

ADVANCE QUESTIONS TO GUATEMALA

CANADA

- Canada notes that the indigenous population in Guatemala, and women in particular, are vulnerable to multiple forms of discrimination including access to bilingual education, health services and participation in the decision making process. What measures are being taken to ensure the full enjoyment of all human rights and fundamental freedoms without discrimination by indigenous people, including access to education and property rights?
- The UN High Commissioner for Human Rights has reported that there is a systematic lack of criminal investigation and prosecution procedures. According to the Office of the UN High Commissioner for Human Rights in Guatemala, less than 2% of serious crimes lead to convictions. According to the UN Special Rapporteur on the situation of Human Rights defenders the number and intensity of attacks (including threats) against human rights defenders has also doubled in the last 5 years. What steps will the government take to put an end to impunity and to end crimes against human rights defenders?
- Numerous unresolved cases of enforced disappearances remain in Guatemala. During the 36-year civil conflict, 200,000 people were reportedly killed and approximately 45,000 were reportedly 'disappeared.' Is the Guatemalan Government committed to the continued investigation of remaining cases of enforced disappearances as well as to speed up the exhumation process underway with a view to provide closure and compensation to the survivors of the victims?
- The killing of women (femicide) is an area of concern, with over 550 women assassinated in 2007 (representing 12% of total homicides). In addition, women continue to face problems with domestic violence. In 2007 the Judiciary registered 29,138 complaints of domestic violence. The eradication of trafficking of women and girls, as well as sexual violence, are also challenges the government has recognized. We note with satisfaction the recent adoption of a very severe law specific to femicides. What measures will the Guatemalan government take to implement this law? How is the Government responding to the need to ensure the physical security of Guatemalan women who are victims of sexual violence and abuse?

DENMARK

- Indigenous people
Which steps are being taken to secure the rights of indigenous people, their access to land and in particular their right to be heard before exploiting traditional indigenous land, e.g. for mining concessions to foreign companies?
- The right to life

Which steps are being taken to bring down the number of violent attacks and assassinations? Which steps are being taken to stop femicides and violence against women?

- Migrants
Which steps are being taken to secure the human and citizen rights of Guatemalan migrants living outside the national territory? And which steps have been taken to better the human rights situation of foreign nationals migrating through Guatemalan territory?

GERMANY

- The Office of the High Commissioner in Guatemala has been reopened in October 2005. How does your Government evaluate the results of its activities? What are the achievements and where do you see necessity for improvements in cooperation between the Office and the institutions of Guatemala?
- The Special Representative of the United Nations for the Situation of Human Rights Defenders, Mr. Hina Jilana, visited Guatemala on 18-20 February 2008 and held talks with your Government, the judiciary, parliamentary institutions and non-governmental organisations. Mrs. Jilani concluded that your country is facing important challenges in the field of combating poverty, violence, organised crime, impunity and that the overall situation has contributed dramatically to the worsening of the situation of human rights defenders. She addressed a list of recommendations to your authorities. Could you specify if your government has already put in practice some of the Special Representative's recommendations and/or which of her recommendations your government intends to take up in the near future in order to improve substantially the situation of human rights defenders?
- On 8 March 2005, a Special Commission for the Investigation on Femicide in Guatemala was established, chaired by the Minister of Women's Affairs, in order to face the dramatically growing fate of more and more women in Guatemala who become victims of sexual abuse and homicide. Could you inform the Council on any concrete results of the Commission's activities including recommendations which have been taken up by your government?

Based on the fact, that domestic violence is responsible for many of the crimes committed against women, and that the penal code in Guatemala does not define violence against women in the family, including marital rape, and sexual harassment as a criminal offence, does your Government intend to propose modifying legislation in order to offer efficient protection to women?

Moreover, does the Government intend to initiate the collection of data on the indigenous (ethnic) status for investigation purposes, as it appears that a considerable number of indigenous women are affected by this phenomenon?

Does your Government intend to launch special programmes to assist and support indigenous women who are especially threatened to become victims of sexual violence?

IRELAND

- The Special Representative of the UN Secretary General on Human Rights Defenders (HRDs) has noted a significant increase in the number and intensity of attacks against human rights defenders in the last five years, including a high number of killings. What measures have been taken to improve the investigation of such cases, particularly with regard to coordination between the police and the office of the Attorney General?
- What progress has been made on the recommendation of the SRSG on HRDs to develop Government policy for the protection of human rights defenders?

NETHERLANDS

- Ratification of the ICC statute seems to be obstructed in Congress. What are the plans of the government to accelerate this process?
- An integral plan for the justice and security sector seems to be the key to improving the democratic security situation and the respect for human rights. Is this also the view of the Government and if so, when can such a plan be expected?
- What has been the impact of the creation of new units within state institutions on the levels of impunity around human rights violations and common crime?
- When will the Action Plan for Human Rights be operationalized and implemented?

SWEDEN

- In his latest report on Guatemala, the Special Rapporteur on extrajudicial, summary and arbitrary executions highlighted the rapidly rising killing of women, lynching, the killing of persons for their sexual identity or orientation and the killing of human rights defenders and prison violence. Could the government of Guatemala elaborate on what measures it is taking to strengthen legislation in order to combat the persistent violence as well as to end impunity for such violations, in accordance with its international obligations?
- Civil society organizations have noted that the penal code in Guatemala does not recognize violence against women in the family, including marital rape, and sexual harassment as a criminal offence. It has also been noted that the law prohibits domestic abuse but does not provide prison sentences for cases

of domestic abuse. What measures does the government of Guatemala foresee in ensuring the full legal equality of women, including with regard to violence against women?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples noted that implementation of human rights agreements is "thwarted by insufficient institutional backing and budgetary allocations". What measures is the Government of Guatemala planning to take in order to address these issues?
- Could you please elaborate further on the role civil society played in the preparation of your national report for this process?
- The Government of Guatemala was due to submit their follow-up response to CAT recommendations in May 2007. We would be grateful for an update on when the Government intends to respond.
- The Special Rapporteur on extrajudicial, summary and arbitrary executions reported *inter alia*, on the rapid rise in murders of women. How does the Government of Guatemala plan to halt this increase and what specific measures is it planning to tackle the root causes of the problem?
- The Committee to the Convention on the Rights of the Child noted with great concern that 15,000 children are sexually exploited for commercial purposes. What measures is the Government of Guatemala taking to ensure children are protected at all stages of the criminal justice process for all crimes under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography?
- Could you please elaborate on the existence of a national human rights institution in Guatemala and is it in full compliance with the Paris principles
- The Special Representative of the Secretary-General on human rights defenders noted that there is 98% impunity for attackers of human rights defenders in Guatemala. What further measures is the Government taking in order to tackle impunity at all levels?