

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

## UNIVERSAL PERIODIC REVIEW, 2<sup>ND</sup> SESSION GUATEMALA (FINAL) REVIEWED ON 6 MAY 2008, AFTERNOON

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### Overview

The review of Guatemala by the Working Group on the universal periodic review (UPR) began with a rather lengthy initial presentation by Mr Lars Henrik Pira, the Vice-Minister of Foreign Affairs. The presentation focused on measures taken by Guatemala in relation to impunity and addressing past human rights violations, administration of justice, violence against women, indigenous peoples, and efforts to promote economic, social and cultural rights. Mr Pira proceeded to answer questions submitted in advance by Canada, Denmark, Germany, Ireland, the Netherlands, Sweden, and the United Kingdom. These questions dealt with the following issues: protection of human rights defenders against violence and attacks, enforced disappearances, impunity, protection of children, child pornography, and sale and trafficking of children, rights of indigenous peoples, migrants, the death penalty, its national human rights institution, and discrimination and violence against persons because of their sexual orientation.

A large number of delegations, 44 States in total, took part in the interactive dialogue that followed. Many States commended Guatemala for its efforts to improve human rights protection, including through close cooperation with the international human rights system through ratification of many international human rights treaties, the standing invitation issued to the special procedures and the presence of the Office of the High Commissioner for Human Rights in the country. In particular, States noted the establishment of many important national institutions, including the international commission against impunity, efforts to promote the rights of indigenous peoples and address past human rights violations. Almost half of the delegations that spoke addressed the situation of indigenous peoples. Many States made extensive use of the three sources of

information available for the review and quoted from extensively from the Office of the High Commissioner for Human Rights (OHCHR) compilation of information from the UN system. In particular, many States from the Western European and Others Group cited information from the Special Representative of the Secretary-General on human rights defenders that highlighted an increasing number and intensity of attacks against human rights defenders. The following issues were addressed during the interactive dialogue:

- information about the international commission against impunity, its mandate and functions,<sup>1</sup> and other measures to address impunity;<sup>2</sup>
- measures taken to safeguard and protect the rights of human rights defenders and investigate violence against them;<sup>3</sup>
- policies and plans in the area of indigenous peoples' rights to overcome discrimination, in particular against indigenous women;<sup>4</sup>
- rights of the child;<sup>5</sup>
- rights of women,<sup>6</sup> persistent and patriarchal stereotyping of women and men's roles,<sup>7</sup> violence against women,<sup>8</sup> and laws that discriminate against women;
- discrimination and violence against persons because of their sexual orientation;<sup>9</sup>
- measures to address trafficking;<sup>10</sup>
- measures to end the death penalty;<sup>11</sup>
- recommendations to ratify *Rome Statute of the International Criminal Court*,<sup>12</sup> the *International Convention on the Protection of All Persons against Enforced Disappearances*,<sup>13</sup> optional protocol to the *Convention against Torture (OP-CAT)*<sup>14</sup>, and make the declaration under article 14 of ICERD;<sup>15</sup>
- Guatemala's expectations for technical assistance and support from the international community.<sup>16</sup>

Guatemala provided replies to questions raised after approximately 25 States and again towards the end of the interactive dialogue. Due to the almost 40 minutes taken up by the initial presentation, Guatemala only had limited time available to respond to questions. As a result, many questions were not addressed at all or only superficially.

At the conclusion of the interactive dialogue, Mr Pira stated that the Government has given priority to human rights as a cross cutting pillar. It reiterated that it has issued an open invitation to all monitoring mechanisms. He invited OHCHR to extend its term of office and bolster support for efforts to ensure full exercise of human

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<sup>1</sup> Mexico, Chile, Malaysia, USA, Brazil, Austria, Japan, Switzerland.

<sup>2</sup> Netherlands, Canada, Cuba, UK, Peru.

<sup>3</sup> Portugal, Canada, Austria, Ireland, Czech Republic, Netherlands, Germany, USA, Australia, Ukraine, Switzerland, UK, Norway.

<sup>4</sup> Algeria, Mexico, Slovenia, Canada, Cuba, Brazil, Venezuela, China, Peru, South Africa, Denmark, Finland, Australia, Switzerland, Philippines, UK, Republic of Korea, Bangladesh, Jordan, Norway.

<sup>5</sup> Austria, Russian Federation, China, Switzerland, Philippines, Japan.

<sup>6</sup> India, Peru, Australia.

<sup>7</sup> South Africa.

<sup>8</sup> Portugal, Canada, China, Australia, Philippines, Republic of Korea.

<sup>9</sup> Slovenia, Czech Republic, Australia, Switzerland.

<sup>10</sup> Luxembourg, China, Philippines.

<sup>11</sup> Brazil, Philippines, UK, Italy.

<sup>12</sup> Mexico, France, Netherlands, Italy.

<sup>13</sup> Mexico, France.

<sup>14</sup> Brazil.

<sup>15</sup> South Africa.

<sup>16</sup> Algeria, Colombia.

rights for all. He finally thanked the Working Group for the recommendations which would help foster human rights in Guatemala.

## General information on State under review

### Membership of the Human Rights Council

Guatemala is a member of the Human Rights Council from 2007 to 2008.

### Members of the troika

Gabon, Slovenia, Brazil.<sup>17</sup>

### National consultation

The State report was not available in English at the time of writing.

## Information submitted to the Working Group

### State report

The State Report was not available in English at the time of writing.

### Official UN documents

Guatemala is party to 11 core human rights treaties<sup>18</sup> and six other relevant international instruments. However, it has not accepted all of the specific competences of all of the treaty bodies. Guatemala is a signatory to five further core treaties<sup>19</sup> and has been urged to ratify the *Rome Statute of the International Criminal Court*, to approve CED, CPD and ICCPR-OP 2 and to accelerate the adoption of the bill authorising the declaration under article 14 of ICERD accepting the Committee's competence to receive individual communications<sup>20</sup>. While the promulgation of the Framework Law by which the peace agreements became binding on the State was welcomed, it was noted that there are insufficient institutional backing and budgetary allocations.<sup>21</sup> The devising of a plan for the implementation of revised national policy on

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<sup>17</sup> Regional groups selected: African Group, Group of Latin American and Caribbean States (GRULAC), Eastern European Group (EEG)

Guatemala initially drew itself, thus the lot for the Group of Latin American and Caribbean States (GRULAC) was re-drawn. For a summary of the selection of troikas, see

[http://www.ishr.ch/hrm/council/councilalert/council\\_update\\_7session.pdf](http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf)

<sup>18</sup> Core human rights treaties to which Guatemala is party: International Convention on the Elimination of Racial Discrimination (ICERD), International Convention on Economic, Social and Cultural Rights (ICESCR), International Convention on Civil and Political Rights (ICCPR), International Convention on Civil and Political Rights Optional Protocol 1 (ICCPR-OP 1), Convention on the Elimination of discrimination Against Women (CEDAW), Optional Protocol to the Convention on the Elimination of Discrimination Against Women OP-CEDAW, Convention against Torture and other Inhumane and Degrading Treatment (CAT), Convention on the Rights of the Child (CRC), Convention on the Rights of the Child Optional Protocol on the involvement of children in Armed Conflict (CRC-OP-AC), Convention on the Rights of the Child Optional Protocol SC (CRC-OP-SC), International Convention on the Rights of Migrant Workers and their Families (ICMR).

<sup>19</sup> Convention on the Prevention and Punishment of the Crime of Genocide, Palermo Protocol, Refugees and Stateless Persons, Geneva Conventions, International Labour Organisation Fundamental Conventions, United Nations Economic, Social and Cultural O against Discrimination in Education.

<sup>20</sup> Committee against Torture, The High Commissioner for Human Rights, Committee on the Elimination of Racial Discrimination.

<sup>21</sup> CERD; Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

advancement and equal opportunity for Guatemalan women was encouraged while the establishment of bodies addressing women's rights, indigenous rights and discrimination and racism was well received as was the implementation of the National Reparations Programme for Victims of War.<sup>22</sup> It was noted that the majority of the population are indigenous. Concerns were expressed regarding the extensive, deep rooted patriarchal attitudes and stereotypes of the roles of men and women in society and the racism and racial discrimination faced by them. Problems faced by the population as a whole include illiteracy, malnutrition and extreme poverty with the levels far higher within the indigenous population. Particular concern was expressed in relation to the rights of children, in particular indigenous children, including child abuse, trafficking and child labour and related kidnappings and trafficking due to a rise in demand for adoptions by foreign families.<sup>23</sup> Concerns were also expressed concerning the intensity of attacks on human rights defenders and political figures, with many resulting in deaths. Homicides are very high for children and adolescents; there is an increase in the cases of disappearance, rape and torture of women and sexual abuse of women in detention.<sup>24</sup> Specific recommendations for follow up include the provision of information on actions taken on disappearances, extrajudicial killings and pre-trial detention; giving legitimacy and recognition to the work of human rights defenders including the adoption of governmental policy for their protection and ensuring full collaboration of relevant institutions in the implementation of recommendations of the Ombudsperson.<sup>25</sup> A follow up report to CAT, due in May 2007, concerning the situation of human rights defenders, impunity for violations committed during the armed conflict, and numerous other allegations<sup>26</sup> has not yet been received while the follow up report requested by CERD on recommendations contained in paragraphs 13, 15 and 19 of its concluding observations has been received and is scheduled for consideration in August, 2008.

### Other relevant stakeholders

The report was not available in English at the time of writing.

### Interactive dialogue<sup>27</sup>

The delegation of Guatemala was led by Mr Lars Henrik Pira, the Vice-Minister of Foreign Affairs. He explained that his delegation was of a high level and made up of three government departments.

Mr Pira explained that the report had been drafted through a broad consultation process. He underlined that there was a need to address past violations of human rights to avoid impunity, which is one of the main challenges and weaknesses of the State. Mr Pira explained that Guatemala has implemented a system of mobile judges to extend coverage and facilitate access to justice. Numerous other measures had also been taken to strengthen the judicial system, including the office of the public prosecutor in relation to the investigation of organised crime, witness protection and sexual offences, and training of the police. A special institution against impunity has been established to investigate the actions and operations of clandestine bodies and organisations. A number of new laws had been adopted, including a law on the penitentiary

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<sup>22</sup> The High Commissioner, CESCR

<sup>23</sup> CERD, the High Commissioner, CEDAW, UNICEF

<sup>24</sup> CEDAW, CAT, the High Commissioner

<sup>25</sup> The Human Rights Committee, The Special Representative of the Secretary-General on the situation of human rights defenders..

<sup>26</sup> These allegations include "social cleansing" and killings of children living on the street, violent killings of women and the lynching of individuals.

<sup>27</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

system and a law criminalising the offence of femicide. Finally, a unit on attacks against human rights defenders has been created within the home office. The Government had also created a directorate on indigenous rights within ministry of foreign relations and established a high level committee on indigenous rights in the foreign office, a presidential commission on discrimination against indigenous peoples, and an ombudsman for indigenous women. With regard to international human rights treaties, Mr Pira stated that the Government had made the declaration under article 14 of the *Convention on the Elimination of All forms of Racial Discrimination*, allowing the Committee to receive individual communications and that it had initiated the process for congressional approval and subsequent ratification of the *Convention on the Rights of People with Disabilities*. Turning to the enjoyment of economic, social and cultural rights, Mr Pira stated that the Government has taken measures to provide access to land, improve the infrastructure, address malnutrition, and establish a housing programme. Priority has been given priority to addressing access to health, housing, and food security. Mr Pira noted that chronic malnutrition is a problem and that urgent measures have been taken. Guatemala had also supported the call for a special session on the world food crisis.<sup>28</sup> Mr Pira also explained that a national body to ensure transparency and fight corruption had been established and that it would deal with complaints and provide training to officials. A framework law on the peace agreements had been adopted and would be integrated into national law. The Government had publicly recognised responsibility for violations of human rights committed during the internal armed conflict. Reparations had been provided to victims and efforts were being made to realise the right to truth, including by opening public archives. Finally, he expressed the Government's appreciation for the work of the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala and appealed to the United Nations (UN) and the international community to strengthen technical and financial support to the country.

Turning to the written questions received in advance, Mr Pira thanked Canada, Denmark, Germany, Ireland, the Netherlands, Sweden, and the United Kingdom for their questions. He explained that some of the questions had been responded to during the initial presentation. Regarding reports of attacks on human rights defenders, Mr Pira stated that the prosecutor's office has been strengthened and a body has been established to analyse attacks. Furthermore, the Government is developing a public policy for protection of human rights defenders. He reaffirmed Guatemala's commitment to open its doors to international protection mechanisms. In response to a question on enforced disappearances and other offences committed during the armed conflict, Mr Pira explained that a special unit in the public prosecutor's office has been established to deal with these past crimes and the military archives have been opened to the public. Regarding impunity, the Government is developing inter-institutional coordination, strengthening investigation work, and a commission against impunity is being set up. The Government is also developing a policy and establishing a mechanism to respond to cases of sexual abuse and murders in families, and victim protection programmes have been introduced. Regarding protection of children, child pornography, and sale of children, Mr Pira stated that Guatemala has signed the Hague Convention on international adoption and has set up a special police unit on trafficking and irregular adoption. The Government is also continuing to further develop and strengthen institutions in relation to indigenous people and several measures have been taken in the justice system to ensure their rights. Furthermore, the Government is promoting bilingual education, facilitating acquisition of land and in this regard has established a standing dialogue for arbitration of land conflicts and consults with indigenous populations in relation to decisions that affect them. With regard to discrimination and violence against persons because of their sexual orientation, Mr Pira noted that the discrimination on the ground of sexual orientation is a criminal offence. On the death penalty he explained that the Government had decided to commute these penalties and had voted for a resolution calling for a moratorium in UN General Assembly. Finally, Mr Pira stated that Guatemala has a national human rights institution that complies with the Paris Principles, that there are policies in place with regard to migrants and foreigners, that the Government wants

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<sup>28</sup> For more information, please see letter from the Permanent mission of Cuba dated 8 May 2008, available on the OHCHR extranet at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password.

to ratify the Rome Statute of the International Criminal Court, and that the report to the Committee against Torture was submitted in Dec 2007.

Table on the interactive dialogue

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
<b>Algeria</b>	<p>‘Comprehensive report’.</p> <p>Welcomed the support for the special session on the world food crisis.</p> <p>Noted active role in promotion of rights of indigenous peoples.</p>		<p>How can States and the international community provide assistance to Guatemala to implement the framework law on the peace agreement?</p>	<p>Recommended that the Council establishes a subsidiary mechanism to examine appropriate human rights responses to preventing loss of life as well as exit strategies in crisis situations.</p> <p>Recommended that Guatemala continues to support and strengthen national human rights institutions.</p> <p>Noted that promotion of indigenous peoples’ rights constitute a best practice.</p>	<p>National report para 62.</p> <p>OHCHR compilation para 2 welcomed the peace agreement.</p> <p>OHCHR compilation paras. 9 and 16 refers to efforts for coming to terms with the past violence and conflict.</p>	
<b>Mexico</b>	<p>Appreciated the commitment to improve the human rights situation.</p> <p>Welcomed the peace agreement of 1996.</p>		<p>Would like to receive more information about the international commission against impunity, including its structure, the scope of its mandate and, how it</p>	<p>Recommended that Guatemala promotes the national policy and action plan on human rights.</p> <p>Guatemala should</p>		

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>Recognised several national institutions, including the international commission against impunity.</p> <p>Welcomed the policy of open doors for international and regional monitoring mechanism.</p>		<p>is being implemented.</p>	<p>consider ratifying the <i>Rome Statute of the International Criminal Court</i> and the <i>International Convention on the Protection of All Persons against Enforced Disappearances</i>.</p> <p>Recommended that Guatemala harmonise its civil and penal codes with international norms in relation to the rights persons with disabilities.</p> <p>Recommended strengthened consultations with indigenous peoples.</p>		
<b>India</b>	<p>Noted that the institution of Ombudsman enjoys A status under the Paris Principles.</p>		<p>How has the office of the Ombudsman functioned in the recent past and have efforts been made to strengthen it?</p>			



Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			Requested more information on relevant bodies and institutions dealing with women's rights.			
<b>Slovenia</b>	Welcomed efforts towards national reconciliation.			<p>Recommended follow up to relevant recommendations from the treaty bodies to enhance <i>de jure</i> and <i>de facto</i> equality for indigenous peoples.</p> <p>In follow up to CEDAW's recommendation, Guatemala should ensure full access to education and health services, and participation in political processes for indigenous women.</p> <p>Recommended that a gender perspective be included in follow up to UPR.</p>	<p>CERD has expressed concern about lack of access to land for indigenous peoples and lack of respect for their rights.</p> <p>CEDAW has expressed concern about triple discrimination against indigenous women.</p>	

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				<b>Recommended that Guatemala end impunity for reported attacks against marginalised communities, including on grounds of sexual orientation and gender identity.</b>		
<b>Colombia</b>			What are the Government's expectations in terms of technical assistance?		Referred to the State report.	
<b>Chile</b>	<p>Noted considerable consolidation of democratic institutions.</p> <p>Congratulated the Government for the renewal of the OHCHR office.</p> <p>Noted with interest the incorporation of international standards into domestic law.</p> <p>Welcomed the</p>		<p>Requested more details about the measures to combat torture.</p> <p>Requested more information about the international commission against impunity.</p> <p>Requested more information on content of campaigns to fight racial discrimination.</p>		Referred to the national report, including para. 60 on racial discrimination.	

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	<p>international commission against impunity.</p> <p>Welcomed efforts undertaken to implement the recommendations of the treaty bodies.</p>					
<b>Portugal</b>	<p>Noted the very inclusive national report.</p> <p>Welcomed that Guatemala is a party to most international treaties and has accepted their mandate to receive individual communications.</p> <p>Welcomed the new law on femicide and violence against women. Also welcomed the recognition that the prohibition on the use of birth control</p>	<p>Noted that Guatemala has not ratified Rome Statute.</p>	<p>Requested a timetable for when Guatemala would make the declaration under article 14 of ICERD.</p> <p>What measures have been taken to investigate violence against human rights defenders?</p> <p>What measures have been taken to ensure the application of the law on femicide and violence against women?</p>	<p>Recommended that Guatemala make the declaration under article 14 of ICERD as soon as possible.</p> <p>Recommended that Guatemala ratify the Rome Statute as soon as possible.</p> <p>Reiterated the recommendation of the Special Representative of the Secretary-General on human rights defenders to develop a national policy for the protection of human rights defenders.</p>	<p>The Special Representative of the Secretary-General on human rights defenders has noted an increase in attacks and killings of human rights defenders.</p>	<p>Regarding the law on femicide, an inter institutional commission has been set up to work on this issue. The Government is also setting up a creation of opportunity programme for women tackling economic and labour market participation.</p>

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	can amount to sexual violence.					
<b>Canada</b>		<p>The situation of indigenous people is of concern.</p> <p>Also expressed concern about killings and disappearances during the armed conflict, and about violence against women.</p>		<p>Recommended the establishment of an effective mechanism for protection of human rights defenders.</p> <p>Effective mechanism for investigation and punishment of perpetrators should be set up.</p> <p>Recommended effective measures to end impunity.</p> <p>Recommended that Guatemala fully implement the new law on femicide and the recommendations of CEDAW.</p>	<p>A doubling of attacks on human rights defenders was noted by the Special Representative of the Secretary-General on human rights defenders and the Committee against Torture.</p> <p>The Human Rights Committee and the Committee against Torture have recommended the establishment of appropriate bodies to investigate enforced disappearances.</p> <p>CEDAW has addressed violence against women.</p>	
<b>Luxembourg</b>	Noted progress in relation to fighting trafficking.		What additional efforts have been made to assess the scope and causes of trafficking in			

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
	Welcomed the special bodies to protect vulnerable populations against trafficking.		women?  What are the first lessons learned from the implementation of the national policy and action plan on trafficking in persons?			
<b>Malaysia</b>	Commended the commitment to the promotion and protection of human rights reflected in the creation of the international commission against impunity.		Requested more information on the international commission against impunity.			
<b>Cuba</b>	Recognised the efforts made to fight impunity.  Welcomed the steps taken to promote and protect human rights.  Took note with satisfaction that the Government's priorities are health, education, and the			Recommended that Guatemala continue to fight impunity.  Recommended that programmes of social justice be expanded.		

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	situation of indigenous peoples.					
<b>Brazil</b>	<p>Welcomed steps taken to fulfil human rights.</p> <p>Welcomed the ‘diversified UPR delegation’.</p> <p>Welcomed the cooperation with the international and regional human rights systems.</p>	<p>Noted the efforts made in areas of combating discrimination, rights of indigenous peoples, access to justice, and combating impunity but stated that the Government could focus on other challenges.</p>	<p>What steps have been taken to fulfil the rights of the child?</p> <p>Requested the Government to further elaborate on access to justice for indigenous peoples.</p> <p>What is the state of implementation of the international commission against torture?</p> <p>Asked for further comments on achievements of the international commission against impunity.</p> <p>Requested additional information on efforts focused on the death penalty.</p>	<p>Recommended continued efforts towards ratification of the optional protocol to the <i>Convention against Torture</i> (OP-CAT).</p>		<p>The Government deposited the ratification instrument for the OP-CAT three days ago. A discussion on the national mechanism has begun with State bodies and civil society.</p> <p>A law for the comprehensive protection of children which is in accordance with the CRC has been adopted. Guatemala has also ratified the optional protocols to the CRC and has developed a plan of action for prevention of commercial sexual exploitation. The Government has also undertaken training for officials and awareness raising campaigns.</p>

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
						Regarding access to justice for indigenous people, measures have been taken to provide translation and a defenders office for indigenous women is trying to promote defence activities.
<b>Venezuela</b>	Noted the ‘excellent report’.  Recognised efforts to promote and protect human rights.		Requested more information on the presidential commission and the ombudsman institution on indigenous women. What has been the impact of these measures?  Are there any other policies and plans in the area of indigenous peoples?		State report refers to the commission against discrimination against indigenous peoples and other institutions.	Regarding education for indigenous people, Guatemala noted that there is a national level programme on literacy; there are programmes on bilingual education in the ministry on education. There are efforts to coordinate with the Presidential committee for human rights on education on human rights in the public educational system.
<b>Austria</b>	Noted voluntary commitment to renew cooperation with OHCHR.	Noted that children are vulnerable and exposed to	Requested information on domestic measures to ensure effective implementation of the	Recommended that attention be given to effective implementation of	State report referred to violence and impunity.	A public policy on human rights defenders and a national plan of action is being

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	<p>Welcomed the establishment of the international commission against impunity.</p>	<p>violence.</p>	<p>mandate of the commission against impunity.</p> <p>Requested more information on measures taken to safeguard and protect the rights of human rights defenders.</p> <p>Asked for more information on the prohibition of corporal punishment.</p>	<p>victims' assistance and protection programmes in the fight against impunity.</p> <p>Recommended an explicit prohibition of corporal punishment in the home and family.</p>	<p>The Special Representative of the Secretary-General on human rights defenders had referred to attacks on human rights defenders.</p>	<p>developed.</p> <p>A law for the comprehensive protection of children prohibits ill treatment and thus corporal punishment.</p>
<b>Russian Federation</b>		<p>Noted that there had been no involvement of civil society in preparation of report.</p> <p>Participation of civil society can contribute to a full picture of actual human rights situation.</p> <p>Stated that the</p>	<p>What is the reason for the low indicator for investigation of murders?</p> <p>What measures are being taken to address malnutrition of children?</p>		<p>Took note of national report</p> <p>OHCHR compilation noted that only 1% of murders are solved.</p>	<p>Regarding food security and malnutrition, the Government has established a programme on school food and food security.</p>



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		under-nourishment of children is serious.				
<b>El Salvador</b>		Concerned about the situation of migrants.	<p>How will the Government share the results of the UPR with the general public and what will be the role of civil society in the process?</p> <p>Has there been any analysis of the impact of the project on a culture of peace?</p> <p>What specific measures have been adopted to prevent abuses of migrants' rights?</p>		Civil society organisations have noted systematic violations of the rights of migrants, which have been confirmed by the Special Rapporteur on migrants.	Five regional centres have been established to deal with peace and justice. There are plans to expand these by adding rotating courts.
<b>Ireland</b>			<p>What measures have been taken to improve investigation of attacks against human rights defenders?</p> <p>What progress has been made in developing a national policy for the protection of human</p>	<p>Recommended that the Government fight impunity for attacks on human rights defenders.</p> <p>Recommended the development of a Government policy on the protection of</p>	The Special Representative of the Secretary-General on human rights defenders has noted increase in number and intensity of attacks against human rights defenders.	The Government has implemented a catalogue of protection and policy measures to provide protection to human rights defenders and has established body to analyse attacks on them.

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
			rights defenders?	human rights defenders.		
<b>China</b>	<p>Expressed appreciation for the policies on youth violence, elimination of racial discrimination, and promotion of equal opportunities for women.</p> <p>Noted the efforts to address violence against women, and stated that the definition of domestic violence will help to further improve enjoyment of human rights.</p>		<p>Requested further information on major challenges in combating discrimination against indigenous women in relation to health, and employment.</p> <p>What measures are planned to deal with ill treatment of indigenous children and trafficking.</p>		Many NGOs and treaty bodies have expressed concern at discrimination of indigenous peoples.	
<b>Czech Republic</b>		Expressed concern about the high number of attacks against human rights defenders.	What specific measures have been adopted to protect persons from attacks based on their sexual orientation?	<p>Recommended further measures to end impunity for attacks on human rights defenders and on persons because of their sexual orientation.</p> <p>Recommended</p>	The Special Representative of the Secretary-General on human rights defenders had expressed concern about attacks and killings based on sexual orientation.	

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				awareness raising measures for the police.		
<b>Netherlands</b>	Noted the creation of several new institutions, including human rights unit, special prosecutor for human rights, and the unit on human rights defenders.		<p>What has been the impact of various institutions on impunity for human rights violations and common crime and have they contributed to combating corruption?</p> <p>Which steps have been to operationalise and implement the national action plan on human rights?</p>	<p>Recommended the creation of a new human rights unit.</p> <p>Recommended the ratification of the Rome Statute at earliest convenience.</p>	<p>Referred to stakeholder report para 2 and para 21.</p> <p>National report para 69.</p>	A specific evaluation of measures to fight impunity has demonstrated that there has been an impact in terms of awareness and coordination among State bodies.
<b>France</b>		<p>Noted lack of investigation and prosecution of crimes.</p> <p>Noted that enforced disappearances were a problem during the civil war.</p>	<p>Rome statute</p> <p>What measures are intended to improve the effectiveness of prosecution of police officers for crimes?</p> <p>What stages are planned for ratification of the <i>Convention on the Protection of All Persons from Enforced</i></p>	Recommended ratification of the <i>Rome Statute</i> and of the <i>Convention on the Protection of All Persons from Enforced Disappearances</i> .		

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
			<i>Disappearances?</i>			
<b>Azerbaijan</b>	<p>Noted cooperation with UN mechanisms and special procedures.</p> <p>The OHCHR in Guatemala has proved its effectiveness.</p>	<p>Organised criminal groups and poverty are obstacles to human rights.</p> <p>Malnutrition and high infant mortality are of concern.</p>	<p>Requested more information on the practical implementation of the national reparation programme for victims of war.</p> <p>What measures are planned to address low school attendance in rural areas?</p> <p>What is the response to CEDAW's recommendations to bring civil, criminal, and labour codes in conformity with the convention?</p>			<p>The national programme on reparations is directed at victims of armed conflict. It has national coverage and allows for comprehensive compensation to victims, not only financial but also social and cultural.</p>
<b>Germany</b>			<p>What are the achievements of the OHCHR office and where could cooperation be improved?</p> <p>Asked for information</p>		<p>Referred to the conclusions of the Special Representative of the Secretary-General on human rights defenders that there are important</p>	<p>It explained that it has not yet received the report from the Special Representative on human rights defenders. It has not yet seen the recommendations and expects to receive them</p>

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			<p>on whether the Government has already implemented some of the recommendations of the Special Representative of the Secretary-General on human rights defenders and which recommendations it intends to take up to improve the situation of human rights defenders.</p> <p>What are programmes in place to collect illegal weapons to prevent killings?</p>		<p>challenges.</p> <p>OHCHR compilation which noted that there are more than 1.5 million illegal weapons.</p>	<p>by end of June 2008.</p> <p>OHCHR / The expansion of the mandate of the OHCHR office and enhancing its work will be discussed with OHCHR if there is a positive evaluation by the State of its presence.</p> <p>A higher number of weapons are being seized.</p>
<b>Peru</b>		<p>Noted challenges in relation to combating impunity.</p> <p>Identified a need to evaluate the effectiveness of the measures to end impunity and</p>	<p>When will the Government ratify the <i>Rome Statute</i>?</p> <p>What measures have been taken to bring to justice perpetrators of violence committed during the conflict?</p>			<p>More indigenous women are in congress and among governors than before.</p>

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
		ensure non-repetition.	What is being done to address the low level of political participation of women, and in particular indigenous women?			
<b>South Africa</b>	Noted the constructive approach to cooperation with the OHCHR and special procedures.	Highest levels of inequality in Latin America and faces challenges in relation to poverty.	Requested further clarification on:  How the Government is addressing persistent and patriarchal stereotyping of women and men's roles.  What programmes are in place to deal w challenges in relation to the literacy of indigenous peoples in an effective manner?	Recommended acceleration of poverty reduction programmes to address access to health, uneven distribution of wealth and social exclusion.  Accelerate adoption of declaration under article 14 of ICERD and that specific legislation be enacted to provide remedies for racial discrimination, incitement, violence against racial groups	CERD has expressed deep concern at pervasive discrimination against some minorities.	
<b>USA</b>		Expressed concern about killings and threats against judges and the public at large.	What measures in addition to the international commission against impunity are the Government taking and what resources have	Recommended that all necessary financial and human resources be allocated to fight impunity.  Recommended that		There is a plan to strengthen the judiciary to further fight impunity. There is also a cooperation agreement between the international

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			been allocated to address impunity?	Guatemala take all necessary steps to ensure safety of human rights defenders, witnesses, prosecutors, and court officials.		<p>commission against impunity and the ministry of the interior.</p> <p>Regarding protection of human rights defenders and members of judiciary, Guatemala described that on one level there are international mechanisms for their protection, including the Inter-American system and the UN mechanisms. At the national level protection is provided by the police through specialised units. There is also a law on protection of witnesses and victims.</p>
<b>Denmark</b>	Noted the leadership role of Guatemala in relation to the rights of indigenous peoples.	Was concerned about protection of economic, social and cultural rights, social exclusion, high illiteracy rates, extreme poverty and	Does Guatemala intend to take additional measures to address challenges in the area of economic, social and cultural rights?  What measures are	Recommended that Guatemala considers further measures to protect economic, social and cultural rights.  Recommended that		

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
		<p>unreasonable work conditions.</p> <p>Stated that the indigenous peoples face the worst economic and social conditions and discrimination.</p>	<p>being taken to ensure the equal rights of indigenous peoples, and their right to be heard in relation exploitation of land?</p>	<p>Guatemala continues to pay particular attention to protect the rights of indigenous peoples and their right to be heard.</p>		
<b>Finland</b>	<p>Welcomed the support for the <i>Declaration on the Rights of Indigenous Peoples</i>.</p>	<p>Discrimination against indigenous peoples still constitutes an impediment to human rights.</p>	<p>Requested further information on recent and concrete measures to ensure enjoyment of rights of indigenous peoples.</p>	<p>Recommended strengthened efforts to implement the concluding observations of by CERD and other relevant recommendations by other treaty bodies.</p>	<p>CERD has expressed concern about the situation of indigenous people, in particular in relation to racial discrimination, access to justice and contemptuous attitudes reflected in the media.</p>	
<b>Australia</b>	<p>Congratulated Guatemala for its democratic progress and the contribution to the promotion of the rights of indigenous peoples.</p>	<p>Noted with concern the reported rise in attacks and killings of human rights defenders.</p> <p>Expressed concern at reports of</p>	<p>Requested further information on killings of human rights defenders.</p>	<p>Recommended thorough and prompt investigation of violence against human rights defenders.</p> <p>Recommended investigation of all</p>	<p>Referred to the OHCHR compilation in relation to reports by the Special Representative of the Secretary-General on the growing number and intensity of attacks on human</p>	



<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
		<p>extrajudicial and arbitrary killings of women and persons based on their sexual orientation.</p> <p>Noted with concern in relation to violence against women reports of stereotypical attitudes towards the role and responsibility of men and women.</p>		<p>reports of torture and extrajudicial executions.</p>	<p>rights defenders. Also referred to the reports of the Special Rapporteur on extrajudicial, summary, and arbitrary executions regarding killings and CEDAW in relation to stereotypes regarding the roles of men and women.</p>	
<b>Ukraine</b>	<p>Noted the broad consultative process with civil society and the frank and transparent report.</p> <p>Welcomed the open invitation to special procedures.</p>	<p>Concerned about increased number of attacks on human rights defenders and that such acts remain unpunished.</p>	<p>Which measures have been taken to prevent attacks against human rights defenders?</p>	<p>Recommended that effective measures be taken to guarantee effectiveness of unit on human rights defenders in the President's office.</p> <p>Recommended that Guatemala protect human rights defenders from any further violence.</p>		
<b>Switzerland</b>		<p>Stated that the</p>	<p>What is the cooperation</p>	<p>Recommended that</p>	<p>OHCHR compilation</p>	

Country	Positive comments	Critical comments	Questions	Recommendations <small>(including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)</small>	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
		<p>prevalence of impunity is of concern and noted that 98% of offences remain unpunished. Furthermore, crimes against human rights defenders often remain unpunished.</p> <p>The situation of indigenous peoples, and in particular of indigenous women and children is of concern.</p>	<p>between the international commission against impunity and the prosecutor's office?</p> <p>What is being done to improve situation of indigenous peoples?</p>	<p>more police protection be provided for judges, investigators, and witnesses.</p> <p>Recommended that measures be taken to reduce illiteracy among women.</p> <p>Recommended that Guatemala criminalise discrimination based on social origin, racial hatred or against indigenous peoples.</p> <p>Recommended that the Government take measures to combat femicide and killings based on sexual orientation.</p> <p>Recommended a new law on protection of human rights defenders.</p>	<p>and stakeholders information have been extremely useful.</p>	
Nicaragua	Welcomed the national			Recommended continued efforts on		

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	<p>consultations in preparation of the report.</p> <p>Welcomed the renewal of the OHCHR mandate</p>			<p>education and human rights.</p>		
<b>The Philippines</b>	<p>Appreciated the hard work to overcome conflicts of the past.</p> <p>Commended the Government for structures and national bodies and welcomed the cooperation with international mechanisms.</p> <p>Appreciated work to promote indigenous' rights.</p>		<p>Has the Government assessed the positive impact of national institutions on the human rights situation on the ground?</p> <p>What are the Government's expectations for international cooperation to combat trafficking in children, reform the police force and eliminate violence against women?</p>	<p>Encouraged the Government to share its experience and best practices in the field of international cooperation.</p> <p>Hoped the Government will enhance support for national efforts to prevent the re-introduction of the death penalty.</p>		
<b>Tunisia</b>	<p>Welcomed consolidation of democratic processes and the consolidation of national institutions.</p>					

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>Welcomed efforts to consider ratifying the <i>International Convention on Protection of All Persons against Enforced Disappearances</i> and the <i>Convention on the Rights of Persons with Disability</i>.</p>					
<b>United Kingdom</b>	<p>Welcomed support for national human rights institutions and indigenous peoples.</p> <p>Welcomed the <i>de facto</i> moratorium on the death penalty.</p> <p>Welcomed cooperation with international mechanisms.</p>	<p>Expressed concern at impunity for attacks against human rights defenders.</p>	<p>Noted that the information provided in the introductory statement responded to some of the questions sent in advance. Requested further information on resource allocation to indigenous peoples.</p>	<p>Recommended that additional steps be taken to combat impunity which has contributed to the rise in femicide and attacks on human rights defenders.</p> <p>Recommended implementation of all measures agreed in the peace accord to combat discrimination and promote inclusion.</p> <p>Urged further cooperation with the treaty bodies, and in</p>		

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				<p>particular through follow up responses to CAT.</p> <p>Hoped the Government will continue to tackle corruption.</p> <p>Recommended that it abolish the death penalty in its entirety.</p> <p>Recommended the full involvement of civil society in follow up to the UPR.</p>		
<b>Japan</b>	Highly commended the efforts to combat impunity.	Expressed concern about street children that are being recruited by gangs for prostitution and sale of drugs.	How does the Government intend to address the underlying issues related to street children and promote the rights of children, including the right to education and the right to life?	<p>Recommended strengthening cooperation with international commission against impunity.</p> <p>Recommended that the number of police officers be increased and that the capacity of public prosecutors be strengthened.</p>		Regarding youth gangs, it was noted that there is a plan for the prevention of street children and programmes for economic assistance and education. There is also a national policy on prevention of juvenile crime.

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				Recommended that the Government establish an environment where judges can work without intimidation.		
<b>Republic of Korea</b>	<p>Welcomed the establishment of various national bodies and efforts made to raise awareness about human rights among public officials.</p> <p>Welcomed efforts to promote the rights of indigenous peoples.</p>		<p>Requested information about any public awareness programmes regarding human rights, including in schools.</p> <p>Asked the Government to elaborate on concrete actions to implement the national reparations programme and requested more information on the programme on enforced disappearances.</p>	Recommended the Government explore the best measures to address the situation of indigenous peoples in collaboration with OHCHR.	CEDAW had expressed deep concern about crimes against women.	
<b>Ecuador</b>	Welcomed institutional infrastructure.		What is the Government doing to manage flows of migrants?			Regarding migrants and foreigners, the Government is working on a policy that respects human rights of these groups. It noted that deportations are carried out with respect or the

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						rights of the persons in question.
<b>Italy</b>	<p>Noted that Guatemala had voted in favour of the moratorium on the death penalty in the General Assembly.</p> <p>Welcomed the intention to ratify the <i>Rome Statute</i>.</p>		<p>What measures have been taken to combat gangs?</p> <p>Requested more information on measures and budgetary plans to combat poverty and inequality.</p>	<p>Recommended that Guatemala maintain and strengthen its current moratorium with a view to abolishing the death penalty.</p> <p>Recommended ratification of the <i>Rome Statute</i> as soon as possible.</p>		The budgetary allocation to human rights has increased, including the budget of many institutions.
<b>Bangladesh</b>	<p>Noted the ‘excellent report’.</p> <p>Noted cooperation with UN mechanisms as an essential indicator of the Government’s seriousness about human rights.</p>	<p>Identified many challenges, including access to resources. However, it stated that the most important is whether the Government is making serious efforts.</p> <p>Noted that there is a need to strengthen the rule of law and</p>	<p>What measures have been taken to address the high illiteracy rates among indigenous peoples?</p>		CERD has raised concerns about the high illiteracy rates among indigenous peoples.	

<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
		administration of justice.				
<b>Uruguay</b>	Commended efforts to strengthen institutions for protection and promotion of human rights.	Expressed concern about malnutrition.	What policies and measures are being adopted to address malnutrition?			There is a law on food security and malnutrition. The Government has set up a nutritional and food security council, and a council on social cohesion deals with issues related to housing, health, food sanitation, and hygiene.
<b>Dominican Republic</b>	Noted the commitment to cooperation with the treaty bodies		What plans are there to expand coverage of the measures to provide training of judges and mobile courts and centres for administration of justice?	Encouraged Guatemala to continue its good practices.	Referred to the State report.	
<b>Jordan</b>	Welcomed the establishment of and cooperation with OHCHR's office in Guatemala.		What steps have been taken to implement the framework and agreement on rights of indigenous peoples?	Recommended measures to ensure effective participation of indigenous peoples in public life, including through implementation of recommendations by treaty bodies and		



<b>Country</b>	<b>Positive comments</b>	<b>Critical comments</b>	<b>Questions</b>	<b>Recommendations</b> (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	<b>References to State report/ UN compilation/ OHCHR summary</b>	<b>Replies by the State under review</b>
				special procedures.		
<b>Norway</b>	Commended the cooperation with the UN system through ratification of treaties and issuance of a standing invitation to special procedures, and the OHCHR presence.	Expressed concern about the situation of human rights defenders.  Noted that there is a need to ensure access to the media for indigenous peoples in rural areas.	What plans are there for reduce the attacks against human rights defenders and bring perpetrators to justice?  What will be done to follow up on recommendations by CERD to ensure access to local radio for indigenous people?	Recommended reform of the law on radio communications to guarantee free functioning of local radios.  Recommended that steps be taken to reduce attacks on human rights defenders.	The Special Representative of the Secretary-General attacks has noted with concern an increased number of attacks against human rights defenders..  The stakeholder report noted that no one has been held responsible for these attacks.  CERD recommended that that access to the media be ensured for indigenous people in rural areas in their mother tongues.	Access to media by indig / draft bill and work on reforming current law to guarantee better access to radio , tv etc

Adoption of the report [9 May 2008/ 12:30 pm]

On Friday 9 May 2008, Brazil presented the report on behalf of the troika. It expressed its appreciation for the constructive participation of Guatemala in the UPR process, which it saw as a sign of Guatemala's clear commitment to human rights. Slovenia then introduced two minor amendments to the report on behalf of the troika.<sup>29</sup>

Guatemala in its concluding comments, reiterated its commitment to the promotion and protection of human rights. It assured the Working Group that it will continue to strengthen human rights in the Human Rights Council. It stated that it was satisfied with the successful conclusion of the UPR process during which it had demonstrated its seriousness. It stated that it had taken on board all the recommendations made and that it would share them with the Government and civil society. It finally thanked the participating delegations and for their willingness to improve the recommendations in the report.

The report was then adopted on the understanding that delegations would have two weeks to make editorial comments on their own statements, and that any such comments should be submitted by 23 May 2008.

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<sup>29</sup> It deleted the repetition of a word in paragraph 47 and re-numbered several paragraphs that had been wrongly numbered.

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