support to enable them to exercise their rights as active members of their communities (Thailand);**
- 100.102. **Focus on addressing discrimination against persons with disabilities (Trinidad and Tobago);**
- 100.103. **Maintain actions and policies that address the situation of its indigenous peoples (Trinidad and Tobago);**
- 100.104. **Continue to move forward in the execution of projects aimed at protecting women, specifically indigenous women (Bolivia);**
- 100.105. **Ensure the highest standards for the protection of indigenous peoples in order to eliminate the remaining structural inequalities that continue to have an adverse impact on indigenous peoples (Bolivia);**
- 100.106. **Undertake a dialogue process with indigenous peoples to seek an appropriate consultation mechanism regarding the adoption of measures affecting indigenous peoples (Costa Rica);**
- 100.107. **Systematically continue the positive efforts undertaken regarding the rights of indigenous peoples (Greece);**
- 100.108. **Continue its efforts to facilitate and promote indigenous peoples' access to education, sanitation, property, and public positions (Holy See);**
- 100.109. **Adopt national legislation to fully implement the ILO Convention No. 169 on indigenous and tribal peoples. Particular focus should be put on the indigenous peoples' right to be consulted at all levels of decision-making, in**

¹ The recommendation as read during the interactive dialogue: "Continue the efforts to combat violence and crime in order to maintain the social harmony and stability (China 2)"

policy, legislative, administrative and development processes affecting them.(Norway);

100.110. Continue its efforts aimed at regulating the consultation process so that public policies reflect the effective participation of indigenous peoples in its implementation (Paraguay);

100.111. Continue efforts aimed at establishing and implementing a consultation mechanism with indigenous peoples, in accordance with national and international legislation (Peru);

101. The recommendations formulated during the interactive dialogue/listed below were noted by Guatemala. Guatemala views on the recommendations noted are included in an addendum to the report of the Working Group A/HRC/22/8/Add.1)

101.1. Continue strengthening the efforts to ratify the ICED (Argentina);

101.2. Reconsider the ratification of the ICED and promote the prompt acceptance of the CERD's competence, in accordance with art. 14 of the Convention (Mexico);

101.3. Complete the ratification process for the ICED (France);

101.4. Ratify the ICED (Spain);

101.5. Abolish the death penalty in the law and ratify the Second Optional Protocol to the ICCPR (France);

101.6. Review its national legislation to ensure full alignment with the Rome Statute of the ICC and ratify the Kampala amendments to the Rome Statute (Liechtenstein);

101.7. Give priority to legislative recognition of the competence of CERD to receive and consider complaints from persons claiming to be victims of violation by the State, in accordance with article 14 of the Convention (Norway);

101.8. Consider an early ratification of the third OP to CRC on a communication procedure (Slovakia);

101.9. Adopt a legal instrument to protect the rights of the indigenous population especially in cases of land disputes and mining development (Republic of Korea);

101.10. Continue its efforts in strengthening the institutional human rights system through decentralization process, in particular by establishing a number of governmental human rights institutions in all its regions (Indonesia);

101.11. Re-establish a moratorium on the death penalty as a first step towards complete abolishment of this practice and accession to the Second Optional Protocol to the ICCPR (Australia);

101.12. Consider the possibility to allocate financial resources to implement the Law against Femicide and other Forms of Violence against Women and establish mechanisms to coordinate and monitor its enforcement (Uruguay);

101.13. Combat the increasing number of femicide-cases by ensuring the provision of financial resources for the effective implementation of the Law against Femicide and by implementing and adequately funding and

coordinating the National Plan for the Prevention of Domestic Violence and Violence against Women (The Netherlands);

101.14. Ensure effective and independent investigations into all reports of extrajudicial executions and ensure that reports of killings, threats, attacks and acts of intimidation against human rights defenders and journalists are thoroughly and promptly investigated and those responsible brought to justice (Australia);

101.15. Implement effective protective measures as well as immediate, independent and systematic investigations of abuses perpetrated against human rights defenders (Switzerland);

101.16. Continue to build on the successes achieved to date to improve access to the justice system and increase efforts to build national capacity in bringing about accountability such as the convictions related to the 1982 Dos Erres massacre (Canada);

101.17. Investigate and prosecute all crimes against humanity as well as cases of torture and disappearances in order to bring the perpetrators to justice (Germany);

101.18. Adopt and implement necessary legislation for the protection of human rights defenders in Guatemala, while acknowledging the efforts made in this area, but requesting to continue implementing legislation in that respect (Spain);

101.19. Take measures to improve the participation of all stakeholders, with a focus on women and indigenous people in decision making processes that could have an impact on future development of rural communities (Canada);

101.20. Thoroughly implement legislation and develop procedures involving civil society to ensure the protection of indigenous people, especially in the context of land disputes and forced evictions (Austria)

101.21. Protecting indigenous populations against mining companies and make them play a part in decision making (Iraq);

101.22. Implement a legislative framework for an appropriate and meaningful consultation procedure that will ensure genuine, free and informed consent of indigenous peoples in land disputes, as set out in the United Nations Declaration on Indigenous Peoples Rights (Ireland);

101.23. Safeguard legitimate rights of individuals belonging to indigenous communities in relation to land disputes, in particular in rural areas, reforming eviction procedures to comply with international standards (Slovakia);

101.24. Guarantee effective consultations with communities that might be affected by development projects and exploitation of natural resources (Slovenia);

101.25. Reform the Mining Law to guarantee indigenous peoples' right to their land, territories and natural resources (Norway);

101.26. Full participation of indigenous peoples in decision making concern them, and that they are consulted during the planning and implementation of major economic projects (Switzerland);

101.27. Develop a process, trusted by the public, for regular community-government consultations regarding concerns of indigenous peoples and local

community groups, including construction of infrastructure and other projects on their lands (United States of America);

102. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

III. Voluntary pledges and commitments

103. Guatemala made the following voluntary pledges and commitments:

Redesign the human rights institutional system of Guatemala.

104. Continue with its policy agenda to strengthen the specialized justice system to protect women.

105. Develop policies and programmes to prevent armed violence in order to reduce violent deaths, with particular attention to Juvenile.

106. Develop a programme of protection for journalists.

107. Continue with its permanent system to follow-up the recommendations, which was created by the Presidential Human Rights Commission, and includes the participation of the Civil Society and will permit to submit a mid-term report on the progress made to implement the received recommendations.

Annex

Composition of the delegation

The delegation of Guatemala was headed by Mr. Antonio Arenales Forno, Secretary of Peace and President of the Presidential Human Rights Commission, and composed of the following members:

- Ms. Lucy Lainfiesta, Ministry of Social development;
 - Ms. Elizabeth Quiroa Cuéllar, Presidential Secretary of Women (SEPREM);
 - Ms. Arkel Benítez, Fourth Vice-Ministry of the Justice Section, Ministry of Interior;
 - H.E Ms. Carla María Rodríguez Mancia, Ambassador and Permanent Representative of Guatemala before the United Nations Organisation in Geneva, Switzerland;
 - Ms. Aura Marina Mansilla, Human Rights Prosecutor, General Prosecutor Office;
 - Ms. Ana Gabriela Contreras, Secretary of International Issues and Cooperation, General Prosecutor Office;
 - Mr. Francisco Cali Tzay, Human Rights Director, Ministry of Foreigners Affairs;
 - Ms. Angela Chávez Bietti, Ministry Advisor, Permanent Mission of Guatemala before the United Nations Organisation in Geneva, Switzerland;
 - Mr. Carlos Escobedo Menéndez, Advisor, Permanent Mission of Guatemala before the United Nations Organisation in Geneva, Switzerland; Ms. Michelle Bran Alvarado, First Secretary and Consul, Permanent Mission of Guatemala before the United Nations Organisation in Geneva, Switzerland;
 - Ms. Sulmi Barrios Monzón, First Secretary, Permanent Mission of Guatemala before the United Nations Organisation in Geneva, Switzerland;
 - Mr. Juan Antonio Benard Estrada, Second Secretary, Permanent Mission of Guatemala before the United Nations Organisation in Geneva, Switzerland;
 - Ms. Ana Regina Toledo Ordóñez, Third Secretary, Permanent Mission of Guatemala before the United Nations Organisation in Geneva, Switzerland;
 - Ms. Claudia Siguenza, Social Scientist, Advisor of the Presidential Human Rights Commission (COPREDEH);
 - Ms. Helena Dávila Esquivel, Specialists on Civil and Political Rights, Human Rights Direction, Ministry of Foreigners Affairs.
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