



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

30 October 2023

Sir,

I have the honour to refer to the fourth cycle review of Guatemala by the Universal Periodic Review (UPR) Working Group at its 42nd session in January/February 2023. The constructive engagement between your Government, my Office, and the UPR mechanism is warmly welcome. As the final outcome report on the review of Guatemala was recently adopted by the Human Rights Council at its 53rd session, I have also taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/gt-index>) and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "UPR practical guidance" and the "UN good practices" repository on how the UPR process supports sustainable development, available at <https://www.ohchr.org/en/hr-bodies/upr/upr-main>, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Sir, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to be 'V. Türk', written in a cursive style.

Volker Türk

His Excellency
Mr. Mario Adolfo Búcaro Flores
Minister for Foreign Affairs of Guatemala



Observations in light of the outcome of the fourth cycle of the Universal Periodic Review

The establishment of the Presidential Commission for Peace and Human Rights (COPADEH) in 2020, and the subsequent extension of its mandate until 2032, is a commendable step. The adoption of the National Plan for the Prevention and Eradication of Violence against Women and the Comprehensive Care Models for Victims is also a positive development, along with the acceptance by Guatemala of the recommendations related to ending violence against women and the application of the law against femicide.

The on-going discussions at the Congress regarding the adoption of a law to ratify the International Convention for the Protection of all Persons against Enforced Disappearance are encouraging.

While acknowledging the existing moratorium on the death penalty ruled by the Constitutional Court for civil crimes, Guatemala is encouraged to take the necessary steps towards the abolition of death penalty, and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Further to the information regarding the independence of the judiciary provided by Guatemala at the time of the adoption of the Working Group report, it is critical to ensure that independence is fully guaranteed and that judges and prosecutors are adequately protected from harassment and interference. The review of Guatemala also revealed the need to investigate all threats and attacks against human rights defenders, journalists and media workers and bring those responsible to justice.

Guatemala, through COPADEH and the System to Monitor Recommendations from the International Human Rights Mechanism for Guatemala (SIMOREG), is also encouraged to continue strengthening an implementation plan to follow up to the UPR outcome, in close consultation and cooperation with all stakeholders, in particular the Congress of the Republic, the judiciary, the *Procurador de Derechos Humanos*, local and regional governments, and civil society organizations. The matrix may be of use in the development of such an implementation plan. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations of other international or regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG related actions and reporting within the context of the Voluntary National Review (VNR).



The Government is further encouraged to establish a national mechanism for reporting and follow-up, with the aim of ensuring a coordinated and effective approach to reporting to international human rights mechanisms, and to implementing the recommendations, in line with the guidance provided by OHCHR following regional consultations and the High Commissioner's report to the Human Rights Council ([A/HRC/50/64](#)).

Further, an important measure that could positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report some two years after the adoption of the UPR outcome. In this regard, the Government of Guatemala may wish to consider submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2025, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR
30 October 2023