



Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
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Guatemala

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. According to the United Nations High Commissioner for Human Rights, Guatemala continued to face systemic and structural challenges to the effective implementation of its human rights obligations, particularly poverty, inequality, discrimination, impunity and insecurity, which had been exacerbated by the coronavirus disease (COVID-19) pandemic.²

3. Several Committees encouraged Guatemala to ratify the International Convention for the Protection of All Persons from Enforced Disappearance,³ the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.⁴

4. The Committee on the Elimination of Discrimination against Women urged Guatemala to adopt bill No. 4981 and to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.⁵

5. The Committee on the Elimination of Racial Discrimination encouraged Guatemala to make the optional declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.⁶

6. The High Commissioner for Human Rights conducted an official visit to Guatemala from 17 to 18 November 2017.⁷



III. National human rights framework

1. Constitutional and legislative framework

7. The United Nations country team noted that the legislative agenda of Congress contained regressive measures that would hinder several human rights, including the right to justice, limit civic space and weaken the rights of Indigenous Peoples, women and LGBTIQ+ persons.⁸

8. The Committee on the Elimination of Racial Discrimination remained concerned by the scant progress in implementing the Peace Agreements.⁹ The Committee on the Elimination of Discrimination against Women noted the insufficient funds allocated to the Peace Secretariat.¹⁰

9. The Committee against Torture was concerned that Guatemala had still not brought the definition of torture into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It recommended expediting the legislative process to amend the relevant provisions of the Criminal Code.¹¹

10. The High Commissioner noted that bill No. 5920, which remained under consideration, was incompatible with international human rights standards as it sought to extinguish the criminal liability of persons accused of international crimes committed during the internal armed conflict, including by quashing convictions.¹²

2. Institutional infrastructure and policy measures

11. The High Commissioner urged all relevant authorities to guarantee that the Ombudsperson and his Office could carry out their constitutional mandate without undue interference, intimidation, harassment or other action aimed at undermining their independence.¹³

12. The Committee against Torture was concerned that the selection process for rapporteurs of the National Office for the Prevention of Torture lacked transparency. It was especially alarmed by the use of that institution to put pressure on judges who were battling corruption.¹⁴ The Human Rights Committee recommended putting in place an independent and transparent selection process for the members of that Office.¹⁵

13. The Committee against Torture regretted that the National Coordination Agency for the Prevention of Domestic Violence and Violence against Women had been weakened and did not have the resources it needed.¹⁶ The Committee on the Elimination of Discrimination against Women recommended increasing the resources allocated to the Agency and the Office for the Defence of Indigenous Women's Rights,¹⁷ and strengthening the mandate of the Presidential Secretariat for Women, elevating it to ministerial level, allocating adequate resources to it and improving its operational efficiency.¹⁸

14. The Committee on the Elimination of Racial Discrimination recommended strengthening the Presidential Commission on Discrimination and Racism and providing the institutions responsible for combating racial discrimination and protecting Indigenous Peoples' rights with appropriate resources.¹⁹

15. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended allocating adequate resources to implement the comprehensive policy on migration.²⁰

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

16. The Committee on the Elimination of Discrimination against Women remained concerned about the absence of a comprehensive article in the Constitution on the right to non-discrimination and of legislation prohibiting and sanctioning all forms of discrimination. It recommended ensuring that Guatemalan legislation covered all prohibited grounds of discrimination and intersecting forms of discrimination.²¹ The Committee on the Elimination of Racial Discrimination urged Guatemala to adopt a comprehensive national policy to combat racial discrimination and racism.²²

2. Right to life, liberty and security of person, and freedom from torture

17. Concerned at the high number of violent deaths in the context of organized crime, the Committee against Torture urged Guatemala to ensure prompt, effective, independent and impartial investigations into complaints, prosecute and punish perpetrators, provide victims with appropriate redress and establish stricter control over firearms possession.²³

18. The Committee on the Rights of the Child recommended effectively tackling gang (*mara*) violence, addressing its social factors and root causes, and developing policies for the social inclusion of marginalized children.²⁴

19. The Human Rights Committee, the Committee against Torture and the High Commissioner for Human Rights urged Guatemala to continue strengthening the National Civil Police and to definitively withdraw the armed forces from civil security tasks.²⁵ The Human Rights Committee recommended investigating the excessive use of force by military and private security personnel, and prosecuting and punishing those responsible.²⁶ The Committee on the Elimination of Racial Discrimination also recommended taking measures to prevent the excessive use of force, ill-treatment and abuse of authority.²⁷

20. The Committee against Torture was concerned about complaints of torture, ill-treatment, sexual violence and harassment of people in custody and in places of deprivation of liberty.²⁸ It recommended that Guatemala unequivocally reaffirm the absolute prohibition of torture, promptly and impartially investigate all reports of torture or ill-treatment, immediately suspend perpetrators from duty for the duration of the investigation, establish an independent, effective and confidential means to convey complaints directly to the Public Prosecution Service, and ensure the effectiveness and independence of the internal investigation mechanisms of the National Civil Police.²⁹ The Human Rights Committee urged Guatemala to ensure that victims received full redress.³⁰ The Committee on the Elimination of Discrimination against Women recommended promptly investigating all alleged cases of ill-treatment and violence against women in detention, and providing alternatives to detention for pregnant women and mothers with young children.³¹

21. The Committee against Torture was concerned that many persons were held in pretrial detention for minor offences, even after the applicable time limits had expired.³² It urged Guatemala to counter the excessive use of pretrial detention by encouraging the use of alternatives to imprisonment and ensuring that the judiciary verified the necessity, proportionality and duration of pretrial detention.³³

22. The same Committee was concerned about the steady growth of the prison population and about police stations being used as long-term detention centres.³⁴ It was also concerned by the increasing number of violent deaths in prisons, the persistently high levels of violence between rival groups of prisoners, the widespread sale and use of drugs and the smuggling and use of firearms within prisons, and reports of degrading treatment, aggression and sexual violence by prison staff.³⁵ It urged Guatemala to promptly undertake a thorough and impartial investigation into all incidents involving violence, death, torture or ill-treatment in detention centres,³⁶ reinforce measures for preventing and reducing inter-prisoner violence, investigate

smuggling and trafficking of firearms and drugs and the extortion rings operating in prisons, and regain effective control over them.³⁷

23. The Committee on the Rights of the Child urged Guatemala to adopt a comprehensive strategy to reduce overcrowding and improve living conditions in juvenile detention centres; promptly and thoroughly investigate and convict perpetrators of violence, torture, ill-treatment and/or abuse; and establish a complaints procedure for all children in detention centres.³⁸ It recommended that Guatemala avoid detaining children, raise the minimum age of detention and promote non-judicial measures in cases of children accused of criminal offences.³⁹

24. The Committee against Torture remained concerned about cases of sexual and physical abuse of patients and the reported use of solitary confinement and of physical and chemical restraints in the Federico Mora psychiatric hospital, the Hogar Virgen del Socorro and the Hogar Hermano Pedro.⁴⁰ The Committee on the Elimination of Discrimination against Women was concerned about complaints of abuse and trafficking of girls in the Hogar Seguro Virgen de la Asunción.⁴¹

3. Human rights and counter-terrorism

25. The High Commissioner warned that, if adopted, bill No. 5692 would expand the definition of terrorism and could increase the risk of criminalization of human rights organizations and defenders.⁴²

4. Administration of justice, including impunity, and the rule of law

26. The United Nations country team and the High Commissioner for Human Rights highlighted attacks against justice officials through misuse of the Criminal Code, sanctions, requests to lift their immunity and acts against their physical integrity.⁴³ The High Commissioner urged the authorities to guarantee the independence of the justice system.⁴⁴ The Special Rapporteur on the independence of judges and lawyers urged Guatemala to tighten protection for the judiciary and civil servants.⁴⁵

27. The Human Rights Committee recommended ensuring the security of tenure of judges and magistrates, ensuring that the selection and appointment of magistrates, judges and prosecutors, the Attorney General and the Comptroller General were based entirely on objective and transparent merit-based criteria, and developing a protocol for the protection of justice officials and persons involved in judicial proceedings.⁴⁶ The Committee on the Elimination of Discrimination against Women, the Committee against Torture and the High Commissioner for Human Rights recommended strengthening the independence of judicial institutions and protection for justice officials.⁴⁷ The High Commissioner called upon Guatemala to guarantee the merit-based selection of judges and magistrates of the Supreme Court of Justice, the Appeals Courts and the Supreme Electoral Tribunal, in strict compliance with the principles of transparency, impartiality and objectivity.⁴⁸

28. The Human Rights Committee regretted the non-renewal of the mandate of the International Commission against Impunity in Guatemala.⁴⁹ The Committee against Torture invited Guatemala to reconsider its decision.⁵⁰

29. The Committee on the Elimination of Racial Discrimination reported that the lack of judicial independence, persistent racial discrimination in the justice system and the lack of cultural and linguistic relevance prevented effective access to justice for Indigenous Peoples, especially women.⁵¹ The Committee on the Elimination of Discrimination against Women had similar concerns.⁵² It recommended strengthening and expanding the geographical coverage of specialized courts on femicide and other forms of violence against women.⁵³ The Committee on the Elimination of Racial Discrimination and the Special Rapporteur on the rights of Indigenous Peoples recommended ensuring access to justice and to prompt and effective judicial remedies for Indigenous Peoples, providing compensation to all victims of racial discrimination and eliminating racial discrimination in the justice system.⁵⁴

30. The Committee against Torture was concerned that most grave violations committed during the internal armed conflict remained unpunished, that victims, witnesses and justice officials were stigmatized and that spurious lawsuits were filed against them.⁵⁵ It urged

Guatemala to investigate without delay all grave human rights violations committed during the internal armed conflict.⁵⁶ It also recommended stepping up efforts to locate and identify all persons subjected to enforced disappearance during that conflict.⁵⁷

31. The Human Rights Committee regretted the failure to comply with several rulings of the Inter-American Court of Human Rights requiring the investigation of past cases, noting that the failure was purportedly a consequence of the abuse of the right to file legal claims, particularly *amparo* applications, along with the absence of disciplinary procedures for dealing with malicious delays in the administration of justice and a lack of police diligence in executing arrest warrants.⁵⁸ The Committee against Torture noted that the repeated use of delaying tactics threatened to undermine the aggrieved parties' access to justice.⁵⁹ The Human Rights Committee recommended amending the Amparo Act to counter abuses.⁶⁰

32. Concerning redress for victims of human rights violations committed during the internal armed conflict, the Committee against Torture noted the small budget allocated to the National Reparations Programme and the scant number of cases in which redress had been granted.⁶¹ The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the United Nations country team and the High Commissioner for Human Rights expressed similar concerns.⁶² The Committee against Torture urged Guatemala to provide the National Reparations Programme with resources and to facilitate victims' access to redress.⁶³

33. The Committee on the Elimination of Racial Discrimination was concerned that the bill on the Indigenous legal system had yet to be adopted. It recommended recognizing and respecting the Indigenous justice system in keeping with international human rights law.⁶⁴

34. The Committee against Torture was deeply concerned by numerous reports of corruption in the judicial system, the prison system and the police force, and that most acts of corruption went unpunished. It recommended that Guatemala urgently put an end to corruption by increasing support to the Public Prosecution Service and building its capacity to investigate and prosecute corruption.⁶⁵

5. Fundamental freedoms and the right to participate in public and political life

35. The United Nations country team and the High Commissioner for Human Rights reported an increase in attacks on human rights defenders and defamation campaigns against journalists.⁶⁶ Several human rights bodies were concerned at the increase in violence, intimidation, stigmatization and murders of human rights defenders, journalists and trade unionists, widespread impunity and the abusive use of criminal proceedings against human rights defenders, journalists and Indigenous leaders defending their land and natural resources.⁶⁷ They recommended that Guatemala promptly, thoroughly and effectively investigate all threats and attacks targeting those persons and punish those responsible.⁶⁸ The High Commissioner recommended strengthening legislation, policies and institutional structures for the protection of human rights defenders and journalists, including against criminalization.⁶⁹

36. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Committee against Torture reported that human rights defenders and their work were stigmatized and discredited, and that they had been the victims of attacks, intimidation and criminalization, including by State actors.⁷⁰ OHCHR and several treaty bodies underlined the need for public recognition of human rights defenders' work and recommended adopting a comprehensive public protection policy for them, developed with their participation.⁷¹

37. The High Commissioner for Human Rights and several human rights bodies denounced an increase in the misuse of criminal law against human rights defenders and journalists to punish them or impede their work.⁷² The Committee against Torture recommended ensuring that the criminal justice system was not used to attack human rights defenders.⁷³ The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended decriminalizing defamation and placing it in the Civil Code.⁷⁴

38. The United Nations country team drew attention to appeals to repeal the reforms to the law on non-governmental organizations and the Civil Code, as they restricted public space,

violated the rights to peaceful assembly and freedom of association and expression and were an obstacle to public participation and the defence of human rights.⁷⁵

39. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination urged Guatemala to assign access and frequencies to public, commercial and community radio broadcasters, accord legal recognition to the community broadcasting sector and refrain from imposing criminal penalties on unauthorized broadcasters.⁷⁶

6. Right to marriage and family life

40. The Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on the Rights of the Child and the High Commissioner welcomed Decree No. 13-2017 amending the Civil Code to set the minimum age for marriage or entering into a union at 18 years of age for women and men.⁷⁷ The Committee on the Elimination of Discrimination against Women noted that provisions relating to the age of sexual consent in the Criminal Code had not been brought into line to ensure protection for girls between the ages of 14 and 18 years. It recommended harmonizing the provisions of the Criminal Code relating to the age of sexual consent.⁷⁸

7. Prohibition of all forms of slavery, including trafficking in persons

41. The Human Rights Committee remained concerned that there had been few prosecutions and convictions in cases of human trafficking.⁷⁹ The Committee against Torture recommended thoroughly investigating all cases of trafficking, prosecuting and punishing alleged perpetrators and ensuring redress for victims.⁸⁰ The Committee on the Elimination of Discrimination against Women recommended building the capacity of the judiciary and the police to conduct gender-sensitive investigations of cases of trafficking in women and girls, and providing victims with access to specialized shelters, medical care, psychosocial counselling, legal aid and rehabilitation and reintegration services.⁸¹

8. Right to work and to just and favourable conditions of work

42. The same Committee was concerned about discrimination against women in employment, their lack of social and labour protection and their segregation in the lowest-paid occupations.⁸² The Human Rights Committee urged Guatemala to combat discriminatory practices in the workplace.⁸³ It remained concerned at the low level of women's participation in economic activities and the gender pay gap.⁸⁴

43. The same Committee urged Guatemala to narrow the wage gap between men and women, and reduce the horizontal and vertical occupational segregation of women.⁸⁵ The Committee on the Elimination of Discrimination against Women recommended increasing women's access to decent work and promoting their transition to formal employment.⁸⁶

9. Right to social security

44. The same Committee expressed concern that the majority of women employed in the informal sector did not have access to the national social security system, social protection or compensation programmes.⁸⁷

10. Right to an adequate standard of living

45. The High Commissioner noted that State institutions had not adopted regulatory frameworks to guarantee the human rights of all parties involved in land conflicts, which would include measures to recognize Indigenous Peoples' rights to lands, territories and natural resources and to ensure the relocation of, and provision of more durable solutions for, persons who had been forcibly evicted or displaced.⁸⁸ The High Commissioner expressed concern about forced evictions and the resulting internal displacement. She urged Guatemala to comply with the relevant international norms and standards.⁸⁹

46. The Committee on the Elimination of Discrimination against Women was concerned about the disproportionate levels of poverty among women,⁹⁰ and the persistent economic and social inequality, exclusion and lack of access to land and productive resources they

suffered.⁹¹ It recommended improving women's economic empowerment, increasing their access to financial services and promoting their entrepreneurial activities.⁹²

47. The Committee on Economic, Social and Cultural Rights was concerned about food insecurity and chronic malnutrition affecting children.⁹³ The Committee on the Rights of the Child recommended adopting a strategy to address the poverty and structural inequalities underlying the high rates of child chronic malnutrition and child mortality, and an inter-institutional administrative protocol on children suffering from chronic malnutrition, as ordered by the Constitutional Court in 2016.⁹⁴ The Committee on the Elimination of Racial Discrimination recommended guaranteeing the right to adequate food for Indigenous Peoples.⁹⁵

48. Concerned about the limited access to water and sanitation, the Committee on the Rights of the Child recommended adopting a legal and policy framework for ensuring enjoyment of the rights to drinking water and sanitation.⁹⁶ The Committee on Economic, Social and Cultural Rights asked about steps taken to ensure that productive investment projects did not result in restricted access to water for personal and domestic use and for small-scale subsistence farming.⁹⁷

11. Right to health

49. The Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights recommended ensuring the accessibility, availability and quality of health care, taking into special consideration Indigenous Peoples' needs and cultural specificities.⁹⁸

50. The Committee on the Elimination of Discrimination against Women, concerned about the persistently high rates of maternal mortality and early pregnancy,⁹⁹ recommended ensuring access to good-quality sexual and reproductive health-care services for all women.¹⁰⁰ The Committee on the Rights of the Child, concerned about the persistently high neonatal, infant and child mortality rates, recommended ensuring sufficient budget allocation to programmes to combat child and maternal mortality.¹⁰¹

51. The United Nations country team highlighted the need to update the legal framework concerning the response to HIV with a law that had a human rights-based approach in accordance with the Political Declaration on HIV/AIDS of 2021 and the World AIDS Strategy 2021–2026, and to establish a new strategic plan on HIV/AIDS.¹⁰² The Committee on the Elimination of Discrimination against Women recommended guaranteeing women's equal access to adequate treatment for and means of prevention of HIV/AIDS,¹⁰³ which the Committee on the Rights of the Child also recommended for HIV-infected pregnant women and girls.¹⁰⁴

52. Several Committees recommended ensuring unimpeded access to sexual and reproductive health services, emergency contraceptives and comprehensive sex education for men, women, boys and girls throughout the country.¹⁰⁵ The Committee on the Rights of the Child recommended that sexual and reproductive health education be part of the mandatory school curriculum and that family planning methods and modern contraceptive information be available in accessible formats and Indigenous languages.¹⁰⁶

53. The Human Rights Committee remained concerned about the criminalization of abortion.¹⁰⁷ The Committee on the Rights of the Child recommended decriminalizing abortion in all circumstances and ensuring access to safe abortion and post-abortion care services.¹⁰⁸ The Human Rights Committee recommended that women and girls who had recourse to abortion and the doctors who attended to them not be subject to criminal penalties.¹⁰⁹ The United Nations country team indicated that the policy on protecting life and the family as an institution was contrary to international human rights standards and to some treaty bodies recommendations.¹¹⁰

54. The Committee on the Elimination of Discrimination against Women was concerned about reports of sexual violence perpetrated by medical personnel and the coercive sterilization of women with disabilities, including women institutionalized in the Federico Mora Mental Health Hospital.¹¹¹ The Human Rights Committee was concerned at the reported coercion of women and girls with disabilities to have abortions.¹¹² The Committee

on the Elimination of Discrimination against Women recommended duly investigating all those cases, prosecuting and punishing the perpetrators, and ensuring that any medical procedure was carried out only with the free, prior and informed consent of those concerned.¹¹³

12. Right to education

55. UNESCO noted that the high school dropout rate might result from the low minimum age of employment which, under Guatemalan legislation, was 14 years old. It recommended that Guatemala consider raising the minimum age of employment to 15 years of age and ensure its alignment with the end of compulsory education.¹¹⁴ The Committee on the Elimination of Discrimination against Women remained concerned at the significant level of illiteracy and poor level of numeracy among girls and women.¹¹⁵

56. The Committee on the Rights of the Child was concerned at the limited coverage of bilingual education.¹¹⁶ The Committee on the Elimination of Discrimination against Women recommended strengthening teachers' capacity to provide bilingual and intercultural education to Indigenous and rural communities.¹¹⁷

57. Given the prevalence of segregated special education for children with disabilities, the Committee on the Rights of the Child urged Guatemala to ensure their full access to inclusive education.¹¹⁸

13. Development, the environment, and business and human rights

58. The United Nations country team reported that Indigenous Peoples were often displaced or deprived of their lands and ancestral territories by extractive and monoculture projects which, due to the State's inaction, resulted in conflicts.¹¹⁹ The Committee on Economic, Social and Cultural Rights asked about the adverse effects of cultivating monoculture export crops on the ability of Indigenous Peoples and rural communities to obtain access to land.¹²⁰

59. The High Commissioner for Human Rights recommended ensuring the participation of all stakeholders in efforts to implement the National Action Plan on Business and Human Rights.¹²¹

60. The Committee on the Rights of the Child recommended strengthening the regulatory framework regarding children's rights and business, establishing child-sensitive mechanisms to investigate children's rights violations perpetrated in business activities and providing redress, and requiring companies to undertake child-rights due diligence.¹²²

B. Rights of specific persons or groups

1. Women

61. The Committee on the Elimination of Discrimination against Women noted the deeply entrenched racism and discrimination against women and called upon Guatemala to prohibit all discrimination against women and repeal any provisions that discriminated against them.¹²³

62. The same Committee was concerned about pervasive gender-based violence perpetrated against women and girls with systemic impunity, and the failure to provide reparation to victims.¹²⁴ The High Commissioner for Human Rights indicated that the allocation of resources for the prevention of all forms of violence against women and the protection of victims continued to be inadequate.¹²⁵ Several Committees recommended thoroughly investigating all cases of gender-based violence, prosecuting and punishing alleged perpetrators and ensuring redress for victims.¹²⁶ The Committee on the Elimination of Discrimination against Women and the Human Rights Committee recommended implementing a national plan for the prevention of gender-based violence against women and providing fully operational shelters for women victims.¹²⁷

63. The Committee on the Elimination of Discrimination against Women was concerned about the low representation of women in elected and appointed decision-making positions

and the obstacles faced by women who stood for public office.¹²⁸ It recommended amending the Elections and Political Parties Act to introduce statutory quotas for women's representation in elected and appointed decision-making positions.¹²⁹

2. Children

64. The Committee on the Rights of the Child was concerned about high rates of violence against and homicide and femicide of children and about abductions of children by *maras*. It urged Guatemala to investigate those cases and prosecute and sanction the perpetrators.¹³⁰

65. The same Committee recommended introducing complaint and early warning procedures in situations of sexual violence and abuse of children; ensuring accessible, confidential, child-friendly and effective reporting channels and judicial procedures for such violations; strengthening the Public Prosecutor's Office and police to conduct criminal proceedings in such cases; and allocating a specific budget for the recovery and social reintegration of child victims.¹³¹

66. The same Committee was concerned about the persistence of child marriage, early informal unions of children, especially girls, and the forced marriage of girls.¹³² The Committee on the Elimination of Discrimination against Women recommended strictly applying Decrees Nos. 8-2015 and 13-2017, addressing the root causes of early marriage and unions and protecting the rights of girls.¹³³

67. The Committee on the Rights of the Child was concerned about the deplorable living conditions and maltreatment of, and reported disappearances and trafficking and abuse of, and violence against, children in public care centres, mainly affecting girls and children with disabilities.¹³⁴ It recommended adopting strategies to promote family-based care for children in all circumstances, for the deinstitutionalization of children, and to end all abuse of children in institutional care settings.¹³⁵

68. The Human Rights Committee and the United Nations country team were concerned about child labour and children's exposure to work-related and sexual exploitation.¹³⁶ Several Committees recommended strengthening efforts to eliminate child labour in all economic sectors.¹³⁷ The Committee on the Elimination of Discrimination against Women recommended intensifying labour inspections to detect child labour.¹³⁸

69. The Human Rights Committee was concerned about the percentage of children whose births had not been registered and about reports that the National Registry Office continued to charge parents a birth registration municipal tax, despite a Constitutional Court ruling eliminating that tax.¹³⁹ The Committee on the Rights of the Child recommended that Guatemala adopt a strategy to promote universal, timely and free birth registration.¹⁴⁰ The Committee on the Elimination of Discrimination against Women recommended decentralizing the civil registry offices in order to deliver services in rural areas.¹⁴¹

3. Persons with disabilities

70. The Committee on the Elimination of Racial Discrimination recommended combating the multiple forms of discrimination faced by persons with disabilities.¹⁴² The Committee on the Rights of the Child recommended adopting a human rights-based model of disability.¹⁴³ The Human Rights Committee recommended effectively implementing the National Disability Policy.¹⁴⁴ The High Commissioner urged Congress to bring the Act on the Provision of Services for Persons with Disabilities into line with the Convention on the Rights of Persons with Disabilities.¹⁴⁵

71. The Human Rights Committee was concerned about the institutionalization of persons with disabilities for an indefinite length of time and the lack of alternative community-based services. It urged Guatemala to define a strategy for the deinstitutionalization of those persons, coupled with proper community support arrangements and sufficient resources.¹⁴⁶ The Committee on the Rights of the Child recommended ensuring that all children with disabilities were able to live in a family setting and adequately training foster parents for that purpose.¹⁴⁷

4. Indigenous Peoples and minorities

72. The United Nations country team reported that Indigenous Peoples systematically had less access than the rest of the population to sanitation, housing, education and food and nutrition security.¹⁴⁸ Several Committees had similar concerns.¹⁴⁹

73. The Committee on the Elimination of Racial Discrimination stressed that Indigenous Peoples and persons of African descent were targeted by discriminatory discourse and acts, sometimes by State officials.¹⁵⁰ Several special procedure mandate holders expressed concern regarding a particular case of criminalization and violations of due process and the right to health of an Indigenous human rights defender.¹⁵¹

74. The Special Rapporteur on the rights of Indigenous Peoples underlined the need for Guatemala to harmonize its legislation with its constitutional and international obligations on Indigenous Peoples' rights.¹⁵²

75. The same Special Rapporteur highlighted that the basic underlying cause of the problems affecting Indigenous Peoples in Guatemala was the lack of protection of their lands, territories and natural resources. She recommended investigating the connections between corruption in the registration and ownership of land and the expropriation of Indigenous communities' lands.¹⁵³ The Human Rights Committee was concerned about the granting of exploration and resource development permits for activities in Indigenous Peoples' territories without their prior consultation or taking into account the results of those communities' consultations.¹⁵⁴ The Committee on the Elimination of Racial Discrimination recommended adopting appropriate measures to guarantee the right of Indigenous Peoples to be consulted and ensuring that impartial independent bodies carried out human rights impact studies.¹⁵⁵ The Human Rights Committee urged Guatemala to amend the laws that impeded the exercise of that right.¹⁵⁶

76. Several Committees expressed concern at reports that Indigenous Peoples had been forcibly evicted from their territories without appropriate legal protection, in some cases using excessive force.¹⁵⁷ The Committee on the Elimination of Racial Discrimination urged Guatemala to protect Indigenous Peoples against forced evictions.¹⁵⁸ The Special Rapporteur on the rights of Indigenous Peoples recommended an immediate suspension of forced evictions.¹⁵⁹ The Committee on the Rights of the Child recommended implementing resettlement plans and humanitarian assistance for evicted communities.¹⁶⁰

77. The High Commissioner for Human Rights noted that the Ministry of Health had recognized the key role of Indigenous midwives as health service providers in rural communities.¹⁶¹

5. Lesbian, gay, bisexual, transgender and intersex persons

78. The High Commissioner for Human Rights reported that stigmatization, harassment, discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons in Guatemala required urgent preventive and protective measures.¹⁶² Several Committees urged Guatemala to ensure the physical integrity of those persons and to uphold the principle of non-discrimination on the grounds of sexual orientation or gender identity.¹⁶³ The Human Rights Committee recommended combating stereotypes and prejudice against those persons and preventing acts of discrimination and violence directed against them.¹⁶⁴ Several Committees recommended systematically investigating crimes motivated by the victim's sexual orientation or gender identity, punishing perpetrators and giving victims access to secure complaint mechanisms, adequate protection and full redress.¹⁶⁵ OHCHR had warned about the harmful effects of "conversion therapies" that attempted to change the gender identity and sexual orientation of lesbian, gay, bisexual and transgender persons.¹⁶⁶

79. The United Nations country team reported that, in 2021, Congress had submitted a bill aimed at ensuring the comprehensive protection of children and adolescents against gender identity disorder. Despite the letter sent by several special procedure mandate holders indicating that several provisions of the bill were contrary to international human rights standards, it continued to be considered by Congress.¹⁶⁷

6. Migrants, refugees and asylum-seekers

80. The Committee on Migrant Workers noted that, in Guatemala, the structural causes leading to forced migration included high rates of poverty, corruption, violence and crime, social exclusion of certain groups, underemployment, natural disasters and climate change.¹⁶⁸

81. The same Committee noted that Guatemala faced an unprecedented situation owing to mixed migratory movements, particularly mass migrations (“migrant caravans”).¹⁶⁹ It was concerned about the lack of a permanent strategy to deal with those mass movements and the fact that the bilateral and multilateral agreements on border security and immigration control might be contrary to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁷⁰ The High Commissioner expressed serious concern about the so-called Safe Third Country agreement, as its implementation could lead to violations of human rights.¹⁷¹ The Committee against Torture was troubled by reports of collective expulsion and the return of unaccompanied children and adolescents without due regard for the principle of non-refoulement and by the lack of appeal procedures.¹⁷² The Committee on Migrant Workers recommended enforcing the principle of non-refoulement and the prohibition of arbitrary and collective expulsions of migrants.¹⁷³ It also recommended implementing the Central American Border Control Agreement and setting up a mechanism to assess the impact of the Plan of the Alliance for Prosperity in the Northern Triangle.¹⁷⁴

82. The same Committee, the Committee against Torture and several special procedure mandate holders recommended respecting the human rights of migrants along the entire migration route and at border crossings,¹⁷⁵ and ensuring that any agreement on migration did not involve the return, expulsion or deportation of migrant workers to their countries of origin or to third countries where their right to life or physical integrity might be violated.¹⁷⁶

83. The Committee on Migrant Workers expressed concern that Guatemalan migrant workers and/or members of their families travelling along the migratory route towards the north had been victims of crime at the hands of organized crime groups, *maras* and even police officers, immigration officers and other civil servants.¹⁷⁷ The Committee against Torture expressed a similar concern.¹⁷⁸ The Committee on Migrant Workers recommended strengthening mechanisms for protecting migrants who fell victim to crimes or abuse; investigating, prosecuting and punishing, administratively and criminally, cases involving extortion; searching for living migrants who were missing or had been disappeared; and upholding the rights of families of disappeared migrant victims to justice, truth and reparation.¹⁷⁹

84. The Committee against Torture urged Guatemala to ensure that migrants had access to refugee-status determination procedures.¹⁸⁰ The Committee on Migrant Workers and the High Commissioner recommended implementing supplementary regulations to effectively implement the Migration Code and amending articles 46, 50 and 195 of that Code so as to fully guarantee the right to non-refoulement and the prohibition of denial of entry at the border or indirect refoulement.¹⁸¹

85. The Committee on Migrant Workers, concerned at the rise in the number of migrant workers and their children and of unaccompanied minors who were deprived of their liberty, recommended making any deprivation of liberty absolutely prohibited for children and adolescents.¹⁸² The Committee on the Rights of the Child recommended that Guatemala address the root causes of the irregular and unaccompanied migration of children, establish a normative and policy framework to protect children in the context of international migration, and adopt measures to protect children who had been subjected to deportation from other countries.¹⁸³

Notes

- 1 [A/HRC/37/9](#), [A/HRC/37/9/Add.1](#) and [A/HRC/37/2](#).
- 2 [A/HRC/49/20](#), para. 51, and [A/HRC/46/74](#), paras. 5 and 92. See also <https://www.ohchr.org/en/news/2022/03/human-rights-council-hears-high-commissioner-present-her-global-oral-update-and-her>, and [E/C.12/GTM/CO/4](#), paras. 34–35.
- 3 [CERD/C/GTM/CO/16-17](#), para. 39, [CCPR/C/GTM/CO/4](#), para. 17 (e), [CEDAW/C/GTM/CO/8-9](#), para. 54, [CRC/C/GTM/CO/5-6](#), para. 50 (a), and [E/C.12/GTM/CO/4](#), para. 57.
- 4 [CERD/C/GTM/CO/16-17](#), para. 39. See also [CMW/C/GTM/CO/2](#), para. 15, [CRC/C/GTM/CO/5-6](#), para. 50 (b), [E/C.12/GTM/CO/4](#), paras. 56–57, and [A/HRC/43/3/Add.1](#), para. 89 (n).
- 5 See https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GTM/INT_CEDAW_FUL_GTM_42753_E.pdf, p. 3. See also [CEDAW/C/GTM/CO/8-9](#), para. 35 (b).
- 6 [CERD/C/GTM/CO/16-17](#), para. 41. See also [A/HRC/39/17/Add.3](#), p. 18.
- 7 See <https://www.ohchr.org/en/press-releases/2017/11/un-human-rights-chief-visit-guatemala-17-18-november>.
- 8 United Nations country team submission for the universal periodic review of Guatemala, p. 1. See also [A/HRC/43/3/Add.1](#), para. 89 (a), and [A/HRC/39/17/Add.3](#), para. 21.
- 9 [CERD/C/GTM/CO/16-17](#), para. 15. See also [CEDAW/C/GTM/CO/8-9](#), para. 22, [A/HRC/39/17/Add.3](#), paras. 6 and 17–18 and p. 18.
- 10 [CEDAW/C/GTM/CO/8-9](#), para. 22.
- 11 [CAT/C/GTM/CO/7](#), paras. 8–9. See also [CCPR/C/GTM/CO/4](#), paras. 20–21 (a).
- 12 [A/HRC/49/20](#), paras. 8 and 60.
- 13 [A/HRC/43/3/Add.1](#), para. 89 (k). See also [A/HRC/40/3/Add.1](#), para. 110 (l).
- 14 [CAT/C/GTM/CO/7](#), para. 14.
- 15 [CCPR/C/GTM/CO/4](#), para. 21 (c). See also [CAT/C/GTM/CO/7](#), para. 15, and [A/HRC/40/3/Add.1](#), para. 110 (j).
- 16 [CAT/C/GTM/CO/7](#), para. 36. See also [A/HRC/49/20](#), para. 25, and United Nations country team submission, p. 6.
- 17 [CEDAW/C/GTM/CO/8-9](#), para. 15 (b). See also [CERD/C/GTM/CO/16-17](#), para. 12 (b).
- 18 [CEDAW/C/GTM/CO/8-9](#), para. 15 (a). See also [A/HRC/46/74](#), paras. 41 and 92 (j).
- 19 [CERD/C/GTM/CO/16-17](#), para. 12 (b)–(c).
- 20 [CMW/C/GTM/CO/2](#), paras. 17 and 19 (a)–(c). See also [A/HRC/43/3/Add.1](#), para. 78.
- 21 [CEDAW/C/GTM/CO/8-9](#), paras. 10–11 (a). See also [CMW/C/GTM/CO/2](#), para. 27 (c), [CERD/C/GTM/CO/16-17](#), paras. 17–18, and [A/HRC/37/3/Add.1](#), para. 82 (a).
- 22 [CERD/C/GTM/CO/16-17](#), para. 14 (a).
- 23 [CAT/C/GTM/CO/7](#), paras. 32 and 33 (a) and (c). See also [CCPR/C/GTM/CO/4](#), paras. 22–23, and [A/HRC/37/3/Add.1](#), para. 22.
- 24 [CRC/C/GTM/CO/5-6](#), paras. 25 (a)–(c) and 48 (b)–(c).
- 25 [CCPR/C/GTM/CO/4](#), para. 25 (a), [CAT/C/GTM/CO/7](#), paras. 32 and 33 (d), and [A/HRC/46/74](#), para. 93 (h). See also [CCPR/C/GTM/CO/4](#), para. 24, [A/HRC/43/3/Add.1](#), para. 89 (l), [A/HRC/40/3/Add.1](#), para. 110 (k), [A/HRC/37/3/Add.1](#), para. 82 (h)–(i), and https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GTM/INT_CAT_FUL_GTM_42774_E.pdf, p. 2.
- 26 [CCPR/C/GTM/CO/4](#), paras. 24 and 25 (c).
- 27 [CERD/C/GTM/CO/16-17](#), para. 22 (d). See also [A/HRC/49/20](#), para. 83.
- 28 [CAT/C/GTM/CO/7](#), para. 10. See also [CCPR/C/GTM/CO/4](#), para. 20.
- 29 [CAT/C/GTM/CO/7](#), paras. 11 (a) and 17 (a)–(d). See also [CCPR/C/GTM/CO/4](#), para. 21 (b).
- 30 [CCPR/C/GTM/CO/4](#), para. 21 (b).
- 31 [CEDAW/C/GTM/CO/8-9](#), paras. 44 and 45 (b)–(d).
- 32 [CAT/C/GTM/CO/7](#), para. 18. See also [CCPR/C/GTM/CO/4](#), para. 28, [CEDAW/C/GTM/CO/8-9](#), para. 44, [A/HRC/37/3/Add.1](#), para. 28, and [A/HRC/39/17/Add.3](#), para. 53.
- 33 [CAT/C/GTM/CO/7](#), para. 19 (b) and (d). See also [CCPR/C/GTM/CO/4](#), para. 29 (a), [CEDAW/C/GTM/CO/8-9](#), para. 45 (a), and [CAT/C/GTM/CO/7](#), para. 11 (b).
- 34 [CAT/C/GTM/CO/7](#), para. 20. See also [CCPR/C/GTM/CO/4](#), para. 28, and [CEDAW/C/GTM/CO/8-9](#), para. 44.
- 35 [CAT/C/GTM/CO/7](#), para. 22. See also [CCPR/C/GTM/CO/4](#), para. 28.
- 36 [CAT/C/GTM/CO/7](#), para. 23 (a). See also [CCPR/C/GTM/CO/4](#), para. 29 (c).
- 37 [CAT/C/GTM/CO/7](#), paras. 20–21 and 23 (b). See also [CCPR/C/GTM/CO/4](#), paras. 28–29 (b), [CEDAW/C/GTM/CO/8-9](#), paras. 44–45, and [A/HRC/37/3/Add.1](#), para. 28.
- 38 [CRC/C/GTM/CO/5-6](#), paras. 20 (c) and 21 (f)–(g) and (i). See also [CRC/C/GTM/CO/5-6](#), para. 46 (e), [CAT/C/GTM/CO/7](#), paras. 24 and 25 (c)–(d), [CCPR/C/GTM/CO/4](#), paras. 32 and 33 (a) and (c), and [A/HRC/37/3/Add.1](#), para. 82 (n).

- ³⁹ CRC/C/GTM/CO/5-6, para. 46 (a)–(d).
- ⁴⁰ CAT/C/GTM/CO/7, paras. 30 and 31 (a), (d) and (f). See also CEDAW/C/GTM/CO/8-9, para. 20 (d), and A/HRC/46/74, para. 23.
- ⁴¹ CEDAW/C/GTM/CO/8-9, para. 24 (b).
- ⁴² A/HRC/46/74, para. 73. See also CAT/C/GTM/QPR/8, para. 31.
- ⁴³ United Nations country team submission, pp. 11–12, and A/HRC/49/20, paras. 55–57. See also A/HRC/46/74, para. 65, <https://www.ohchr.org/en/news/2022/03/human-rights-council-hears-high-commissioner-present-her-global-oral-update-and-her>, and <https://www.ohchr.org/en/press-releases/2019/02/guatemala-must-ensure-independent-justice-system-fight-against-corruption>.
- ⁴⁴ A/HRC/43/3/Add.1, para. 89 (b), and <https://www.ohchr.org/en/press-releases/2021/04/guatemala-un-expert-deeply-concerned-congress-refusal-reappoint-top-judge>. See also E/C.12/GTM/CO/4, paras. 6–7.
- ⁴⁵ See <https://www.ohchr.org/en/press-releases/2021/07/guatemala-top-judges-face-threats-must-be-protected-expert>.
- ⁴⁶ CCPR/C/GTM/CO/4, paras. 30–31 (a)–(c). See also A/HRC/43/3/Add.1, paras. 29–36, 38 and 89 (c), A/HRC/40/3/Add.1, paras. 110 (c) and (e), A/HRC/37/3/Add.1, para. 82 (g), <https://independence-judges-lawyers.org/es/comunicados-de-prensa/comunicado-guatemala-experto-de-la-onu-profundamente-preocupado-por-la-negativa-del-congreso-a-volver-a-nombrar-magistrada-de-alta-corte/>, <https://www.ohchr.org/en/press-releases/2019/03/bachelet-briefs-states-colombia-cyprus-guatemala-honduras-iran-myanmar-sri>, <https://www.ohchr.org/en/press-releases/2018/09/guatemala-must-guarantee-judicial-independence-attacks-judges-continue-says>, and <https://www.ohchr.org/en/press-releases/2018/04/un-expert-calls-northern-triangle-countries-ensure-transparent-selection-new>.
- ⁴⁷ CEDAW/C/GTM/CO/8-9, para. 13 (c), CAT/C/GTM/CO/7, para. 27 (c), and A/HRC/49/20, para. 88 (c). See also CERD/C/GTM/CO/16-17, para. 38 (b), A/HRC/43/3/Add.1, para. 89 (b), and A/HRC/37/3/Add.1, para. 82 (e).
- ⁴⁸ A/HRC/43/3/Add.1, paras. 9 and 89 (c), and A/HRC/46/74, para. 67. See also E/C.12/GTM/CO/4, paras. 6–7.
- ⁴⁹ See https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GTM/INT_CCPR_FUL_GTM_48364_S.pdf, p. 4. See also CAT/C/GTM/CO/7, para. 12, A/HRC/43/3/Add.1, para. 8, and <https://www.ohchr.org/en/press-releases/2019/02/guatemala-must-ensure-independent-justice-system-fight-against-corruption>.
- ⁵⁰ CAT/C/GTM/CO/7, para. 13.
- ⁵¹ CERD/C/GTM/CO/16-17, para. 37. See also A/HRC/43/3/Add.1, para. 87, A/HRC/40/3/Add.1, para. 110 (f), and A/HRC/39/17/Add.3, para. 82.
- ⁵² CEDAW/C/GTM/CO/8-9, paras. 12 and 13 (b)–(c). See also A/HRC/39/17/Add.3, p. 19.
- ⁵³ CEDAW/C/GTM/CO/8-9, para. 21 (e). See also CCPR/C/GTM/CO/4, para. 13, CAT/C/GTM/CO/7, paras. 5 (a) and 37 (b) and United Nations country team submission, p. 6.
- ⁵⁴ CERD/C/GTM/CO/16-17, para. 38 (a) and (d), and A/HRC/39/17/Add.3, p. 19.
- ⁵⁵ CAT/C/GTM/CO/7, para. 26. See also CERD/C/GTM/CO/16-17, para. 15, and A/HRC/40/3/Add.1, para. 110 (g).
- ⁵⁶ CAT/C/GTM/CO/7, para. 27 (a). See also CCPR/C/GTM/CO/4, para. 17 (a), and CEDAW/C/GTM/CO/8-9, para. 23 (b).
- ⁵⁷ CAT/C/GTM/CO/7, para. 27 (d). See also CCPR/C/GTM/CO/4, paras. 16 and 17 (c).
- ⁵⁸ CCPR/C/GTM/CO/4, para. 16.
- ⁵⁹ CAT/C/GTM/CO/7, para. 26.
- ⁶⁰ CCPR/C/GTM/CO/4, para. 17 (b).
- ⁶¹ CAT/C/GTM/CO/7, para. 28. See also CEDAW/C/GTM/CO/8-9, para. 22.
- ⁶² CCPR/C/GTM/CO/4, para. 18, CERD/C/GTM/CO/16-17, para. 15, CEDAW/C/GTM/CO/8-9, para. 23 (b), United Nations country team submission, p. 12, A/HRC/49/20, paras. 61 and 88 (d). See also A/HRC/46/74, para. 71, and A/HRC/40/3/Add.1, para. 110 (h).
- ⁶³ CAT/C/GTM/CO/7, para. 29 (c). See also CCPR/C/GTM/CO/4, para. 19 (a), and CERD/C/GTM/CO/16-17, para. 16 (c).
- ⁶⁴ CERD/C/GTM/CO/16-17, paras. 37 and 38 (c). See also A/HRC/39/17/Add.3, p. 19.
- ⁶⁵ CAT/C/GTM/CO/7, paras. 12–13. See also CEDAW/C/GTM/CO/8-9, para. 8, A/HRC/37/3/Add.1, para. 82 (d), and E/C.12/GTM/CO/4, paras. 8–9.
- ⁶⁶ United Nations country team submission, pp. 10–11, and A/HRC/49/20, para. 64. See also A/HRC/46/74, paras. 76–90, A/HRC/43/3/Add.1, paras. 19 and 89 (i), E/C.12/GTM/CO/4, paras. 10–11, <https://www.ohchr.org/en/news/2022/03/human-rights-council-hears-high-commissioner-present-her-global-oral-update-and-her>, <https://www.ohchr.org/en/2021/02/high-commissioner-human-rights-presents-her-global-update-human-rights-council-well-her>, <https://www.ohchr.org/en/press-briefing-notes/2019/05/press-briefing-note-guatemala>, <https://www.ohchr.org/en/press->

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- 67 CAT/C/GTM/CO/7, para. 38, CCPR/C/GTM/CO/4, para. 36, CERD/C/GTM/CO/16-17, para. 27, and CEDAW/C/GTM/CO/8-9, para. 28. See also United Nations country team submission, p. 10, A/HRC/49/20, paras. 63–77, E/C.12/GTM/Q/4, para. 6, E/C.12/GTM/CO/4, paras. 10–11 and 28–29, A/HRC/43/3/Add.1, paras. 21 and 23–25, A/HRC/37/3/Add.1, paras. 38–42, <https://independence-judges-lawyers.org/es/comunicados-de-prensa/comunicado-guatemala-experto-de-la-onu-profundamente-preocupado-por-la-negativa-del-congreso-a-volver-a-nombrar-magistrada-de-alta-corte/>, and <https://www.ohchr.org/en/press-releases/2018/12/guatemala-un-experts-concerned-indigenous-leader-convicted-retaliation>.
- 68 CAT/C/GTM/CO/7, para. 39 (b), CCPR/C/GTM/CO/4, para. 37 (c), CERD/C/GTM/CO/16-17, para. 28 (a), CEDAW/C/GTM/CO/8-9, para. 29 (b), A/HRC/37/3/Add.1, para. 82 (q), <https://www.ohchr.org/en/press-releases/2021/07/guatemala-top-judges-face-threats-must-be-protected-expert>, <https://www.ohchr.org/en/press-briefing-notes/2019/05/press-briefing-note-guatemala>, and UNESCO submission for the universal periodic review of Guatemala, paras. 9 and 12–13. See also https://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/Informe_personas_defensoras.pdf, para. 110, <https://www.ohchr.org/en/press-briefing-notes/2019/05/press-briefing-note-guatemala>, CEDAW/C/GTM/CO/8-9, para. 29 (a), and E/C.12/GTM/CO/4, para. 11 (a).
- 69 A/HRC/49/20, para. 88 (e). See also A/HRC/39/17/Add.3, paras. 51–61.
- 70 See https://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/Informe_personas_defensoras.pdf, para. 108, and CAT/C/GTM/CO/7, para. 38. See also CEDAW/C/GTM/CO/8-9, para. 28, A/HRC/49/20, paras. 63–70 and 78–81, A/HRC/46/74, para. 77, and A/HRC/39/17/Add.3, paras. 51–61 and 84.
- 71 See https://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/Informe_personas_defensoras.pdf, paras. 116–117, A/HRC/37/3/Add.1, para. 82 (s), CAT/C/GTM/CO/7, para. 39 (a), CCPR/C/GTM/CO/4, para. 37 (a), CERD/C/GTM/CO/16-17, para. 28 (b), and CEDAW/C/GTM/CO/8-9, para. 29 (a). See also A/HRC/46/74, para. 93 (g), and <https://www.ohchr.org/en/press-briefing-notes/2019/05/press-briefing-note-guatemala>, and https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/GTM/INT_CCPR_FUL_GTM_48364_S.pdf, p. 5.
- 72 A/HRC/49/20, paras. 75 and 79, CAT/C/GTM/CO/7, para. 38, CCPR/C/GTM/CO/4, para. 37 (d), CERD/C/GTM/CO/16-17, para. 27, CEDAW/C/GTM/CO/8-9, para. 28, and United Nations country team submission, p. 10. See also A/HRC/46/74, paras. 86–87, A/HRC/37/3/Add.1, para. 82 (p), A/HRC/39/17/Add.3, para. 100, and <https://www.ohchr.org/en/press-releases/2021/07/guatemala-stop-treating-indigenous-human-rights-defenders-criminals-un>.
- 73 CAT/C/GTM/CO/7, para. 39 (c).
- 74 UNESCO submission, para. 11.
- 75 United Nations country team submission, p. 11. See also and CCPR/C/GTM/CO/4, paras. 36 and 37 (e), A/HRC/46/74, para. 11, <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=27248&LangID=S>, <https://www.ohchr.org/en/press-releases/2020/03/human-rights-un-experts-express-concern-about-severe-restriction-civic-space>, <https://www.ohchr.org/en/news/2019/03/guatemala-bachelet-concerned-about-possible-approval-law-restricting-ngos>, and A/HRC/43/3/Add.1, para. 89 (j).
- 76 CCPR/C/GTM/CO/4, paras. 38–39 (e), and CERD/C/GTM/CO/16-17, para. 26. See also A/HRC/46/74, para. 88, A/HRC/43/3/Add.1, para. 27, A/HRC/39/17/Add.3, para. 59 and p. 19, UNESCO submission, para. 14, A/HRC/49/20, para. 20, and E/C.12/GTM/CO/4, paras. 54–55.
- 77 CEDAW/C/GTM/CO/8-9, para. 4 (a), CCPR/C/GTM/CO/4, para. 3 (i), CRC/C/GTM/CO/5-6, para. 3, and A/HRC/37/3/Add.1, para. 45.
- 78 CEDAW/C/GTM/CO/8-9, paras. 46–47.
- 79 CCPR/C/GTM/CO/4, para. 12. See also E/C.12/GTM/Q/4, para. 14.
- 80 CAT/C/GTM/CO/7, para. 37 (a). See also CCPR/C/GTM/CO/4, para. 13, CMW/C/GTM/CO/2, para. 53, and CAT/C/GTM/CO/7, para. 37 (c).
- 81 CEDAW/C/GTM/CO/8-9, paras. 24 (a) and 25 (a) and (d). See also CAT/C/GTM/CO/7, para. 37 (e).
- 82 CEDAW/C/GTM/CO/8-9, para. 34. See also CCPR/C/GTM/CO/4, paras. 8 and 10.
- 83 CCPR/C/GTM/CO/4, para. 9 (d). See also CEDAW/C/GTM/CO/8-9, para. 35 (d), CERD/C/GTM/CO/16-17, paras. 31–32 (a)–(b), CMW/C/GTM/CO/2, paras. 34–35, United Nations country team submission, p. 4, and E/C.12/GTM/CO/4, paras. 24–31.
- 84 CCPR/C/GTM/CO/4, para. 8. See also A/HRC/43/3/Add.1, para. 15.

- 85 [CCPR/C/GTM/CO/4](#), para. 9 (c). See also [CEDAW/C/GTM/CO/8-9](#), para. 35.
- 86 [CEDAW/C/GTM/CO/8-9](#), para. 35 (a).
- 87 *Ibid.*, paras. 35 (a)–(b) and 38. See also [CERD/C/GTM/CO/16-17](#), paras. 31–32 (a)–(b).
- 88 [A/HRC/43/3/Add.1](#), paras. 55–56.
- 89 [A/HRC/37/3/Add.1](#), para. 82 (m). See also [A/HRC/40/3/Add.1](#), para. 110 (p), [A/HRC/37/3/Add.1](#), para. 57, and [E/C.12/GTM/CO/4](#), paras. 36–37.
- 90 [CEDAW/C/GTM/CO/8-9](#), para. 38. See also [CEDAW/C/GTM/CO/8-9](#), para. 8, and United Nations country team submission, p. 2.
- 91 [CEDAW/C/GTM/CO/8-9](#), para. 8. See also United Nations country team submission, p. 2, and [A/HRC/49/20](#), para. 21.
- 92 [CEDAW/C/GTM/CO/8-9](#), para. 39 (b) and (e). See also [CEDAW/C/GTM/CO/8-9](#), paras. 40–41 (b) and (d), [A/HRC/49/20](#), para. 88 (a), and United Nations country team submission, p. 2.
- 93 [E/C.12/GTM/Q/4](#), para. 22, and [E/C.12/GTM/CO/4](#), paras. 38–39. See also [CRC/C/GTM/CO/5-6](#), paras. 15 (c) and 32 (c), [CEDAW/C/GTM/CO/8-9](#), para. 36 (b), United Nations country team submission, p. 4, [A/HRC/46/74](#), para. 52, and [A/HRC/43/3/Add.1](#), para. 60.
- 94 [CRC/C/GTM/CO/5-6](#), para. 16 (b)–(c). See also [CRC/C/GTM/CO/5-6](#), para. 32 (c), and [CERD/C/GTM/CO/16-17](#), para. 14 (b).
- 95 [CERD/C/GTM/CO/16-17](#), para. 14 (b).
- 96 [CRC/C/GTM/CO/5-6](#), paras. 35 (c) and 36 (c). See also [A/HRC/46/74](#), para. 53.
- 97 [E/C.12/GTM/Q/4](#), para. 23.
- 98 [CERD/C/GTM/CO/16-17](#), para. 14 (c), and [CEDAW/C/GTM/CO/8-9](#), paras. 36 (a) and 37 (a), and [E/C.12/GTM/CO/4](#), paras. 42–43. See also United Nations country team submission, p. 3, and [CRC/C/GTM/CO/5-6](#), paras. 32 (b) and 43 (d).
- 99 [CEDAW/C/GTM/CO/8-9](#), para. 36 (b). See also [CRC/C/GTM/CO/5-6](#), para. 33, and United Nations country team submission, pp. 5–6.
- 100 [CEDAW/C/GTM/CO/8-9](#), para. 37 (c).
- 101 [CRC/C/GTM/CO/5-6](#), paras. 15 (b) and 32 (c).
- 102 United Nations country team submission, p. 4.
- 103 [CEDAW/C/GTM/CO/8-9](#), paras. 36 (d) and 37 (e). See also United Nations country team submission, p. 3.
- 104 [CRC/C/GTM/CO/5-6](#), para. 33 (d). See also [CEDAW/C/GTM/CO/8-9](#), para. 37 (e), and United Nations country team submission, p. 3–4.
- 105 [CCPR/C/GTM/CO/4](#), para. 15 (c), and [CRC/C/GTM/CO/5-6](#), para. 33.
- 106 [CRC/C/GTM/CO/5-6](#), para. 33 (a) and (c). See also [CEDAW/C/GTM/CO/8-9](#), paras. 33 (f) and 37 (c).
- 107 [CCPR/C/GTM/CO/4](#), para. 14.
- 108 [CRC/C/GTM/CO/5-6](#), para. 33 (b). See also [CCPR/C/GTM/CO/4](#), para. 15 (a), [CEDAW/C/GTM/CO/8-9](#), para. 37 (f), [CAT/C/GTM/QPR/8](#), para. 29, [E/C.12/GTM/Q/4](#), para. 28 (a), and [E/C.12/GTM/CO/4](#), paras. 46–47.
- 109 [CCPR/C/GTM/CO/4](#), para. 15 (b). See also [CAT/C/GTM/QPR/8](#), para. 29.
- 110 United Nations country team submission, pp. 6–7. See also [E/C.12/GTM/Q/4](#), para. 28 (b).
- 111 [CEDAW/C/GTM/CO/8-9](#), para. 20 (d). See also [CCPR/C/GTM/CO/4](#), para. 14, [A/HRC/49/20](#), para. 34, and [A/HRC/43/3/Add.1](#), para. 85.
- 112 [CCPR/C/GTM/CO/4](#), para. 14.
- 113 [CEDAW/C/GTM/CO/8-9](#), para. 21 (d). See also [CCPR/C/GTM/CO/4](#), para. 15 (d).
- 114 UNESCO submission, p. 5 and para. 10. See also [CRC/C/GTM/CO/5-6](#), para. 38 (a) and (c), and [E/C.12/GTM/CO/4](#), paras. 52–53.
- 115 [CEDAW/C/GTM/CO/8-9](#), paras. 32–33 (a)–(b). See also United Nations country team submission, p. 3.
- 116 [CRC/C/GTM/CO/5-6](#), para. 42 (c).
- 117 [CEDAW/C/GTM/CO/8-9](#), para. 33 (e). See also [CRC/C/GTM/CO/5-6](#), para. 43 (c), [A/HRC/39/17/Add.3](#), paras. 91–94, and [CERD/C/GTM/CO/16-17](#), para. 14 (d).
- 118 [CRC/C/GTM/CO/5-6](#), paras. 30 (d) and 31 (e).
- 119 United Nations country team submission, p. 9. See also [A/HRC/39/17/Add.3](#), paras. 37, 40 and 45–50.
- 120 [E/C.12/GTM/Q/4](#), para. 24. See also [A/HRC/43/3/Add.1](#), para. 89 (f).
- 121 [A/HRC/49/20](#), para. 88 (h). See also [A/HRC/46/74](#), para. 93 (f), and [E/C.12/GTM/CO/4](#), paras. 12–13.
- 122 [CRC/C/GTM/CO/5-6](#), para. 12 (a)–(b) and (d).
- 123 [CEDAW/C/GTM/CO/8-9](#), paras. 8 and 11 (a)–(b). See also [CEDAW/C/GTM/CO/8-9](#), para. 18, [CERD/C/GTM/CO/16-17](#), paras. 33–34, and [A/HRC/37/3/Add.1](#), para. 82 (r).

- 124 CEDAW/C/GTM/CO/8-9, para. 20 (a)–(b). See also CCPR/C/GTM/CO/4, para. 12, CAT/C/GTM/CO/7, para. 36, CMW/C/GTM/CO/2, para. 26 (a), A/HRC/49/20, para. 24, and A/HRC/46/74, para. 38.
- 125 A/HRC/46/74, para. 39.
- 126 CAT/C/GTM/CO/7, para. 37 (a), CEDAW/C/GTM/CO/8-9, para. 21 (b), CCPR/C/GTM/CO/4, para. 13, and E/C.12/GTM/CO/4, para. 33.
- 127 CEDAW/C/GTM/CO/8-9, para. 21 (a) and (c), and CCPR/C/GTM/CO/4, para. 13.
- 128 CEDAW/C/GTM/CO/8-9, para. 26. See also CCPR/C/GTM/CO/4, para. 8, and United Nations country team submission, p. 6.
- 129 CEDAW/C/GTM/CO/8-9, para. 27 (a). See also CCPR/C/GTM/CO/4, para. 9 (b).
- 130 CRC/C/GTM/CO/5-6, paras. 15 (a) and 16 (a), CRC/C/GTM/QPR/7, para. 20.
- 131 CRC/C/GTM/CO/5-6, para. 24.
- 132 CRC/C/GTM/QPR/7, para. 20, and CRC/C/GTM/CO/5-6, para. 26. See also CEDAW/C/GTM/CO/8-9, para. 46.
- 133 CEDAW/C/GTM/CO/8-9, para. 47. See also CRC/C/GTM/CO/5-6, para. 26.
- 134 CRC/C/GTM/CO/5-6, paras. 20 (a) and 27. See also CCPR/C/GTM/CO/4, para. 32.
- 135 CRC/C/GTM/CO/5-6, paras. 21 (a) and 28 (a)–(b). See also CRC/C/GTM/CO/5-6, paras. 21 (i), 28 (d) and 47 (b).
- 136 CCPR/C/GTM/CO/4, para. 10, and United Nations country team submission, p. 5. See also CEDAW/C/GTM/CO/8-9, para. 34, and E/C.12/GTM/Q/4, para. 19.
- 137 CRC/C/GTM/CO/5-6, para. 44, CCPR/C/GTM/CO/4, para. 11 (c).
- 138 CEDAW/C/GTM/CO/8-9, para. 35 (c).
- 139 CCPR/C/GTM/CO/4, para. 34.
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- 141 CEDAW/C/GTM/CO/8-9, para. 31. See also CRC/C/GTM/CO/5-6, para. 18 (a).
- 142 CERD/C/GTM/CO/16-17, para. 36.
- 143 CRC/C/GTM/CO/5-6, para. 31 (a). See also United Nations country team submission, p. 7.
- 144 CCPR/C/GTM/CO/4, para. 27 (a). See also United Nations country team submission, p. 7.
- 145 A/HRC/49/20, para. 32.
- 146 CCPR/C/GTM/CO/4, paras. 26 and 27 (c). See also CRC/C/GTM/CO/5-6, para. 30 (c).
- 147 CRC/C/GTM/CO/5-6, para. 31 (d).
- 148 United Nations country team submission, pp. 8–9. See also A/HRC/39/17/Add.3, paras. 6–7 and 101, and <https://www.ohchr.org/en/press-releases/2018/05/guatemala-must-break-cycle-discrimination-against-indigenous-peoples-says-un>.
- 149 CERD/C/GTM/CO/16-17, para. 13, CMW/C/GTM/CO/2, para. 26 (b), A/HRC/46/74, para. 34, and A/HRC/37/3/Add.1, para. 30. See also United Nations country team submission, p. 8, and A/HRC/49/20, para. 15.
- 150 CERD/C/GTM/CO/16-17, para. 17. See also CMW/C/GTM/CO/2, para. 26 (a).
- 151 See <https://www.ohchr.org/en/press-releases/2021/07/guatemala-stop-treating-indigenous-human-rights-defenders-criminals-un>.
- 152 A/HRC/39/17/Add.3, p. 18. See also CERD/C/GTM/CO/16-17, para. 10, and https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GTM/INT_CERD_FUL_GTM_43705_E.pdf, p. 1.
- 153 A/HRC/39/17/Add.3, paras. 29–44 and 103 (a). See also <https://www.ohchr.org/en/press-briefing-notes/2019/05/press-briefing-note-guatemala>.
- 154 CCPR/C/GTM/CO/4, para. 38. See also A/HRC/43/3/Add.1, para. 58, A/HRC/39/17/Add.3, paras. 62–72 and p. 18, and E/C.12/GTM/CO/4, para. 15.
- 155 CERD/C/GTM/CO/16-17, para. 20 (a) and (c). See also CCPR/C/GTM/CO/4, para. 39 (a), CRC/C/GTM/CO/5-6, para. 43 (a), CEDAW/C/GTM/CO/8-9, para. 41 (c), A/HRC/49/20, para. 88 (g), A/HRC/46/74, para. 36, A/HRC/40/3/Add.1, para. 110 (q), A/HRC/37/3/Add.1, paras. 33 and 82 (k), A/HRC/39/17/Add.3, paras. 35, 39, 42 and 62–72 and pp. 18–19, and E/C.12/GTM/CO/4, para. 15.
- 156 CCPR/C/GTM/CO/4, para. 39 (b). See also E/C.12/GTM/CO/4, para. 15, CERD/C/GTM/CO/16-17, paras. 23–24, A/HRC/37/3/Add.1, para. 82 (j), and A/HRC/49/20, para. 88 (f).
- 157 CERD/C/GTM/CO/16-17, para. 21, and CCPR/C/GTM/CO/4, para. 38. See also A/HRC/40/3/Add.1, para. 110 (p), A/HRC/39/17/Add.3, paras. 44–50, A/HRC/37/3/Add.1, paras. 37 and 82 (m), CAT/C/GTM/CO/7, para. 32, CRC/C/GTM/CO/5-6, para. 35 (a), and CEDAW/C/GTM/CO/8-9, para. 40.
- 158 CERD/C/GTM/CO/16-17, para. 22 (b)–(c).
- 159 A/HRC/39/17/Add.3, p. 18.
- 160 CRC/C/GTM/CO/5-6, para. 36 (a). See also E/C.12/GTM/Q/4, para. 25.
- 161 A/HRC/46/74, para. 18. See also A/HRC/43/3/Add.1, para. 71, A/HRC/40/3/Add.1, para. 110 (r), and A/HRC/39/17/Add.3, para. 90 and p. 19.

- ¹⁶² A/HRC/49/20, para. 36. See also A/HRC/46/74, paras. 48–49, E/C.12/GTM/CO/4, para. 18, CAT/C/GTM/CO/7, para. 40, CEDAW/C/GTM/CO/8-9, para. 20 (a), CCPR/C/GTM/CO/4, para. 6, CMW/C/GTM/CO/2, para. 26 (a), A/HRC/43/3/Add.1, paras. 82–84 and 89 (h), and United Nations country team submission, p. 7.
- ¹⁶³ CAT/C/GTM/CO/7, para. 41 (a), and CCPR/C/GTM/CO/4, paras. 6–7.
- ¹⁶⁴ CCPR/C/GTM/CO/4, para. 7 (d).
- ¹⁶⁵ CCPR/C/GTM/CO/4, paras. 6 and 7 (c), and CAT/C/GTM/CO/7, para. 41 (b).
- ¹⁶⁶ A/HRC/46/74, para. 49.
- ¹⁶⁷ United Nations country team submission, p. 7. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26826>.
- ¹⁶⁸ CMW/C/GTM/CO/2, para. 5.
- ¹⁶⁹ Ibid., para. 4. See also A/HRC/46/74, para. 45.
- ¹⁷⁰ CMW/C/GTM/CO/2, para. 32.
- ¹⁷¹ A/HRC/43/3/Add.1, paras. 10 and 81.
- ¹⁷² CAT/C/GTM/CO/7, para. 34. See also A/HRC/43/3/Add.1, paras. 10 and 79.
- ¹⁷³ CMW/C/GTM/CO/2, para. 33 (c). See also CAT/C/GTM/CO/7, para. 35 (a), and A/HRC/43/3/Add.1, para. 10.
- ¹⁷⁴ CMW/C/GTM/CO/2, para. 47.
- ¹⁷⁵ Ibid., para. 33 (a), CAT/C/GTM/CO/7, para. 35 (d), and <https://www.ohchr.org/en/press-releases/2018/11/migrant-caravan-states-have-duty-protect-human-rights>.
- ¹⁷⁶ CMW/C/GTM/CO/2, para. 33 (e).
- ¹⁷⁷ Ibid., paras. 28 and 30.
- ¹⁷⁸ CAT/C/GTM/CO/7, para. 34.
- ¹⁷⁹ CMW/C/GTM/CO/2, paras. 29 (a) and (e) and 31 (a) and (c). See also CEDAW/C/GTM/CO/8-9, para. 43 (b).
- ¹⁸⁰ CAT/C/GTM/CO/7, para. 35 (b).
- ¹⁸¹ CMW/C/GTM/CO/2, para. 13 and A/HRC/43/3/Add.1, para. 89 (m). See also CRC/C/GTM/CO/5-6, para. 40 (a).
- ¹⁸² CMW/C/GTM/CO/2, paras. 41 and 44. See also CRC/C/GTM/QPR/7, para. 28 (d).
- ¹⁸³ CRC/C/GTM/CO/5-6, para. 41 (a)–(c). See also United Nations country team submission, p. 5.