

EXECUTIVE SUMMARY

1. Since Guatemala's last Universal Periodic Review (UPR) in 2018, widespread and systemic violence has continued, with threats and extortion carried out by criminal gang organizations acting with impunity. Police and other State actors fail to investigate and prosecute crimes, and often are complicit in the violence. Women, especially victims of sexual and domestic violence, children, LGBTIQ+ individuals, and Indigenous peoples remain most vulnerable to violence, extortion, and institutional lack of accountability.
2. The Advocates has received direct information about the human rights violations detailed in this stakeholder report from clients in the Guatemalan diaspora who have fled Guatemala to seek asylum in the United States. This stakeholder report addresses Guatemala's failure to comply with its international human rights obligations and makes recommendations to address and improve the human rights situation in Guatemala.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A47 Good governance, B52 Impunity, D31 Liberty and security general

Status of Implementation: Partially Accepted, Not Implemented

1. Guatemala accepted three recommendations to combat corruption¹ and four recommendations to cooperate and support the International Commission against Impunity.² Alarming, the government of Guatemala noted two recommendations³ about impunity, particularly to decentralize the International Commission against Impunity and ensure its independence. Guatemala supported two recommendations to address organized crime and its structural causes.⁴
2. Guatemala's justice system is unable to adequately control the dominance and violence of criminal gangs.⁵ Police and other government actors are reportedly frequently complicit or actively working with gangs,⁶ creating a sophisticated system of widespread institutional corruption,⁷ particularly in the police and judicial sectors.⁸ Police and military involvement has been documented in serious crimes such as kidnapping, drug trafficking, and extortion.⁹
3. While there have been recent attempts to combat the corruption within the Guatemalan State and to reduce the influence of cartels, gangs, and organized crime on the justice and security systems, these reforms have fallen short of instigating any real change. Reports have presented that in 2020 over 20 percent of Central American families that arrived at the Southern U.S. border were fleeing gang violence and threats.¹⁰
4. Since the International Commission Against Impunity in Guatemala (CICIG) ended in 2019, meaningful reform and prosecution of corruption have stopped in the country.¹¹ The current situation has worsened with the constant attacks and harassment of justice operators by gangs and paramilitary groups.¹² Likewise, the State of Guatemala has limited public legal assistance with just 448 public defenders for 9,014,024 people with low income.¹³
5. The Advocates has provided services for more than 40 clients from Guatemala whose asylum claims were based on persecution by members of organized crime groups

(gangs), including local chapters of groups such as MS-13. These clients have provided firsthand information about their experiences with widespread and systemic abuses by both gangs and police. The most common abuses reported include physical abuse, death threats, and extortion. Several clients described being injured by physical abuse, sometimes on multiple occasions; gangs could target people over multiple years.¹⁴ Our organization has received testimonies of gang members' systemic practice of coercing people to join the gang or do illegal labor such as selling drugs. Clients recalled suffering death threats and money extortion both as individuals and as “fees” paid by local businesses.

6. Police fail to investigate violence perpetrated by gangs, leading to low levels of access to justice and remedy for the victims. Nearly every client disclosed to The Advocates that they had reported gang violence to the police. Cases rarely led to any arrests, charges, or prosecutions of perpetrators. As a result, individuals reported that they chose not to go to the police, as the institution was perceived as collaborating with gangs and therefore ineffective.¹⁵ In one client’s words: “The police were the last to arrive at crime scenes, and Guatemalans know the police are good for nothing.”¹⁶
7. Multiple clients reported that police and State agents themselves also perpetrated threats, harassment, assault, and extortion. One client decided to leave Guatemala due to the belief that the police would kill him. He was approached by four police officers who demanded he sell drugs and steal weapons from his workplace. When he refused, agents held a gun to his head, saying “cooperate or die,” and then demanded 70,000 quetzals.¹⁷

D29 Domestic violence; F13 Violence against women; B10 Access to justice & remedy

Status of Implementation: Accepted, Not Implemented

8. The Government of Guatemala supported 12 recommendations on bringing perpetrators of violence against women to justice¹⁸ and five recommendations on domestic violence.
9. While Guatemala has taken steps toward protecting women and preventing gender-based violence since its last UPR, more measures must be implemented to achieve fair justice system coverage in remote impoverished locations, which include overcoming linguistic barriers and scarcity of local level entry points.¹⁹

Domestic Violence

10. While there is a lack of official data on domestic violence since at least 2019,²⁰ it is estimated that more than 36% of women in Guatemala living with male partners experience intimate partner violence.²¹ More than 57,000 of violence against women cases were reported in 2020.²² Clients of The Advocates, mainly women and children, reported their experiences of physical abuse (including beatings that resulted in miscarriage), sexual assault, and other crimes in their homes by intimate partners, fathers, and uncles.²³
11. Guatemalan police fail to consistently investigate reports of domestic violence and offenders often act with impunity.²⁴ The Advocates has received multiple testimonies of women experiencing harassment and persecution by their former partners, including death threats, sexual abuse, and extortion. Our clients asserted that they had reported these abuses to the police, but the police did not pursue them in most cases. One of our clients reported that the failure to investigate worsened in her case as the perpetrator

worked for the National Police Force.²⁵

12. Fear of retaliation by gangs also prevents victims from reporting domestic abuse. Commonly, The Advocates have received testimonies of families being afraid to “stand up” to their abusive relatives — members of a gang— even in cases of documented domestic assault charges in the past.²⁶

Violence Against Women

13. Violence against women remains widespread and persistent in Guatemala.²⁷ During the March 2020 lockdown, the Public Prosecutor’s Office received 4,399 complaints of violence against women. The National Institute of Forensics in Guatemala (INACIF) reported 140 violent female deaths between March and June.²⁸ The Guatemalan legislation addressing gender violence is inadequate and poorly implemented.²⁹
14. For example, the *Secretaria Presidencial de la Mujer* (Presidential Secretary of Women Issues) issued a public policy document “*Estrategia de Seguimiento a la Convención sobre la Eliminación de todas las formas de discriminación contra la mujer*” for the period 2018-2021.³⁰ However, to date there is no public information about the implementation of these policies and the Government of Guatemala has not updated the current public policy document for 2022. Similarly, the *Instituto Nacional de Estadística de Guatemala* has not updated the public national data on violence against women since 2019.³¹ The lack of access to information restricts public monitoring and accountability to state institutions.
15. Perpetrators often experience impunity for crimes of violence against women.³² The testimonies from our women clients include kidnapping, rape, and pregnancies resulting from the rape. Women clients reported that police failed to investigate when they reported these acts of violence.³³ Survivors of violence rarely received remedy and rehabilitation. Our clients have reported receiving constant threats by perpetrators and experiencing PTSD and depression, partly due to the lack of police action to protect them. These clients eventually were forced to flee Guatemala to seek international protection.

F31 Children: definition, general principle; protection; F32 Children: family environment and alternative care; F33 Children: protection against exploitation

Status of Implementation: Accepted, Not Implemented

16. The Government of Guatemala supported 12 recommendations on protecting children³⁴, including strengthening legislation and policies for protecting children from violence and crimes committed against them.³⁵
17. Gangs regularly attempt to recruit children through physical violence and death threats. Several Advocates’ clients under the age of 18 reported experiencing repeated instances of gang members demanding that they join the gang. Gang members “offered” protection from other gangs; when clients refused to join, they threatened to kill them. Threats of murder occurred persistently, sometimes daily or several times a week.³⁶

18. Minor clients also reported a pattern of harassment at schools, workplaces, and even on the soccer field.³⁷ Client testified about asking their teachers to allow them to leave class early to avoid the gangs waiting outside school. Commonly, teachers were aware of the threats but did not want to get involved.³⁸ Consequently, children isolated as a self-protection tactic.³⁹ Gang members then targeted child clients outside of their houses and physically assaulted them.
19. Domestic abuse is also exacerbated when domestic abuse offenders are members of a gang (see paras. 11-13). Clients' testimonies expressed a pattern of systemic lack of access to justice for child victims of domestic violence due to fear of reprisals by gangs and lack of investigations, charges, or arrests by police.⁴⁰

G2 Lesbian, gay, bisexual and transgender, and intersex persons (LGBTI)

Status of Implementation: Not Accepted, Not Implemented

20. Guatemala noted seven recommendations related to the rights of LGBTI persons.⁴¹ Interviews with clients of The Advocates revealed that domestic violence acutely affected LGBTI persons. Clients reported domestic assault from family members because of clients' sexual orientation and gender identity and expression, whether real or perceived.
21. Police also fail to investigate human rights violations against LGBTI persons.⁴² Testimonies from LGBTI clients display a pattern of police not investigating even serious crimes, such as hate crimes against LGBTI persons, or the torture and murder of LGBTI individuals. The Advocates has also received testimonies about the lack of access to justice in cases of sexual abuse due to the sexual orientation of the victim.
22. The experiences reported by our clients correspond with the current national policies that discriminate against LGBTI persons in the country. Guatemala is experiencing a retrogression in the respect and protection of LGBTI individuals. In the last year, the Guatemalan Congress Passed the "Life and Family Protection Law," which prohibits same-sex marriage and education, and similar public policies.⁴³ Though the Congress passed the law,⁴⁴ it was ultimately shelved⁴⁵ as it violates human rights standards. Congress is still debating the proposed legislation, bill 5940,⁴⁶ placing an immediate risk to the rights of LGTBI persons.⁴⁷ This bill intends to ban the education on gender identity and restrict access to educational materials on sexual orientation, gender identity and gender expression.⁴⁸

G3 Indigenous peoples

Status of Implementation: Partially Accepted, Not Implemented

23. The Government of Guatemala supported 21 recommendations regarding Indigenous peoples and the right to food,⁴⁹ the right to education,⁵⁰ gender equality,⁵¹ public participation,⁵² birth registration,⁵³ attacks against Indigenous human rights defenders,⁵⁴ the protection of Indigenous women from violence,⁵⁵ and other rights.⁵⁶ Guatemala noted three recommendations on Indigenous peoples' rights, including consultations with

Indigenous communities, land rights, and human rights defenders.⁵⁷

24. Systemic failures to protect the individual and collective rights of Indigenous peoples in Guatemala increase the vulnerability of Indigenous persons to violence. Systemic issues include the compounding factors of language barriers, poverty produced by land inequality, invalidation of indigenous knowledge and governance, and anti-indigenous discrimination in public sentiment and by authorities.⁵⁸ As a result, Indigenous persons experience disparate outcomes in income, health, employment, and other metrics.⁵⁹
25. Clients' stories illustrate that anti-Indigenous oppression compounds the vulnerabilities to violence, extortion, lack of effective remedy, and the failure of police to investigate. One Quiche Mayan client expressed how the local cell of the gang MS-13 persistently targeted him when his family was experiencing poverty and he had to stop attending school in order to work. This culminated one day when, after finding him, the gang beat him and robbed him of his money because he still refused to join. The gang members targeted him specifically when he was experiencing poverty and his education was disrupted, illustrating how intersecting oppressions render people susceptible to gang violence.
26. Widespread failure of police to investigate crimes also applies to crimes involving anti-Indigenous discrimination. One client was approached by a woman who said, "her people [were] from the *Curte* (*anti-Indigenous term*) who were invading the area she lived" and physically assaulted the client's mother. She called the police, but she does not believe assault charges are pending.

II. RECOMMENDATIONS

27. This stakeholder report suggests the following recommendations for the Government of Guatemala:

Impunity

- Renew the mandate of the International Commission Against Impunity in Guatemala (CICIG).
- Take measures to reduce the influence of gang violence and gun violence to prevent vulnerable populations from experiencing gang violence or joining gangs due to threats or promises of protection.
- Adopt reforms to ensure the independence of the police force from organized crime and to end deep-rooted associations between gangs and police officers in order to adequately protect at-risk women and LGBTI individuals.
- Establish trials of community-run policing structures aimed at prevention rather than zero-tolerance policies and the militarization of police. These trials of community policing structures should be developed in local trial areas through a democratic process, incorporate Indigenous peoples' practices of community accountability, and include a mechanism for public accountability of police action.

Violence Against Women

- Implement effective and coordinated measures to prevent violence against women, especially against young women and girls, and ensure that perpetrators of violence

are brought to justice.

- Collect data and provide statistics on the access to justice and rehabilitation of survivors of violence against women, LGBTQ+ persons, and victims of domestic violence.
- Ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels.

Children

- Take measures to combat gang presence and recruitment in areas in places where children and youth frequently visit, especially schools.
- Improve legal economic opportunities for youth and make efforts to end child poverty.
- Establish alternatives to detention for youth facing charges related to low-level gang involvement.

LGBTI persons

- Adopt policies and enact campaigns to promote awareness, education, and respect for LGBTI persons.
- Strengthen legislation to ban discrimination based on sexual orientation or gender identity.
- Combat impunity by ensuring that law enforcement conducts a thorough investigation of every allegation of violence or discrimination based on sexual orientation or gender identity to assist prosecutors in prosecuting individuals suspected of committing crimes against LGBTI persons.

Indigenous Persons

- Take measures to improve economic outcomes of Indigenous persons by working with Indigenous communities to establish Indigenous-led management programs of their land of origin and natural resources, including management of extractive industrial projects on their lands.
- Take measures to reduce economic instability for Indigenous persons, including improving the legal framework for the recognition of Indigenous land rights and Indigenous communities' management of extractive projects on their land.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.73 Adopt measures to ensure the sustainability of efforts to fight corruption, such as legal and public policy reforms, to improve public confidence in the justice system and to increase its independence (Canada); ¶ 111.69 Increase efforts in the fight against impunity and corruption, through increasing the financial resources for the judiciary and through the implementation of judicial reforms aimed at fully ensuring the independence of the judiciary (Netherlands); ¶ 111.72 Dismantle groups of power and other clandestine structures of corruption that prevent guarantees of fair trials and due process, in line with international standards (Bolivarian Republic of Venezuela).

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January

2018, U.N. Doc. A/HRC/37/9. ¶ 111.74 Ensure that the International Commission against Impunity in Guatemala is able to perform its work effectively (United Kingdom of Great Britain and Northern Ireland); ¶ 111.75 Closely cooperate with the International Commission against Impunity in Guatemala (Lithuania); ¶ 111.76 Fully cooperate with the International Commission against Impunity in Guatemala in all aspects of its mandate (Sweden); ¶ 111.77 Cooperate with, and support the work of, the International Commission against Impunity in Guatemala (Australia).

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 112.39 Decentralize the International Commission against Impunity in Guatemala to all regions (Finland); ¶ 112.40 Ensure that the International Commission against Impunity in Guatemala is able to operate without interference and that government institutions key to anti-corruption efforts continue to be adequately funded with dedicated leadership (United States of America).

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.26 Continue strengthening measures to address cases of violence and organized crime (Indonesia); ¶ 111.128 Address the structural causes of organized crime, including those relating to sexual violence (Burkina Faso).

⁵ Freedom House, *Freedom in the World 2020: Guatemala*, (2020), 84. Also available online at <https://freedomhouse.org/country/guatemala/freedom-world/2021>.

⁶ In Sight Crime, *Familias y política se entrelazan en el tráfico de cocaína en Guatemala*, 3 August, 2021. Also available at: <https://es.insightcrime.org/noticias/familias-politica-entrelazan-trafico-cocaina-guatemala/>

⁷ Walter Flores & Miranda Rivers, *Frenar la corrupción después del conflicto: movilización anticorrupción en Guatemala*, United States Institute for Peace, June 2021, “Also available at https://www.usip.org/sites/default/files/2021-06/sr_482-frenar_la_corrupcion_despues_del_conflicto_movilizacion_anticorrupcion_en_guatemala.pdf.

⁸ Human Rights Watch, *World Report 2021: Guatemala*, (2021). Also available online at <https://www.hrw.org/world-report/2021/country-chapters/guatemala>.

⁹ Human Rights Watch, *World Report 2021: Guatemala*, (2021), 65-66. Also available online at <https://www.hrw.org/world-report/2021/country-chapters/guatemala>.

¹⁰ Human Rights Watch, *Death threats and gang violence forcing more families to flee northern Central America – UNHCR and UNICEF survey*, (2020), 90. Also available online at <https://www.unhcr.org/en-us/news/press/2020/12/5fdb14ff4/death-threats-gang-violence-forcing-families-flee-northern-central-america.html>.

¹¹ Human Rights Watch, *World Report 2021: Guatemala*, (2021), 65. Also available online at <https://www.hrw.org/world-report/2021/country-chapters/guatemala>.

¹² Thematic Hearing of the Interamerican Commission of Human Rights, *Situación de los derechos humanos de las personas defensoras, operadores de justicia y el Estado de Derecho en Guatemala*, (22 June 2022), Also available online at <https://www.oas.org/es/cidh/sesiones/audiencias.asp>; Press release at <https://www.ohchr.org/en/press-releases/2021/07/guatemala-top-judges-face-threats-must-be-protected-expert>.

¹³ ICCCPG, “Defensores Públicos En Relación Con Las Personas En Situación De Pobreza”, accessed 12 July 2022, <https://iccpog.org.gt/indicadores/indicador-04/>.

¹⁴ Interviews conducted by The Advocates (2017-2022).

¹⁵ Interviews conducted by The Advocates (2017-2022).

¹⁶ Interviews conducted by The Advocates (2017-2022)

¹⁷ Interviews conducted by The Advocates (2017-2022).

¹⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.111 Strengthen efforts to carry out prompt, impartial and effective investigations into all forms of violence against women and to bring those responsible to justice (Iceland); ¶ 111.112 Strengthen efforts to prevent and combat all forms of discrimination and violence against women and children, adopting comprehensive legislation and launching awareness-raising campaigns. Ensure that women victims of violence receive appropriate help and perpetrators are brought to justice (Italy); ¶ 111.113 Ensure, through a coordinated and comprehensive institutional effort, access to justice for women who have been victims of violence (Lithuania); ¶ 111.114 Strengthen the fight against all forms of violence against women and girls by ensuring effective implementation of relevant laws and policies, and ensure access to justice and care (Luxembourg); ¶ 111.121 Continue to raise awareness regarding the criminal nature of domestic violence and bring those responsible before the courts (Serbia); ¶ 111.124 Allocate sufficient resources to specialized courts and tribunals with jurisdiction over femicide and other forms of violence against women, and move towards the full implementation of the Law against Femicide and Other Forms of Violence against Women (Spain); ¶ 111.125 Continue to raise awareness regarding the criminal nature of domestic violence and take measures to prosecute those responsible for

such actions (Israel); ¶ 111.127 Implement effective and coordinated measures to prevent violence against women, especially against young women and girls, and ensure that perpetrators of violence are brought to justice (Belgium); ¶ 111.129 Pursue awareness-raising activities on domestic violence, including prosecution and sentencing of the perpetrators (Burkina Faso); ¶ 111.131 Strengthen initiatives to sensitize the population about the criminal nature of domestic violence and bring those responsible for this crime to justice (Ecuador); ¶ 112.50 Develop government programmes and strategies to prevent, investigate and punish human rights violations against women, in particular lesbian women, according to existing laws ratified by the State (New Zealand); ¶ 112.51 Take steps to place higher priority on the prosecution of violence and discrimination against women, transgender and transsexual people, as well as access to justice for victims of these crimes (Australia).

¹⁹ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined eighth and ninth periodic reports of Guatemala at its 1558th and 1559th meetings*, 22 November 2017, U.N. Doc. CEDAW/C/GTM/CO/8-9 ¶ 12.

²⁰ Instituto Nacional de Estadística, *Indicadores de violencia familiares*, last accessed July 13 2022. Available at: <https://www.ine.gob.gt/ine/violencia-intrafamiliar/>

²¹ Zoë Elspeth, and Tolib Mirzoev, *Intimate Partner Violence Against Indigenous Women in Sololá, Guatemala: Qualitative Insights Into Perspectives of Service Providers, Violence Against Women*, vol. 28, no. 1 (Violence Against Women, Jan 2022), 150–168. Also available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8564254/>.

²² Washington Office on Latin America, “Little to Celebrate: 5 Facts about Women and Violence in El Salvador, Guatemala and Honduras,” accessed 12 July 2022, <https://www.wola.org/2022/03/women-violence-northern-triangle-5-facts/>

²³ Interviews conducted by The Advocates (2017-2022).

²⁴ Erik Beck, *Los Impactos Desiguales de Leyes contra Violencia contra la Mujer en Guatemala*, (2021). Available online at <https://cpb-us-e1.wpmucdn.com/blogs.uoregon.edu/dist/4/18551/files/2021/11/Los-Impactos-Desiguales-de-Leyes-contra-VCM.pdf>

²⁵ Interviews conducted by The Advocates (2017-2022).

²⁶ Interviews conducted by The Advocates (2017-2022).

²⁷ Sydney Bay, *Criminalization is Not the Only Way: Guatemala’s Law Against Femicide and Other Forms of Violence Against Women and the Rates of Femicide in Guatemala*, (Washington International Law Journal, 2021). Also available online at <https://digitalcommons.law.uw.edu/wilj/vol30/iss2/11>.

²⁸ Sydney Bay, *Criminalization is Not the Only Way: Guatemala’s Law Against Femicide and Other Forms of Violence Against Women and the Rates of Femicide in Guatemala*, (Washington International Law Journal, 2021). Also available online at <https://digitalcommons.law.uw.edu/wilj/vol30/iss2/11>.

²⁹ Interviews conducted by The Advocates (2017-2022).

³⁰ Secretaría Presidencial de la Mujer, *Estrategia de Seguimiento a la Convención sobre la Eliminación de todas las Formas de Discriminación contra la Mujer*, (2021). Available online at <https://seprem.gob.gt/wp-content/uploads/Estrategia-CEDAW.pdf>

³¹ Instituto Nacional de Estadística de Guatemala, “Violencia en contra de la mujer,” accessed 12 July 2022, <https://www.ine.gob.gt/ine/estadisticas/bases-de-datos/violencia-en-contra-de-la-mujer/>

³² See Silvia Trujillo, *Violencia contra las mujeres: cambian las cifras, persiste el problema*, March 8 2021. Also available at: <https://dialogos.org.gt/blog/violencia-contra-las-mujeres-cambian-las-cifras-persiste-el-problema;> *Tribuna Feminista Guatemala: aumenta feminicidio, con 99% de impunidad*. Also available at: <https://tribunafeminista.org/2017/06/guatemala-aumenta-feminicidio-con-99-de-impunidad/>.

³³ Interviews conducted by The Advocates (2017-2022).

³⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.137 Strengthen further the child protection system in the country through the necessary reforms, adopting a human-rights based approach (Maldives); ¶ 111.139 Guarantee the life, integrity and physical safety of children and adolescents placed in State shelters, provide adequate reparation for the damages caused, prohibit corporal punishment of children in all settings, and repeal the legal exemptions endorsed in the Civil Code and Law (Bolivarian Republic of Venezuela); ¶ 111.146 Strengthen legislation to protect children from all forms of violence (Bahrain); ¶ 111.136 Ensure free, universal birth registration and provide all children born in the territory, particularly those born in indigenous communities, with a birth certificate (Portugal); ¶ 111.138 Pursue efforts to train personnel for the optimal care of children in the context of access to education and health care, and within the implementation of effective social programmes in these areas (Morocco); ¶ 111.140 Put in place a policy for the protection of children and adolescents, with a view to better protecting them against acts of violence and crimes committed against them, as well as in relation to the large number of early pregnancies (France); ¶ 111.39 Implement foster care programmes and alternatives to the penalty of deprivation of liberty (Spain); ¶ 111.141

Increase efforts to abolish child labour, also by conducting systematic labour inspections (Greece); ¶ 111.144 Adopt concrete measures aimed at reducing the vulnerability of children to child labour and sexual exploitation, so as to ensure that Guatemala is a country free from child labour and its worst forms (Panama); ¶ 111.145 Intensify labour inspections focusing on child labour and prosecution of violators of child labour legislation (Slovakia); ¶ 111.142 Maintain and expand those existing initiatives to fight against trafficking in children and child labour, and protect children from sexual exploitation and other forms of modern slavery, especially by enhancing services of registration at birth (Holy See); ¶ 111.143 Strengthen the system for protecting children from exploitation (Libya).³⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.140 Put in place a policy for the protection of children and adolescents, with a view to better protecting them against acts of violence and crimes committed against them, as well as in relation to the large number of early pregnancies (France); ¶ 111.146 Strengthen legislation to protect children from all forms of violence (Bahrain).

³⁶ Interviews conducted by The Advocates (2017-2022).

³⁷ Interviews conducted by The Advocates (2017-2022).

³⁸ Interviews conducted by The Advocates (2017-2022).

³⁹ Interviews conducted by The Advocates (2017-2022).

⁴⁰ Interviews conducted by The Advocates (2017-2022).

⁴¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 112.16 Adopt awareness-raising measures to guarantee that people belonging to the lesbian, gay, bisexual, transgender and intersex community are not discriminated against on the grounds of their sexual orientation and gender identity (Uruguay); ¶ 112.17 Better ensure respect for the human rights of lesbian, gay, bisexual, transgender and intersex persons, who are sometimes victims of discrimination or even of hate crimes (France); ¶ 112.18 Create a legislative framework and implement public policies and social awareness campaigns to eliminate violence and discrimination based on sexual orientations and gender identity (New Zealand); 112.19 Amend the Criminal Code to penalize hate crimes and crimes of social intolerance based on sexual orientation, gender identity and sexual characteristics (Slovenia); ¶ 112.15 Amend the legislation to penalize hate crimes and crimes of intolerance based on discrimination, especially in cases of race, sexual orientation, gender identity or expression (Israel); ¶ 112.20 Adopt measures to ensure the protection of the life as well as the physical and psychological integrity of lesbian, gay, bisexual, transgender and intersex persons (Chile); ¶ 112.51 Take steps to place higher priority on the prosecution of violence and discrimination against women, transgender and transsexual people, as well as access to justice for victims of these crimes (Australia).

⁴² Human Rights Watch, “Every Day I Live in Fear”: Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States,” accessed 11 July 2022, <https://www.hrw.org/report/2020/10/07/every-day-i-live-fear/violence-and-discrimination-against-lgbt-people-el-salvador>.

⁴³ BBC, “Guatemala Congress Bans Same-Sex Marriage,” accessed 12 July 2022, <https://www.bbc.com/news/world-latin-america-60675472>.

⁴⁴ Human Rights Watch, “La ley de la ‘vida y la familia’ es una cortina de humo para la corrupción,” accessed 12 July 2022, <https://www.hrw.org/es/news/2022/03/15/la-ley-de-la-vida-y-la-familia-es-una-cortina-de-humo-para-la-corrupcion>.

⁴⁵ Presa Libre, “Congreso archiva polémica Ley para la Protección de la Vida y la Familia que generó críticas de sectores sociales,” accessed 12 July 2022, <https://www.prensalibre.com/guatemala/politica/congreso-archiva-polemica-ley-para-la-proteccion-de-la-vida-y-la-familia-que-genero-criticas-de-sectores-sociales-breaking/>.

⁴⁶ Different Human Rights Council Special Procedures have presented a communication to the State of Guatemala highlighting the imminent risk upon the approval of this law. See, United Nations Human Rights Council Special Procedures, Communication GTM 10/2021. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26826>.

⁴⁷ Plaza Publica, “La otra ley «antiderechos» que se encuentra en el Congreso y podría convertirse en cortina de humo,” accessed 12 July 2022, <https://www.plazapublica.com.gt/content/la-otra-ley-antiderechos-que-se-encuentra-en-el-congreso-y-podria-convertirse-en-cortina-de>.

⁴⁸ Human Rights Watch, *Guatemala: Ley contra personas trans amenaza derechos, Jan 21 2022*. Also available at: <https://www.hrw.org/es/news/2022/01/21/guatemala-ley-contra-personas-trans-amenaza-derecho>.

⁴⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.82 Ensure that community development councils channel funds for their projects to address the problem of chronic malnutrition, particularly among the indigenous and rural populations (Malaysia); ¶ 111.86 Continue the efforts to fight against child malnutrition, particularly among indigenous people

(Peru).

⁵⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.13 Continue implementing effective actions to combat discrimination and guarantee indigenous peoples' rights, by improving access to public services, life expectancy, education, including comprehensive sexual education, infrastructure and salary (Mexico).

⁵¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.100 Continue the efforts to promote gender equality by promoting balanced representation in decision-making positions, equality in the work market and entrepreneurship, including equal pay and equal access to credit and other financial services, among other measures, paying particular attention to girls and women from indigenous people and people of African descent (Nicaragua).

⁵² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.132 Promote large-scale registration campaigns for women voters, in particular in rural areas and notably for indigenous women, with a view to ensuring their full participation in political and public life (Haiti); ¶ 111.135 Establish a mechanism to increase the participation of women, particularly indigenous women, in key positions of the three powers of the Republic and in decision-making processes (Costa Rica).

⁵³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.136 Ensure free, universal birth registration and provide all children born in the territory, particularly those born in indigenous communities, with a birth certificate (Portugal).

⁵⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.55 Initiate timely, independent, impartial and effective investigations into threats and attacks against human rights defenders, particularly indigenous defenders, to ensure their effective protection (Republic of Korea).

⁵⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.38 Pursue efforts to prevent and combat human trafficking, exploitation of persons and other contemporary forms of slavery, including sexual exploitation, and provide support and protection to victims, paying particular attention to vulnerable groups such as indigenous people, children, women, people with disabilities and non-nationals (Nicaragua); ¶ 111.103 Adopt measures to combat violence and discrimination against women and indigenous communities (Uruguay); ¶ 111.122 Implement more measures to prevent violence against women, such as the training workshops conducted by the Office for the Defence of Indigenous Women's Rights on the protection of indigenous women (Singapore).

⁵⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 111.10 Continue efforts to ensure the promotion of the rights of indigenous peoples (Armenia) ¶ 111.11 Continue efforts to facilitate and promote indigenous peoples' access to education, sanitation, property and public positions (Holy See); ¶ 111.16 Put in place effective measures and policies to address discrimination against indigenous peoples (Sierra Leone) ; ¶ 111.17 Strengthen the system of development councils in order to improve the participation of the indigenous population in public management (Plurinational State of Bolivia); ¶ 111.20 Continue its efforts to establish effective consultation processes with indigenous communities (El Salvador); ¶ 111.19 Persist in its efforts to combat the structural causes of racial discrimination against indigenous peoples, in order to ensure access to quality education and health services (Costa Rica); ¶ 111.21 Strengthen national efforts to prevent land conflicts between indigenous peoples and farmers (Iraq); ¶ 111.22 Ensure that the requirement to consult with indigenous peoples on decisions concerning lands traditionally owned by them is enshrined in law, and that every effort is made by the Government to ensure that this instrument complies with international standards (Ireland); ¶ 111.23 Ensure the full participation of indigenous peoples in decision-making processes which concern them, and ensure that they are consulted in the context of the planning and implementation of large-scale economic projects (Switzerland); ¶ 111.24 Substantially increase State spending on programmes for indigenous peoples and institutions. This can help address poverty while ensuring the meaningful participation of, and consultation with, indigenous peoples in decisions affecting them and their rights (Canada).

⁵⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Guatemala*, 2 January 2018, U.N. Doc. A/HRC/37/9. ¶ 112.21 Apply the methodological proposal to implement the consultation accepted by the Quiché indigenous authorities on those matters related to indigenous people (Peru); ¶ 112.22 Set up a legal framework to recognize indigenous peoples' rights to have access to and manage their territories of origin and their natural resources, and to participate in the decision-making processes on those matters concerning them (Bolivarian Republic of Venezuela); ¶ 112.35 Put an end to the use of the criminal justice system to intimidate, threaten, marginalize and stigmatize journalists, social organizations and human rights defenders engaged in the defence of economic, social, cultural and environmental rights and of indigenous peoples' rights (Bolivarian Republic of Venezuela).

⁵⁸ Dwane Mamo, *The Indigenous World 2022*, (IWGIA, April 2022), 403. Available online at https://www.iwgia.org/doclink/iwgia-book-the-indigenous-world-2022-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmxkLTIwMjltZW5nIiwiaWF0IjoxNjUxMTM5NTg1LCJleHAiOiJlE2NTEyMjU5ODV9.jRnv3PeantfRZtJg4jph8xds hK5Mh25Z3hlcPs9As_U.

Zoë Elspeth, and Tolib Mirzoev, *Intimate Partner Violence Against Indigenous Women in Sololá, Guatemala: Qualitative Insights Into Perspectives of Service Providers*, *Violence Against Women*, vol. 28, no. 1 (Violence Against Women, Jan 2022), 150–168. Also available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8564254/>.

⁵⁹