

Responses to Recommendations

GUATEMALA

Review in the Working Group: 6 May 2008

Adoption in the Plenary: 11 June 2008

Guatemala's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
No response, all pending. However, accepted orally the 43 REC at the adoption of the report of the Working Group during the Working Group session on 9 May 2008.	No addendum	No additional information provided	None	Accepted: 43 Rejected: 0 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/8/38:

“89. In the course of the discussion, the following recommendations were made to Guatemala:

- 1. Ratify the Rome Statute of the International Criminal Court (Mexico, Portugal, Canada, the Netherlands, France, Italy), the International Convention on the Protection of All Persons from Enforced Disappearance (Mexico, France), the Convention on the Protection of Persons with Disabilities and its Optional Protocol (Mexico), and accept article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (Mexico, South Africa), as well as continue its efforts in respect of the Optional Protocol of the Convention against Torture (Brazil).
- 2. Continue to provide support to national human rights institutions and create new ones, if the need arises (Algeria).
- 3. Full commitment of the national human rights commission to the improvement of indigenous rights (Switzerland).
- 4. Promote the approval of the national policy and action plan for human rights (Mexico).

- 5. Reflect the results of the evaluation exercise on the implementation of recommendations of the treaty bodies conducted jointly by the Government A/HRC/8/38 Page 17 and OHCHR in the work of the Guatemalan authorities in the future in order to achieve the effective realization of human rights in the country (Chile).
- 6. Continue human rights education to all Guatemalans, in order for this generation and future generations to leave behind forever the culture of violence inherited from years of internal armed conflict (Nicaragua).
- 7. Strengthen its efforts to fully implement the concluding observations adopted by CERD, as well as other relevant concluding observations adopted by other treaty bodies (Finland) and follow up the CERD and other human rights bodies and mechanisms' relevant recommendations towards enhancing de jure and de facto equal protection of indigenous peoples, including the Maya, Xinca and Garifuna peoples (Slovenia).
- 8. Implement all the measures agreed in the 1996 Peace Accords to combat discrimination and promote inclusion (United Kingdom).
- 9. Consider harmonizing Guatemala's civil and penal codes with international human rights norms, in relation to racial discrimination and gender issues (Mexico).
- 10. Enact specific legislation to provide appropriate remedies for victims of racial discrimination, in particular, relating to the dissemination of ideas based on notions of racial superiority, racial hatred, incitement to racial discrimination and violent acts targeting indigenous peoples and People of African Descent in Guatemala (South Africa).
- 11. Develop a law criminalizing discrimination based on social origin, racial hatred and acts of violence against indigenous (Switzerland).
- 12. Take measures to ensure the full enjoyment of all human rights by members of indigenous communities (Canada) and ensure the protection of indigenous peoples' rights and ensure the right of indigenous peoples to be heard before traditional indigenous land is being exploited (Denmark).
- 13. Commit to improving the situation of indigenous children, in particular as concerns ill-treatment, trafficking, child labour, illegal adoptions and difficulty in accessing schools and health-care services (Switzerland).
- 14. Maintain and strengthen the moratorium currently in force with a view to abolishing the death penalty (Italy) and abolish the death penalty (United Kingdom).
- 15. Implement fully the new law on femicide and ensure that the physical security of women is protected by implementing CEDAW recommendations (Canada) and follow up the CEDAW recommendation to Guatemala to ensure that indigenous women have full access to bilingual education, health services and credit facilities and to fully participate in decision making processes (Slovenia).
- 16. Take all the necessary measures to fight against femicide and the lynching and killings of persons based on their sexual orientation (Switzerland).
- 17. Prohibit explicitly corporal punishment in the home and family (Austria).
- 18. Adopt effective measures to strengthen and guarantee the independence of the Unit for the protection of human rights defenders within the Presidential Commission for Human Rights, and to protect human rights defenders from any further violence (Ukraine). A/HRC/8/38 Page 18
- 19. Increase coordination between the police and the Office of the Attorney General in investigation of violence against human rights defenders and develop a national policy for the protection of human rights defenders (Portugal).

- 20. Develop a draft law guaranteeing the protection of human rights defenders (Switzerland).
- 21. Take steps to ensure a reduction in the attacks on human rights defenders and to bring the perpetrators of such attacks to justice (Norway) and adopt effective measures to prevent and protect human rights defenders from violence and ensure the prompt, thorough and effective investigation and appropriate punishment of such acts and ensure that human rights defenders operate in an enabling environment (Canada).
- 22. Ensure that reports of killings, threats, attacks and acts of intimidation against human rights defenders are thoroughly and promptly investigated and those responsible brought to justice (Australia) and combat impunity for attacks on human rights defenders, by effectively investigating allegations and by prosecuting those responsible and that Guatemala develop Government policy for the protection of human rights defenders, taking into account the views of civil society and also including the views delineated by the Presidential Commission on Human Rights in 2007 (Ireland).
- 23. Take additional steps to combat the impunity which has contributed to the rise in femicide and the attacks on human rights defenders (United Kingdom).
- 24. Ensure that new human rights units are part of an integral plan for the justice and security sector (Netherlands).
- 25. Increase the number of police officers, in conjunction with capacity development of the Public Prosecutor's Office (Japan).
- 26. Establish an environment where a judge can make a fair and appropriate decision without intimidation (Japan).
- 27. Ensure effective and independent investigations into all reports of torture and extrajudicial executions by members of the security forces (Australia).
- 28. Take measures to address impunity and investigate and prosecute cases of enforced disappearances and torture (Canada).
- 29. Ensure the effective implementation of the International Commission against Impunity's mandate on the ground as necessary to remove any obstacles for serious international investigations and pay particular attention to the effective implementation of victims' assistance and protection programmes in the fight against impunity (Austria).
- 30. Provide for and ensure the personal security of human rights defenders, witnesses, court officials, prosecutors and others who are subject to threats and other abuses connected with their efforts to support human rights and democracy, to combat impunity (United States of America).
- 31. Provide better police protection to judges, investigators and witnesses (Switzerland)
- 32. Obtain support from the CICIG and enhance judicial power to solve the issue of impunity (Japan).
- 33. Allocate and provide all necessary financial, technical and personnel resources to combat impunity and lack of respect for the rule of law, including to combat corruption and impunity within the government's institutions (United States of America).
- 34. Continue its efforts in the fight against impunity in favour of the security of citizens (Cuba).
- 35. Put an end to impunity for reported attacks against members of marginalized communities, including on the grounds of sexual orientation and gender identity, as well as to put in operation awareness-raising efforts in that respect, targeted particularly at law enforcement officials and the judiciary (Slovenia).
- 36. Adopt further measures to end impunity for attacks against human rights defenders and against persons because of their sexual orientation or gender identity, including specific education and awareness raising programmes for law enforcement, judicial and other authorities, which focus, inter

alia, on protection of enjoyment of human rights by persons of minority sexual orientation and gender identity (Czech Republic).

- 37. Take the necessary measures to ensure the effective participation of indigenous peoples in the public and political life, including through implementation of the relevant recommendations of human rights treaty bodies and special procedures (Jordan).
- 38. Reform the law on radio communication in order to guarantee the proper and free functioning of local radios (Norway).
- 39. Accelerate the poverty alleviation programmes with a view to addressing the uneven distribution of wealth, access to health and the high level of social exclusion of indigenous peoples and People of African Descent (South Africa).
- 40. Ensure the protection of its citizens' economic, social and cultural rights (Denmark) and continue to expand its programmes of social justice in promoting economic, social and cultural rights, in particular health programmes where Cuba also commits itself to continue and deepen the extent of its cooperation (Cuba).
- 41. Reduce illiteracy rates, in particular among women (Switzerland).
- 42. Consider as a good practice, to be continued and strengthened, the project conducted by the Ministry of Education, in the framework of the Peace Agreements, to promote a culture of peace in Guatemalan society, especially among young people (El Salvador).
- 43. Fully involve civil society in the work to follow up this session (United Kingdom) and ensure that a gender perspective is fully integrated in the next stages of the review, including the outcome of the UPR process (Slovenia).

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