

Recommendations & Pledges

GUATEMALA

Second Review Session 14

Review in the Working Group: 24 October 2012
Adoption in the Plenary: 14 March 2013

Guatemala's responses to recommendations (as of 21.05.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
111 recs accepted and 27 pending	Out of the 27 pending, the delegation accepted, 1, commented 20 but without giving a clear position and took note of 6 (-> pending)	No additional information provided	Accepted: 112 Rejected: 0 No clear position: 20 Pending: 6 Total: 138

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/22/8:

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

A - 99.1. Ratify the Optional Protocol to ICESCR and the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty (Spain);

A - 99.2. Consider the definitive abolition of the death penalty in its domestic legislation and its accession to the related international instrument on the matter (Ecuador);

- A - 99.3. Consider formally abolishing the death penalty and acceding to the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty (Honduras);
- A - 99.4. Consider the accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty (Rwanda);
- A - 99.5. Consider ratifying the ICCPR-OP2 on abolition of death penalty (Philippines);
- A - 99.6. Consider ratifying ILO Convention 189 (Philippines);
- A - 99.7. 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);
- A - 99.8. Continue the process of full alignment between its national legislation and all obligations under the Rome Statute (Sweden);
- A - 99.9. Adopt a law specifically classifying the various manifestations of racial discrimination as punishable acts (Bangladesh);
- A - 99.10. Guaranty the compliance of Guatemala's legislation with the provisions of ICEDAW (France);
- A - 99.11. Adopt legislation concerning indigenous people based on international standards (Hungary);
- A - 99.12. 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);
- A - 99.13. 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));
- A - 99.14. 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);
- A - 99.15. Strengthen promotional policies for women (Luxembourg);
- A - 99.16. Implement policies and programmes preventing violence against women and children (Switzerland);
- A - 99.17. Strengthen its efforts to eradicate child labour, improving coordination among the numerous national institutions dealing with the rights of the child (Italy);
- A - 99.18. 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 (Netherlands);
- A - 99.19. Allocate adequate financial resources and ensure effective coordination among State institutions mandated to strengthen the implementation of the rights of the child (Sweden);
- A - 99.20. Take relevant steps to further promote and protect the rights of women (Sri Lanka);
- A - 99.21. Continue promoting the repeal of prevailing discriminatory provisions against women and girls, especially those in the Civil and Criminal Codes (Mexico);
- A - 99.22. Repeal of all discriminatory legislation against women, including in the Labour, Civil and Criminal Codes (Romania);
- A - 99.23. Adopt a general strategy to eliminate gender stereotypes (Republic of Moldova);

- A - 99.24. Adopt an overall policy and strategy and take action to eliminate gender stereotypes, gaps and all forms of discrimination that women still face (Rwanda);
- A - 99.25. Continue efforts to eliminate gender stereotypes and to repeal all discriminatory legislation against women, in the labour, civil and penal codes (Brazil);
- A - 99.26. Provide adequate funding and adopting the necessary measures for the effective implementation of the ICRPD that Guatemala had ratified in 2009 (Malaysia);
- A - 99.27. Consider the possibility of strengthening the necessary measures for the protection and integration of LGBT persons (Argentina);
- A - 99.28. Consider the abolition of the death penalty (Romania);
- A - 99.29. Take steps toward abolishing the death penalty entirely, while commuting the existing sentences to life imprisonment terms (Slovakia);
- A - 99.30. Continue with its enormous efforts to fight against violence in all its forms (Nicaragua);
- A - 99.31. Thoroughly investigate and promptly prosecute cases of femicide and other acts of violence against women (Australia);
- A - 99.32. Share the process of implementation of the recent Law on Femicide, particularly concerning the training of the judiciary (Chile);
- A - 99.33. Devote adequate resources, in particular financial resources and personnel, to combating femicide and all forms of violence against women (Czech Republic);
- A - 99.34. Consider allocating sufficient financial resources to effectively implement the Law against Femicide, in accordance with recommendations of CEDAW (Honduras);
- A - 99.35. 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);
- A - 99.36. 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);
- A - 99.37. Enhance the promotion and protection of women's rights, including addressing violence against women and femicide (Trinidad and Tobago);
- A - 99.38. Continue its efforts to enhance the protection of women against violence (Singapore);
- A - 99.39. Continue with the full implementation of the Law against Femicide and other forms of violence against women (Spain);
- A - 99.40. 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);
- A - 99.41. Adopt concrete measures to ensure gender sensitive training of persons involved in investigation, prosecution and assisting victims of violence against women (Czech Republic);
- A - 99.42. Continue all relevant efforts in order to better address domestic violence (Greece);
- A - 99.43. Implement and adequately fund the National Plan for the Prevention of Domestic Violence and Violence against Women (Thailand);

A - 99.44. 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);

A - 99.45. 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);

A - 99.46. 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);

A - 99.47. Continue efforts to fight discrimination and violence against women as well as trafficking in persons (Qatar);

A - 99.48. 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);

A - 99.49. Defend and protect women from all violence especially women prisoners (Iraq);

A - 99.50. Improve the conditions of detained persons in accordance with the Standard Minimum Rules for the treatment of prisoners (Hungary);

A - 99.51. Improve living conditions of inmates and carry out rehabilitation plans in penitentiaries (Spain);

A - 99.52. Adopt further measures to ensure that any act of threat or reprisal against human rights defenders is effectively investigated, prosecuted and punished (Czech Republic);

A - 99.53. 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);

A - 99.54. 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);

A - 99.55. Take additional measures to eliminate criminal networks involved in the sale of children, including for the purposes of illegal adoption. (Belarus);

A - 99.56. Enact legislation to explicitly prohibit corporal punishment of children in all settings, including the home and in schools (Liechtenstein);

A - 99.57. Introduce legislative reforms to expressly prohibit corporal punishment against children in all settings (Republic of Moldova);

A - 99.58. 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);

A - 99.59. 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);

A - 99.60. 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);

A - 99.61. 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);

A - 99.62. 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);

A - 99.63. Expand judicial system reforms with a view to progressing towards independence of the judiciary and improving the fight against impunity (Spain);

A - 99.64. Continue to enhance the rule of law by strengthening its law enforcement agencies (Singapore);

A - 99.65. 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);

A - 99.66. 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);

A - 99.67. 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);

A - 99.68. Implement a specific strategy of birth registration for indigenous communities based on the respect of their culture (Uruguay);

A - 99.69. Adopt flexible measures of birth registration, with the objective of reducing the significant number of children without civil registration (Brazil);

A - 99.70. Continue promoting measures to ensure the right to identity for children in rural areas (Chile);

A - 99.71. Prepare and implement a specific birth registration strategy for indigenous peoples (Slovenia);

A - 99.72. Enhance efforts in order to better serve the interests of the child on the issue of adoption (Greece);

A - 99.73. Ensure the effective implementation of the UN Declaration on Human Rights Defenders and improve the protection of human rights defenders (Austria);

A - 99.74. Ensure a safe working environment for journalists and continue to take proactive measures against impunity (Austria);

A - 99.75. 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);

A - 99.76. Seek to protect human rights defenders especially journalists and trade union members (Iraq);

A - 99.77. 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);

A - 99.78. 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);

A - 99.79. 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 Ireland);

A - 99.80. 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);

A - 99.81. Pursue the implementation of the Zero Hunger programme in order to reach the largest possible number of municipalities. (Algeria);

A - 99.82. 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);

A - 99.83. Adopt necessary and effective measures to eradicate child labor in the framework of social and poverty reduction programmes (Costa Rica);

A - 99.84. 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);

A - 99.85. Pursue the efforts to eradicate poverty and promote social justice (Cuba);

A - 99.86. Continue developing and strengthening actions aimed at eradicating poverty and public policies aimed at guaranteeing equality of the entire population (Ecuador);

A - 99.87. Back efforts to counter malnutrition with structural strategies which focus on the causes of poverty and hunger (Luxembourg);

A - 99.88. 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);

A - 99.89. 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);

A - 99.90. 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);

A - 99.91. Continue strengthening the programmes to eradicate extreme poverty (Paraguay);

A - 99.92. Further strengthen and improve the social security system, increase people's living standards (China);

A - 99.93. Continue efforts to protect and promote economic, social and cultural rights, especially in the field of food, health and education (Qatar);

A - 99.94. Take steps to ensure access to safe drinking water for all the indigenous communities (Slovenia);

A - 99.95. 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);

A - 99.96. Take further steps to improve the quality and accessibility to health care facilities and services in rural communities (Sri Lanka);

A - 99.97. Intensify efforts to improve the delivery of health services (Trinidad and Tobago);

A - 99.98. Continue public policies aimed at the reduction of illiteracy rates (Paraguay);

A - 99.99. Increase the investment to education and take further measures to lower the illiteracy rate, especially the illiteracy of the female (China); 1

A - 99.100. Take the necessary measures to eliminate the limitations suffered by children with disabilities in accessing education, health and other services (Argentina);

A - 99.101. 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);

A - 99.102. Focus on addressing discrimination against persons with disabilities (Trinidad and Tobago);

A - 99.103. Maintain actions and policies that address the situation of its indigenous peoples (Trinidad and Tobago);

A - 99.104. Continue to move forward in the execution of projects aimed at protecting women, specifically indigenous women (Bolivia (Plurinational State of));

A - 99.105. 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 (Plurinational State of));

A - 99.106. Undertake a dialogue process with indigenous peoples to seek an appropriate consultation mechanism regarding the adoption of measures affecting indigenous peoples (Costa Rica);

A - 99.107. Systematically continue the positive efforts undertaken regarding the rights of indigenous peoples (Greece);

A - 99.108. Continue its efforts to facilitate and promote indigenous peoples' access to education, sanitation, property, and public positions (Holy See);

A - 99.109. 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 policy, legislative, administrative and development processes affecting them.(Norway);

A - 99.110. Continue its efforts aimed at regulating the consultation process so that public policies reflect the effective participation of indigenous peoples in its implementation (Paraguay);

A - 99.111. Continue efforts aimed at establishing and implementing a consultation mechanism with indigenous peoples, in accordance with national and international legislation (Peru);

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

NC - 100.1. Continue strengthening the efforts to ratify the ICED (Argentina);

NC - 100.2. 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);

NC - 100.3. Complete the ratification process for the ICED (France);

NC - 100.4. Ratify the ICED (Spain);

NC - 100.5. Abolish the death penalty in the law and ratify the Second Optional Protocol to the ICCPR (France);

P - 100.6. 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);

NC - 100.7. 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);

NC - 100.8. Consider an early ratification of the third OP to CRC on a communication procedure (Slovakia);

NC - 100.9. Adopt a legal instrument to protect the rights of the indigenous population especially in cases of land disputes and mining development (Republic of Korea);

NC - 100.10. 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);

NC - 100.11. 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);

A - 100.12. 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);

NC - 100.13. 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 (Netherlands);

NC - 100.14. 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);

NC - 100.15. Implement effective protective measures as well as immediate, independent and systematic investigations of abuses perpetrated against human rights defenders (Switzerland);

NC - 100.16. 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);

NC - 100.17. Investigate and prosecute all crimes against humanity as well as cases of torture and disappearances in order to bring the perpetrators to justice (Germany);

P - 100.18. 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);

NC - 100.19. 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);

P - 100.20. 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)

P - 100.21. Protecting indigenous populations against mining companies and make them play a part in decision making (Iraq);

P - 100.22. 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);

P - 100.23. 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);

NC - 100.24. Guarantee effective consultations with communities that might be affected by development projects and exploitation of natural resources (Slovenia);

NC - 100.25. Reform the Mining Law to guarantee indigenous peoples' right to their land, territories and natural resources (Norway);

NC - 100.26. Full participation of indigenous peoples in decision making concerning them, and that they are consulted during the planning and implementation of major economic projects (Switzerland);

NC - 100.27. 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);

Voluntary Pledges & Commitments made by Guatemala in the framework of the UPR

Document A/HRC/22/8:

102. Guatemala made the following voluntary pledges and commitments:

- Redesign the human rights institutional system of Guatemala.
- Continue with its policy agenda to strengthen the specialized justice system to protect women.
- Develop policies and programmes to prevent armed violence in order to reduce violent deaths, with particular attention to Juvenile.
- Develop a programme of protection for journalists.
- Continue with its permanent system to follow-up the recommendations, which were 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.

Endnotes

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."

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