

UNOFFICIAL ENGLISH TRANSLATION OF REPORT A/HRC/55/21

Situation of human rights in Guatemala

Report of the United Nations High Commissioner for Human Rights

Summary

In this report, the United Nations High Commissioner for Human Rights describes the human rights situation and the activities of his office in Guatemala from 1 January to 31 December 2023. He highlights advances and persisting challenges in the promotion and protection of human rights, with a focus on issues related to equality and non-discrimination, inclusive and sustainable human development, justice, combating impunity and democratic space.

Annex

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guatemala

I. Introduction

1. The present report is submitted pursuant to the agreement between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Guatemala, signed in January 2005 and renewed in September 2023 for four months. The report covers the period from 1 January to 31 December 2023 and is based on information collected and analysed by OHCHR in Guatemala, as well as information provided by State institutions and other stakeholders at the request of OHCHR. The report also describes the main activities carried out by OHCHR.

2. OHCHR continued to monitor the human rights situation through continued engagement with authorities and civil society. OHCHR ran eight public information campaigns on women's rights, Indigenous Peoples and people of African descent, as well as on political participation, the land rights of peasants and Indigenous Peoples, youth participation in environmental protection, the right to freedom of peaceful assembly, the Universal Periodic Review and the 75th anniversary of the Universal Declaration of Human Rights. OHCHR conducted 25 monitoring missions throughout the country and produced 26 newsletters and other publications.¹

3. OHCHR provided technical advice to 34 State institutions, including the Presidential Secretariat for Women, the Presidential Commission for Peace and Human Rights, the judiciary, Congress of the Republic, the Supreme Electoral Tribunal, the Attorney General's Office, the Ministry of Social Development and the Ministry of Labour. OHCHR also ran 33 workshops for State institutions. The topics covered included the rights of persons with disabilities, women's rights and the gender perspective, Indigenous Peoples' rights to lands, territories and natural resources, the right to reparation, the right to freedom of expression and the right to political participation.

4. OHCHR monitored the human rights situation during the electoral process. It deployed six monitoring teams to seven departments during the first round of voting, on 25 June, and five teams to four departments during the second round, on 20 August. It participated in the Task force on the Prevention of Electoral Conflict convened by the Supreme Electoral Tribunal and also took part in the Forum of Electoral missions.

5. OHCHR documented 277 cases of alleged human rights violations and worked with victims and their relatives, civil society organizations, Indigenous Peoples and State institutions to prevent potential violations.² It also worked in partnership with regional and international human rights protection mechanisms.

II. Context

6. The gross domestic product (GDP) growth rate for Guatemala was an estimated 3.4 per cent for 2023.³ However, the country continued to face systemic and structural challenges in relation to inequality and discrimination, the judicial system and impunity, democratic space and the promotion and protection of human rights.

¹ See <https://issuu.com/oacnudhgt/docs>.

² See <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition>.

³ <https://www.worldbank.org/en/country/guatemala/overview>

7. In January, the Supreme Electoral Tribunal called general elections⁴ for the executive branch (presidency and vice-presidency), mayors' offices, the legislative branch and the Central American Parliament.

8. OHCHR observed that the regulatory framework governing the electoral process was applied in a discretionary manner during the registration of candidates, which created obstacles to the guarantee of the right to participate in public affairs on an equal basis in the light of international human rights standards.⁵ National observers and observers from regional organizations expressed themselves on this matter.⁶

9. On 12 July, the Supreme Electoral Tribunal published the results of the elections of 25 June,⁷ declaring that presidential candidates Bernardo Arévalo, of the Semilla party, and Sandra Torres, of the Unidad Nacional de la Esperanza party, had made it to the run-offs. One hundred sixty people were elected to the 2024-2028 legislature (20 per cent of them women and 80 per cent of them men).⁸ The Supreme Electoral Tribunal declared the Semilla party's presidential ticket the winners of the second round, on 20 August, with 58.01 per cent of the votes.⁹

10. OHCHR observed that the two rounds were marked by a peaceful civic environment and efficient organization by the Supreme Electoral Tribunal. This was reflected in the reports of the Electoral Observation Missions of Guatemala, of the Organization of American States (OAS) and of the European Union.¹⁰

11. Since the publication of the results of the first round, a judge of the Seventh District Court issued orders and the Attorney General's Office engaged in a series of actions that caused the utmost concern for OHCHR due to their incompatibility with international human rights law and the rule of law. On 27 July, the High Commissioner expressed his deep concern at the attempts to undermine the electoral process;¹¹ on 1 October, he urged the authorities to respect the rule of law and safeguard democracy;¹² and on 9 December, he deplored the persistent and systematic attempts by the Attorney General's Office to undermine the results of the elections¹³ (see paras. 72-75).

12. On 12 December, the OAS Permanent Council instructed the chair of the Council and the OAS Secretary-General to urgently request the consent of the Government to receive a visit under article 18 of the Inter-American Democratic Charter, bearing in mind the events that affected the rule of law and the presidential transition.¹⁴ The Council called on State institutions to cease its acts of intimidation and respect the integrity of the electoral material.

13. The Congress of the Republic continued its consideration of four bills that did not meet international human rights standards, concerning judicial careers, extinction of criminal

⁴ Decree No.1-2023.

⁵ <https://www.ohchr.org/en/press-releases/2023/03/guatemala-turk-warns-against-reprisals-targeting-justice-officials>.

⁶ <https://www.oas.org/en/IACHR/jsForm/?File=/es/cidh/prensa/comunicados/2023/035.asp>,
https://twitter.com/MOEGuate/status/1635411637770530818?t=wzZKWKITKYxTpf_SPT65cA&s=08,

https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-011/23,

<https://twitter.com/MOEGuate/status/1642874604724293633> y

https://twitter.com/ExtSpoxEU/status/1660333300936736770?t=NU0lc_GauQxxYfNloG8zGg&s=08

⁷ Agreement No. 1328-2023.

⁸ Agreement Nos. 1361-2023 to 1384-2023,

<https://www.tse.org.gt/index.php/comunicacion/publicaciones/acuerdos/acuerdos-2023>

⁹ <https://segundaeleccion.trep.gt/#/tc1/ENT>.

¹⁰ https://twitter.com/moeUEgt2023/status/1694044979004399620?t=EZy_9MRPW6RSPqjdv9jmzA&s=08 and https://twitter.com/OEA_oficial/status/1694073492113666539?s=20.

¹¹ <https://www.ohchr.org/en/press-releases/2023/07/guatemala-un-human-rights-chief-concerned-attempts-undermine-electoral>.

¹² <https://www.ohchr.org/en/press-releases/2023/10/guatemala-sustained-attempts-undermine-democratic-process-extremely-worrying>.

¹³ <https://www.ohchr.org/en/press-releases/2023/12/guatemala-un-human-rights-chief-deplores-persistent-attempts-undermine>.

¹⁴ CP/RES. 1240 (2476/23).

liability for international crimes, the death penalty,¹⁵ and sexual and reproductive health¹⁶ (see paras. 66 and 78). In November, Congress elected judges to the Supreme Court of Justice and the Court of Appeals to fill out the period 2019-2024,¹⁷ as a result of a ruling of the Constitutional Court ordering it to conclude that election.¹⁸ In 2024, a new process for the election of judges should be rolled out for the period 2024-2029 in accordance with the Constitutional time limits.¹⁹

14. OHCHR recorded 217 cases of attacks on human rights defenders, including journalists and justice officials. The attacks consisted of killings, threats, defamation, censorship and criminalization.²⁰ The number of cases registered rose by 39 per cent over 2022. Of the total, 95 cases involved criminalization. There were also 17 cases of attacks on members of political parties and nine cases of attacks on electoral authorities.

15. OHCHR observed 243 protests throughout the country, most of them peaceful, by a variety of actors, including Indigenous peoples, students and civil society organizations. This represents a 77.37 per cent increase over 2022. The principal demands were for respect for the rule of law, the results of the elections, freedom of expression, and the rejection of certain bills. Since October, Indigenous authorities led a series of peaceful protests, called “national strike” (see paras. 93-94).

16. Up to December, 76,201 Guatemalan migrants had been returned (42,900 men, 18,009 women and 15,292 children).²¹ The Guatemalan Migration Institute reported turning back 20,932 foreigners at the borders for entering Guatemala irregularly.²² Of these, 25 per cent were women, 8 per cent boys and 6 per cent girls.²³

III. Equality and non-discrimination

A. Indigenous Peoples and persons of African descent

17. OHCHR has noted that racial discrimination and systemic racism continue to have an impact on the enjoyment and exercise of the human rights of Indigenous, Garifuna and Afro-descendant Peoples.

18. According to a recently published analysis of official statistics, the percentage of households experiencing multidimensional deprivations is 86.1 per cent for the Xinka people and 82.3 per cent for the Maya people; for the country as a whole the figure is 63.2 per cent.²⁴ The multidimensional deprivation index, which looks at deprivations in the five dimensions of quality of housing, basic services, employment, education and technology, has been calculated on the basis of 2018 census data.²⁵

19. Indigenous Peoples turned to social protests to seek forums for participation in decisions affecting their collective rights. In March, the K’iche’ authorities of the 48 cantons of Totonicapán, women weavers and other Indigenous authorities blocked the Inter-American Highway until agreements could be reached at a round-table dialogue²⁶ to revoke the Government Agreement on value-added tax²⁷ and to shelve bill No. 6165,²⁸ which

¹⁵ https://www.congreso.gob.gt/detalle_pdf/iniciativas/5976 and

https://issuu.com/oacnudhgt/docs/estandares_ddhh_con_relacion_a_la_pena_de_muerte.

¹⁶ https://www.congreso.gob.gt/detalle_pdf/iniciativas/5966; Communication GTM 1/2023.

¹⁷ A/HRC/46/74, paras. 10 and 67; A/HRC/49/20, paras. 9 and 54; A/HRC/52/23, para. 12.

¹⁸ File No. 1169-2020.

¹⁹ Arts. 208 and 215 of the Constitution.

²⁰ See definition of criminalization in: A/HRC/52/23, para. 15.

²¹ <https://igm.gob.gt/>.

²² <https://igm.gob.gt/>.

²³ <https://igm.gob.gt/wp-content/uploads/2023/11/IMG-20231107-WA0017.jpg>.

²⁴ https://issuu.com/oacnudhgt/docs/nuestras_voces_por_nuestros_derechos, p. 209.

²⁵ *Ibid.*, p. 208.

²⁶ <https://www.publineas.gt/gt/noticias/2023/03/28/48-acuerdos-ejecutivo-terminan-bloqueos.html>.

²⁷ https://www.minfin.gob.gt/images/downloads/leyes_acuerdos/acuerdogub245_141022.pdf.

²⁸ https://www.congreso.gob.gt/assets/uploads/info_legislativo/iniciativas/965ea-6165.pdf.

proposes the incorporation of the primary, livestock, beef, and informal productive sectors into the tax system, and which would affect the community-based economy.

20. OHCHR noted that, 11 years after the events, oral and public hearings were initiated in the trial of nine soldiers for the crime of extrajudicial execution in the “Cumbre de Alaska” case. The events, which took place on 4 October 2012, resulted in the deaths of six Indigenous men, while 33 persons were wounded.²⁹

21. The Special Rapporteurs of the Human Rights Council on freedom of religion or beliefs; on extrajudicial, summary or arbitrary executions; the situation of human rights defenders; the rights of Indigenous Peoples; and violence against women and girls, its causes and consequences³⁰ expressed their concern to the Government at the limited progress made in the criminal investigation of those allegedly responsible for the acts of aggression against Adela Choc Cuz, a Q’eqchi’ Maya *aj q’ij* (spiritual guide), who was the victim of violence and accused of witchcraft in May 2022.³¹

22. OHCHR welcomes reports that the Ministry of Energy and Mining and the Indigenous authorities of the Xinka People’s Parliament continued to make progress on the second stage of the consultation ordered by the Constitutional Court regarding mining activity in El Escobal.³² The Xinka authorities are currently holding visits with State authorities in the communities adjacent to the project.³³

23. OHCHR, in dialogue with the Indigenous mayor’s office of San José Nacahuil, San Pedro Ayampuc, and with other Kaqchikel and Xinka Indigenous authorities and women leaders, received information on progress made in the implementation of the ruling of the Constitutional Court on the “Progreso VII Derivada” mining project,³⁴ located in San José del Golfo. The Ministry of Energy and Mining reported that the consultation process would begin once agreement had been reached with the Kaqchikel and Xinka communities on the principles governing the round-table dialogue.³⁵

24. OHCHR continued to provide technical assistance to the Nim Alaxik National Midwives’ Movement to promote their rights and participation in the twenty-second session of the Permanent Forum on Indigenous Issues. The final report of the Forum included a recommendation to the State³⁶ to implement the 2019 ruling of the Constitutional Court,³⁷ in favour of the midwives. The economic support delivered to the midwives by the Ministry of Public Health and Social Welfare in 2022 was not granted in 2023. This incentive³⁸ is in recognition of the midwives’ efforts to promote women’s right to health, including sexual and reproductive health.

25. OHCHR continued to provide technical assistance to the National Weavers’ Movement and the Women’s Association for the Development of Sacatepéquez to promote recognition of the collective intellectual property rights of Indigenous women’s weavings. Bill No. 6136, on the Act for the protection of collective intellectual property of the textiles and clothing of the Indigenous Peoples and communities of Guatemala, which had been submitted to Congress in 2022, was not put forth for adoption.

26. Two years after the ruling of the Inter-American Court of Human Rights on community radios was handed down,³⁹ the State published a summary, in the *Diario de Centro America*, in Spanish and in three Maya languages, and made progress towards the

²⁹ See Communications GTM 6/1013 and GTM 6/2012.

³⁰ See Communication GTM 8/2022.

³¹ A/HRC/52/23, para. 21.

³² A/HRC/52/23, para. 22.

³³ <https://mem.gob.gt/blog/funcionarios-del-mem-conred-y-autoridades-xinkas-realiza-recorrido-por-area-de-influencia-derecho-minero-escobal/>.

³⁴ A/HRC/52/23, para. 24.

³⁵ <https://mem.gob.gt/blog/se-acuerda-el-inicio-del-proceso-de-preconsulta-por-el-derecho-minero-progreso-vii-derivada/>.

³⁶ E/C.19/2023/7, para. 60.

³⁷ File No. 3362-2017.

³⁸ Decree No. 22-2022.

³⁹ https://www.corteidh.or.cr/docs/casos/articulos/seriec_440_esp.pdf.

implementation of financial compensation measures. Still pending is an end to the criminalization of community radio operators and the adoption of a law recognizing community radio stations. OHCHR continued to provide technical assistance to the network of Indigenous women community radio operators in launching the I'X online community newscast.⁴⁰

27. OHCHR continued to receive expressions of concern from the Garifuna people and people of African descent at the invisibility of their history, culture and contributions to society. In Puerto Barrios and Livingston (Izabal), OHCHR received information about violations of the rights of Garifuna women and women of African descent, including gender-based violence. Organizations of Garifuna women and women of African descent reported that the lack of access to justice, higher education, employment, and health services were persistent problems. According to information received by OHCHR, the Garifuna people has lost its ancestral lands since the internal armed conflict, and they continue to be affected by the presence of organized crime.

28. OHCHR provided technical assistance to Garifuna women leaders and to women leaders of African descent to promote their participation in spaces such as the Permanent Forum on People of African Descent held in New York in May.⁴¹

B. Women and girls

29. Violence against women and girls continued to be of great concern to OHCHR. The Women's Observatory of the Attorney General's Office recorded, as at December, 41,032 cases of violence against women, including 205 cases of femicides and 264 violent deaths.⁴² Of the 300 cases of femicide filed with the office for femicides (*fiscalía de femicidios*) as at September, some 89.6 per cent were dismissed or closed, and 18 persons were convicted (6 per cent of all the cases).⁴³ Between January and October, 50,924 births were reported among girls between 15 and 19 years of age, and 1,954 births among girls under 14 years of age.⁴⁴ The Criminal Code defines sexual relations with minors under 14 years of age as the offence of rape.⁴⁵

30. OHCHR is concerned about the financial situation of the network of comprehensive support centres for women who are survivors of violence, owing to delays in the release of funds. As at December, only 38 per cent or so of annual funds had been transferred by the Ministry of the Interior. This affects the performances of the centres and detracts from the care that the women receive.

31. The President of the Republic presided over the National Coordination Office for the Prevention of Domestic Violence and Violence against Women, promoting the implementation of the National Plan for the Eradication of Violence against Women. Nonetheless, OHCHR received information on the scarcity of the office's technical and financial resources for implementing the plan.

32. OHCHR remains concerned at the lack of progress in the legal proceedings to establish responsibility for the incident that took place in the "Hogar Seguro Virgen de la Asunción", in 2017.⁴⁶ The oral and public hearings stage has frequently been delayed, despite

⁴⁰ <https://www.instagram.com/reel/CxwOS89t9aV/?igshid=MWV1ZjEwZG90ejRzMw%3D%3D>.

⁴¹ <https://media.un.org/en/asset/k19/k19ymwnvtv>.

⁴² <https://observatorio.mp.gob.gt/portal-estadistico/>. See the definitions of femicide and other violent forms of death in Decree No.22-2008: http://ww2.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnalisisDocumentacionJudicial/cdsCDs%20compilaciones/Compilacion%20Leyes%20Penales/expedientes/13_LeyContraFemicidio.pdf.

⁴³ SAIC/G 2023-000001/jmjs, 18 October 2023.

⁴⁴ <https://osarguatemala.org/registros-de-nacimiento-y-embarazos-en-madres-adolescentes-ano-2023/>.

⁴⁵ Arts. 173-174.

⁴⁶ A/HRC/52/23, para. 34; A/HRC/46/74, para. 40; and <https://issuu.com/oacnudhgt/docs/informehsva>.

the fact that the proceedings are meant to be carried out expeditiously in view of the gravity of the incident and in accordance with international human rights standards.

33. OHCHR observed that, in the electoral context, discriminatory messages, and messages of violence against women participating in politics, including Indigenous women, in social networks and communications media, were drafted and disseminated. In addition, some political groups made regressive proposals on sexual and reproductive rights.

34. OHCHR provided technical assistance to the Presidential Secretariat for Women and to various civil society organizations with regard to consideration of the tenth periodic report to the Committee on the Elimination of Discrimination against Women, in October.⁴⁷

C. Persons with disabilities

35. The Ministry of Health, with the technical assistance of the United Nations, including OHCHR, strengthened the capacities of health personnel who will be part of assessment teams in charge of issuing certificates to persons with disabilities.⁴⁸ OHCHR stresses that persons with disabilities, particularly women, were involved in the creation of a national certification system through dialogues in which gender-sensitive difficulties in the certification process were identified. Also important were the efforts made to standardize the administrative records of persons with disabilities in order to give them access to social protection programmes. The disability variable will be included in the National Survey of Living Conditions being prepared by the National Statistical Institute.

36. OHCHR notes that there is still a need to harmonize national legislation with international human rights standards to ensure equal recognition before the law of persons with disabilities, with respect to legal capacity. The State still needs to bring the legislation into line with a human rights-based model of disability, in close consultation with organizations of persons with disabilities.

37. OHCHR observed that, despite efforts of the Supreme Electoral Tribunal⁴⁹ and of organizations of persons with disabilities,⁵⁰ structural accessibility problems, such as those related to facilities in schools that were used as polling stations, affected the equal exercise of the right to vote by persons with disabilities.

D. Sexual diversity and gender identity

38. According to information received by OHCHR, stigmatization, harassment, discrimination and violence persist against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The National Human Rights Observatory on Human Rights and Violence based on sexual orientation or gender identity of the *Asociación Lambda*, as at December recorded 34 violent deaths, allegedly based on gender identity and sexual orientation (16 gay men, 10 transgender women, three lesbian women, five bisexual men), representing a 17-per cent increase over 2022. The highest number of violent deaths since the Observatory began its reporting, in 2019, was reported for 2023.

39. OHCHR, by following social networks and communications media in the electoral context, observed discriminatory speech against LGBTI persons. In its instructions, the Supreme Electoral Tribunal included guidelines on how to assist LGBTI voters, particularly trans voters, in exercising their right to vote without discrimination.⁵¹ Some organizations

⁴⁷ CEDAW/C/GTM/CO/10.

⁴⁸ <https://prensa.gob.gt/comunicado/primera-fase-para-la-certificacion-de-personas-con-discapacidad-esta-proxima-finalizar>.

⁴⁹ <https://www.tse.org.gt/index.php/comunicacion/noticias/769-tse-instala-mesa-de-inclusion-de-personas-con-discapacidad-al-proceso-electoral-2023>.

⁵⁰ <https://www.tse.org.gt/images/ss/varios/link/03%20Gu%C3%ADa%20Inclusi%C3%B3n%20Completa%20Texto%20-%20ANCG.pdf>.

⁵¹ <https://www.tse.org.gt/images/eg23/INSTRUCTIVO%20JRV-M8.pdf>, pp. 7-9.

undertook promotional activities to encourage LGBTI persons to vote and participated as election observers.

40. In September, several OHCHR offices of the Americas region, including the Guatemala Office, and the *Red Sin Violencia LGTBI* organized in Colombia the second regional forum on “Progress towards a Latin American protocol on the criminal investigation of violent deaths of LGBTIQ+ persons”. The forum identified key conceptual, investigative and forensic aspects to be considered in a future regional protocol or in national protocols.

E. Young persons

41. Young persons continue to face challenges in the enjoyment of their human rights, particularly in the areas of education and participation in public life. OHCHR has received information on acts of intimidation, physical aggression, defamation and criminalization against students and young persons exercising their rights to freedom of expression, association and peaceful assembly. Various attacks were carried out by university authorities and civil servants (see para. 84).

42. OHCHR, in coordination with the United Nations Population Fund and the International Organization for Migration, implemented project Nabil to strengthen the capacity of the National Youth Council,⁵² municipal youth offices, the Office of the Human Rights Ombudsman and the Secretariat for Planning and Programming of the Office of the President, and to promote the participation of young Maya and mestizo persons in the Huehuetenango civic space.

43. OHCHR provided technical assistance to the inter-university Model United Nations of Guatemala. In conjunction with the Inter-Agency Working Group of Young Persons, videos were produced on initiatives led by Indigenous young persons to mitigate the effects of climate change.⁵³

44. OHCHR provided technical assistance on human rights in the electoral context to Young Artists for Social Justice, the Legal Academy of Higher Education,⁵⁴ the organization *Visibles*⁵⁵ and the civic elections volunteer corps.⁵⁶ Youth organizations promoted the right to political participation at academic events, registration fairs and candidates’ forums.

IV. Inclusive and sustainable human development

A. Social protection

45. OHCHR welcomes the decision by the Ministry of Social Development to update the core diagnostic for strengthening the social protection system⁵⁷ and to approve the evaluation sheets on socioeconomic conditions used in the pilot exercise of the Social Household Registry,⁵⁸ with technical assistance from a joint programme of UNDP, UNFPA, UNICEF and OHCHR.

B. Access to lands, territories and natural resources

46. Agrarian conflicts continued to recur. The Presidential Commission for Peace and Human Rights recorded 75 agrarian conflicts.⁵⁹ The Attorney General’s Office submitted

⁵² <https://conjuve.gob.gt/>.

⁵³ <https://www.instagram.com/p/CvuwxOIMfuf/?hl=es-la>.

⁵⁴ <https://m.facebook.com/people/AJES/100085051938660/>.

⁵⁵ <https://visibles.gt/acercade>.

⁵⁶ <https://www.facebook.com/voluntariadocivicoelectoral/>.

⁵⁷ Core Diagnostic Instrument.

⁵⁸ <https://www.mides.gob.gt/institucionalizacion-del-registro-social-de-hogares/>.

⁵⁹ FT-COFOR-226-2023.

42⁶⁰ eviction applications to the courts for the offences of trespass and aggravated trespass.⁶¹

47. OHCHR documented five cases of forced evictions, affecting 503 families, for the most part Indigenous, which represented a 101 per cent increase in the number of families affected over 2022. It also recorded five attempted evictions, which created uncertainty and fear for another 313 families. These evictions, which do not comply with international human rights standards,⁶² continue, and have different impacts, particularly for Indigenous women, who are more exposed to situations of violence, and whose share of family care responsibilities is only increased by being uprooted.

48. In the case of the Kumatz Indigenous community (Huehuetenango), which was evicted during an inter-agency operation,⁶³ there was no prior notification and significant police involvement was reported. OHCHR continued to document the case of the Indigenous Maya Poqomchi' families from the Washington and Dos Fuentes (Baja Verapaz) Communities, which continue to receive threats to their life. These threats have not been investigated, despite the fact that the families in these communities have been granted protective measures by the Inter-American Commission on Human Rights.⁶⁴

49. The Land Trust Fund indicated that, of the 1,192⁶⁵ families who have received credits from the land assignment programme, some 27.60 per cent⁶⁶ belong to the Maya people. The Fund has programmes for peasant economy and sustainable goods management, but no contingency programmes to support the communities should they suffer a loss of crops because of the climate change that OHCHR has observed in the Polochic Valley. The loss of crops hampers their ability to repay the credits owed the Fund, which could result in the loss of land.

50. OHCHR, in conjunction with the Presidential Commission for Peace and Human Rights, conducted training for public institutions on international human rights standards concerning access to land and territories, the rights of Indigenous Peoples, the right to food, the compatibility of evictions with human rights, and business and human rights in Guatemala City and the departments of Alta Verapaz and Izabal.

51. OHCHR conducted training for community leaders in the Polochic Valley on the right to land, territories and natural resources, with the participation of Maya Q'eqchi' women, in their own language, to strengthen their capacity to take part in round tables.

52. OHCHR monitored the round tables that were created to seek solutions to agrarian conflicts, with the Izabal Institutional Round Table for Agrarian Coordination exemplifying best practices in that regard, facilitating proper inter-agency communication for handling agrarian matters.

53. The Land Register reports that, as at September, it has declared three lands to be communal⁶⁷ and is currently conducting 20 regularization processes through the special titling of lands,⁶⁸ including implementation of the 2015 Constitutional Court ruling on the Indigenous community of Sierra Santa Cruz.⁶⁹

⁶⁰ SAIC/G 2023-00001/mjs.

⁶¹ Penal Code, arts. 256-257. See: A/HRC/40/3/Add.1, para. 110.

⁶² A/HRC/40/3/Add.1, para. 46.

⁶³ Put forward by the National Civil Police, the Public Prosecution Service, the judiciary, the Presidential Commission for Peace and Human Rights and the Office of the Human Rights Ombudsman.

⁶⁴ <https://www.oas.org/es/cidh/decisiones/pdf/2020/67-20MC306-20-GUA.pdf>.

⁶⁵ FT-66-662-2023BABQ.

⁶⁶ FT-66-662-2023BABQ.

⁶⁷ GPCE/795-2023.

⁶⁸ GPCE/795-2023.

⁶⁹ File No. 5955-2013 of 25 November 2015; and A/HRC/49/20, para. 46.

C. Business and human rights

54. OHCHR welcomes the process advanced by the Presidential Commission for Peace and Human Rights to design the baseline of the National Action Plan on Business and Human Rights.

55. At the request of IDB-Invest (an arm of the Inter-American Development Bank), OHCHR provided technical support to the training being conducted with key private sector actors on: due diligence, women's rights and the gender perspective, the rights of Indigenous Peoples, and the safeguards established by the Bank to ensure due application of the Guiding Principles on Business and Human Rights.

56. In partnership with Global Compact,⁷⁰ Centrase⁷¹ and UNICEF, OHCHR continued to deliver training for companies on the Guiding Principles on Business and Human Rights. It also welcomes the willingness of AGEXPORT, Grupo HAME, AGER and GREPALMA to work with OHCHR on promoting the Guiding Principles in their activities.

57. OHCHR noted the progress made by the Ministry of Environment and Natural Resources on the creation of the Vice-Ministry for Water. OHCHR conducted training for the Solicitor General's Office on the right to water, the right to a clean, healthy and sustainable environment, and the right to reparation.

58. The Ministry of Labour strengthened the General Inspectorate of Labour, providing it with infrastructure and implementing the Inspection Protocol.⁷² In August, the General Inspectorate had recorded 37 inspections of sugar cane plantations, African palm, bananas, cocoa, coffee and timber, and indicated that it had issued reprimands or penalties in 29.73 per cent⁷³ of those inspections.

V. Justice and the fight against impunity

A. Access to justice

59. OHCHR continued to receive allegations of obstacles to access to justice, particularly in cases of gender-based violence in Quiché, Alta Verapaz and Baja Verapaz. This includes geographical inaccessibility, insufficient provision of interpretation services in Indigenous languages, the lack of comprehensive health care for victims and the lack of protective measures, and long waits for cases to be brought before the courts. Allegations were also received on the lack of adequate reparations in cases involving human rights violations.

60. OHCHR observed measures and practices in the Attorney General's Office and in the judiciary apparently related to stereotypes and discrimination based on gender and for belonging to Indigenous peoples. It also received allegations that staff from the Attorney General's Office had pressured victims of gender-based violence to withdraw their complaints.

61. The Attorney General's Office reported that it took steps to reduce the case backlog.⁷⁴ Nonetheless, OHCHR received information indicating that case dismissals on various occasions may have taken place without exhausting all lines of inquiry, with possible adverse effects on the State's duty to guarantee access to an effective remedy. For example, OHCHR received allegations that complaints had been dismissed because the complainant had failed to ratify them, in cases of publicly actionable offences.

62. OHCHR continued to observe violations of the right to a fair trial arising from practices by the judiciary that were not in line with international standards. Regarding the

⁷⁰ <https://unglobalcompact.org/>.

⁷¹ <https://centrase.org/?gclid=EAIaIQobChMIkuLV6PPZ-wIVztmGCh0GiwL7EAAYASAA>.

⁷² https://www.mintrabajo.gob.gt/images/Documentacion/Instructivos_y_Protocolos/IGT/TOMO_I_Protocolo_Unico.pdf.

⁷³ DM-RERP/rmvv no.1810-2023 and UDAIT-691-2023-EEM-lr.

⁷⁴ https://drive.google.com/file/d/1Ixl4uMaGsB5U_njfwvo26oZ2VizemxN/view.

right to an independent and impartial tribunal, information was received to the effect that appeals chambers were removing cases from consideration by judges on the legally unregulated figure of “procedural soundness”, without reasonable grounds.

63. The guarantees of publicity and transparency in judicial proceedings imply that hearings should be open to the public, except under exceptional circumstances.⁷⁵ OHCHR observed the discretionary use and not in accordance with the law, of the secrecy of judicial proceedings, and documented infringements of the right of the defence and to publicity of the proceedings.

64. OHCHR conducted capacity-building for civil society organizations on the right to justice and human rights protection mechanisms.

B. The right to personal liberty

65. OHCHR observed that the judiciary issued groundless warrants for arrest and pretrial detention, in violation of international standards which require the reasonableness, necessity and proportionality of such measures.⁷⁶ In addition, delays were also observed in the holding of arraignments, in violation of international standards.⁷⁷ This is what happened, for example, to the lawyer Claudia González, detained on 28 August, presumably as a retaliation from staff of the Attorney General’s Office and of the judiciary for her role in the International Commission against Impunity in Guatemala (CICIG). OHCHR recorded a delay of 25 days before the arraignment could be held. The Fourth Appeals Chamber identified the undue delay and ordered the judge to hold the arraignment within 48 hours. On 16 November, the lawyer was conditionally released by an appeals chamber.

C. Judicial independence and impartiality

66. Bill No. 6239 advanced in Congress with the aim of adding further administrative duties related to the judicial career, concentrating these functions in the Supreme Court of Justice.⁷⁸

67. The Attorney General’s Office and the judiciary took arbitrary and unfounded measures as retaliation against members of the judiciary, public prosecutors and lawyers who had investigated emblematic cases of corruption or human rights violations that continued to be of grave concern. OHCHR received information on retaliation against 55 justice officials (29 women and 26 men), and 11 male lawyers and five female lawyers, representing a 69-per cent increase over 2022. Of those 71 individuals, 21 continued to suffer retaliation that began in 2022, and 50 additional persons were attacked in 2023. OHCHR documented 33 of those cases (18 men and 15 women). Of the 33 documented cases, OHCHR registered 29 cases of criminalization, involving 21 arrest warrants, 12 detentions and three sentences for admission of charges.

68. In May, the United Nations Working Group on Arbitrary Detention stated that the arrest and pretrial detention of former prosecutor Virginia Laparra⁷⁹ had been arbitrary.⁸⁰ On 26 December, the Criminal Division of the Supreme Court of Justice ordered her release from prison, under house arrest, considering that she had remained in prison for a period of time greater than the 45 per cent of the four years to which she had been sentenced in 2022. OHCHR considers this case as a case of criminalization and that the criminal proceedings did not comply with the guarantees of due process. She should accordingly be released unconditionally.

⁷⁵ CCPR/C/GC/32, paras. 28-29.

⁷⁶ CCPR/C/GC/35, para. 12.

⁷⁷ CCPR/C/GC/35, para. 33.

⁷⁸ A/HRC/52/23, para. 59.

⁷⁹ A/HRC/52/23, paras. 60-61.

⁸⁰ <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-24-AEV.pdf>.

69. In May, former officials of the Office of the Special Prosecutor against Impunity (FECI), Aliss Morán and Paola Escobar,⁸¹ were detained for alleged abuse of authority in relation to their investigation of a case of corruption in the judicial system. On 18 August, an appeals chamber determined that the pretrial detention order had not been substantiated by the judge and ordered their release. This ruling was executed on 1 September. The former prosecutor of FECI, Samari Gómez,⁸² was acquitted in June by the Eighth Criminal Trial Court. In October, an appeals chamber annulled the acquittal. On 1 December, prosecutor Lesly Pineda was detained.

70. In 2023, OHCHR recorded the highest number of judicial officials to leave the country since 2019, with at least 20 persons (nine women and 11 men) who were obliged to leave the country as a result of criminalization. Among them is former judge Carlos Ruano, against whom, in February, the Supreme Court of Justice granted a request for the lifting of immunity. The former judge alleged that he was the victim of retaliation because in 2017 he had denounced a magistrate of the Supreme Court of Justice who asked for a relative to receive favourable treatment in court. Former judge Ruano did not receive protection, despite pursuing the relevant remedies.

71. Since 2019, OHCHR has recorded 40 former judicial officials in exile (25 men and 15 women) and documented that their human rights were seriously affected as a result of that exile, in addition to facing barriers to exercising their legal defence in Guatemala.

72. OHCHR also expresses its deep concern that the highest authorities of the Attorney General's Office, and the judge of the Seventh District Court, acted to undermine the integrity of the electoral process and the rule of law, putting at risk the democratic presidential transition.

73. The aforementioned actions consisted, inter alia, of the following: criminal prosecution of the Semilla party, with a view to suspending its legal personality and thus preventing its members from assuming responsibilities in Congress;⁸³ requests to lift the immunity of Supreme Electoral Tribunal magistrates, including its President;⁸⁴ and raids of the Electoral Operations Centre⁸⁵ and of the headquarters of the Supreme Electoral Tribunal, in September, in which records certifying the votes cast in the first and second rounds were seized, contrary to the Constitution⁸⁶ and the Elections Act.⁸⁷ It should be noted that, on 30 November, Congress approved lifting the immunity of one female magistrate and three male magistrates of the Tribunal.⁸⁸

74. On 8 December, the Office of the Special Prosecutor against Impunity of the Attorney General's Office requested lifting the immunity of the President-elect within the framework of the case known as "Corrupción Semilla".⁸⁹ It also stated that the general elections would have to be annulled by the Supreme Electoral Tribunal—despite the fact that on 31 October, the Tribunal had declared the electoral process as concluded and confirmed the official results, indicating that these are "unalterable".⁹⁰

75. In a ruling of 14 December, the Constitutional Court granted a definitive *amparo* to guarantee the transition and the assumption of office of all those elected. To that end the

⁸¹ A/HRC/52/23, para. 60.

⁸² A/HRC/52/23, paras. 60-61.

⁸³ The suspension was based on the Law to Combat Organized Crime, in spite of the prohibition established under the Act concerning Elections and Political Parties, which, in keeping with the domestic legal framework, takes precedence in this regard.

⁸⁴ <https://twitter.com/MPguatemala/status/1735486778348310569/photo/4>.

⁸⁵ Including the opening of ballot boxes. <https://www.soy502.com/articulo/abren-cajas-electorales-feci-obtuvo-autorizacion-judicial-101772>; <https://lahora.gt/nacionales/diego/2023/09/13/democracia-mp-cuenta-votos-y-rompe-la-custodia-electoral/>.

⁸⁶ Art. 184.

⁸⁷ Art. 243. TSE Guatemala in X: "El Pleno de Magistrados del Tribunal Supremo Electoral a la ciudadanía en general declara. <https://t.co/oNJRIawbbv>" / X (twitter.com).

⁸⁸ https://www.congreso.gob.gt/noticias_congreso/10557/2023/4#gsc.tab=0.

⁸⁹ <https://www.youtube.com/watch?v=LN5Mi2yl7Ko>.

⁹⁰ https://www.tse.org.gt/images/Decretos2023/decreto_05-2023.pdf.

Court called on the President of the Republic and urged Congress to provide said guarantees in line with their respective spheres of competence.⁹¹

D. Transitional justice

76. OHCHR documented progress in three of 14 emblematic cases that occurred during the internal armed conflict. A lieutenant colonel of the National Police was tried in the case of the enforced disappearance of Luz Leticia Hernández. In the “Sexual Violence against Achi Women” case it was determined that three paramilitaries would have to stand trial, and in the “Xaman” case five soldiers were convicted of complicity in the extrajudicial execution of 11 persons and the attempted extrajudicial execution of 28 other persons.

77. Furthermore, the judicial authorities granted alternative measures to imprisonment to three persons in the “Molina Theissen” case and to another three persons in the “Diario Militar” case. The Inter-American Court of Human Rights considered that the measures in the “Molina Theissen” case were in breach of its orders.⁹² The alternative measures granted in the “Diario Militar” case were revoked by an appeals court.⁹³ The charge against a suspect in the enforced disappearance of Edgar Fernando García was dismissed and a lack of evidence declared in the case of the enforced disappearance of Edgar Enrique Sáenz. In the Rancho Bejuco case, a former Army officer was convicted and eight other accused persons acquitted. In the “Las Dos Erres” case three former Kaibiles were acquitted on the grounds of alleged inconsistencies in the evidence concerning the identification of the victims. Unjustified delays were observed in the “CREOMPAZ”, “Ixil Genocide”, “Molina Theissen” and “Diario Militar” cases.

78. The Congressional Human Rights Commission issued a favourable opinion on bill No. 6099 (“Act on strengthening peace”), and moved forward in its consideration. The bill seeks to extinguish the criminal liability of persons accused or convicted of committing international crimes during the internal armed conflict and is therefore incompatible with international standards.⁹⁴

79. OHCHR observed that uncertainty remains as to whether to extend the operation of the National Reparations Programme, on hold since 2020,⁹⁵ and the closure of which is planned for December 2023. This closure could mean setting aside thousands of pending requests for reparations.

80. OHCHR provided technical assistance to the National Reparations Programme on international human rights standards and the gender perspective with respect to comprehensive reparation and continued to strengthen its work with young persons and civil society organizations on the importance of archives for exercising the right to memory and to truth and of the search for victims of enforced disappearance.

VI. Democratic space

A. Right to promote and protect human rights

81. OHCHR recorded 100 cases of attacks on human rights defenders which involve 288 victims (180 men, 68 women, 17 Indigenous communities and 23 organizations).⁹⁶ This represents an alarming 264 per cent increase over the number of victims recorded by OHCHR

⁹¹ CC-file 6175-2023, <https://www.cc.gob.gt/index.php/comunicados/>.

⁹² https://www.corteidh.or.cr/docs/supervisiones/molina_theissen_04_09_23.pdf.

⁹³ The measure had been taken in contravention of art. 264 of the Criminal Procedure Code.

⁹⁴ A/HRC/52/23, para. 69 and Communication GTM 7/2022.

⁹⁵ A/HRC/52/23, para. 70.

⁹⁶ The data relating to the justice officials are reported in section IV of this report, and the disaggregated data on journalists in section VI (B).

in 2022.⁹⁷ OHCHR recorded the killing on 6 May of two women members of the Campesino Development Committee in Jalapa and of Xinca leader Noe Gómez on 28 October in Jutiapa.

82. The Attorney General's Office reported receiving 30 complaints of attacks on human rights defenders. The complaints concerned the following types of attacks: firearm attack, injury, threats, coercion, abuse of authority, robbery, disturbance of possession, and attacks on information. Some 76 per cent of the complaints were dismissed or the cases closed.⁹⁸ The Attorney General's Office reported that six convictions had been handed down for offences against human rights defenders in 2023.⁹⁹

83. The human rights organization Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEGUA)¹⁰⁰ recorded 3,842 attacks on human rights defenders between January and October.

84. OHCHR documented the fact that students and faculty of the University of San Carlos faced reprisals and criminalization for the exercise of their right to freedom of expression and academic freedom. In the case of Adrián Camilo García, student representative to the Higher University Council, the Special Rapporteurs on the right to education; on freedom of opinion and expression; on freedom of peaceful assembly and of association; and on human rights defenders expressed their concern at his expulsion from the University of San Carlos "in retaliation for exercising his academic freedom" and without guarantees of due process.¹⁰¹ OHCHR documented a similar situation in the case of the student Estuardo Tecú López.

85. OHCHR documented attacks on members of UDEFEGUA, including threats against their life. Furthermore, in a hearing of the case against journalist José Rubén Zamora, one of the witnesses made allegedly unfounded accusations against Jorge Santos, general coordinator of UDEFEGUA.¹⁰² That same day the coordinator was threatened on social networks by the complainant in the case. In June, Jorge Santos filed complaints of slander, libel and defamation.¹⁰³

86. OHCHR continued to document cases of criminalization of human rights defenders, including the following: Nanci Sinto, Dulce Archila;¹⁰⁴ María Cuc Choc, Q'eqchi' environmental defender;¹⁰⁵ Jorge Coc and Marcelino Xol, Q'eqchi' defenders of land and territory;¹⁰⁶ and Rigoberto Juárez, Q'Anjobal authority. OHCHR received information on the alleged criminal complaint against Luis Pacheco, President of the 48 cantons of Totonicapán, for his leadership of and participation in the national strike (see para. 93).

87. OHCHR engaged in joint activities with State authorities to prevent and address human rights violations and helped victims in coordination with non-governmental organizations. It conducted a capacity-building workshop for the Network of Young Human Rights Defenders on the promotion and protection of human rights in civic space and produced a promotional video on the work of young human rights defenders.

B. Freedom of expression

88. OHCHR recorded 66 cases of attacks on journalists and media outlets (65 men, 27 women, and 14 media outlets), representing a 73.68 per cent increase over 2022. The attacks were attributed to State authorities and to individuals. A large proportion of the attacks took place during coverage of the elections. OHCHR documented the assassination of four male journalists and monitored the situation of 12 male and eight female journalists in exile.

⁹⁷ A/HRC/52/23, paras.72 and 85.

⁹⁸ SAIC/G 2023-00001/mjs.

⁹⁹ Ibid.

¹⁰⁰ <https://udefegua.org.gt/quienes-somos/>.

¹⁰¹ See Communication GTM 2/2023.

¹⁰² Criminal Case No. 1079-2022-00280, 8th Criminal Trial Court.

¹⁰³ <https://udefegua.org.gt/comunicados/udefegua-denuncia-ataque>.

¹⁰⁴ A/HRC/52/23, para. 78.

¹⁰⁵ A/HRC/52/23, para. 81.

¹⁰⁶ A/HRC/52/23, para. 79.

89. The Attorney General's Office reported receiving 54 complaints of crimes against journalists. These concerned the following types of attacks: firearm attack, sexual aggression, injury, physical aggression, threats, abuse of authority, defamation, coercion, robbery, and attacks on information. In one case a conviction was handed down.¹⁰⁷

90. The Observatory of the Association of Journalists of Guatemala recorded 154 attacks on journalists and media outlets, including intimidation of Supreme Electoral Tribunal media workers.

91. The President and founder of *El Periódico*, José Rubén Zamora,¹⁰⁸ was convicted in June in one of the criminal cases in which he is involved. In October, an appeals chamber annulled the conviction and ordered a retrial. The journalist has been in pretrial detention since July 2022 for the other cases. The Special Rapporteurs on the promotion and protection of the right to freedom of opinion and of expression and on the independence of judges and lawyers expressed their concern at the negative impact of these actions on freedom of the press, the journalist's conditions of detention, violations of due process, as well as at the permanent closure of *El Periódico* and the investigations opened against eight of its workers.¹⁰⁹

92. OHCHR documented the criminalization process against Carlos Ernesto Choc Chub, a Q'eqchi' journalist,¹¹⁰ and the case against four National Civil Police agents accused of abuse of authority for the arrest of the journalist Norma Sancir, which has been reopened for oral and public hearings.

C. Freedom of peaceful assembly

93. In October, a series of peaceful protests called "national strike" began, initiated by the Indigenous authorities of the 48 cantons of Totonicapán and of the Indigenous municipality of Sololá, and followed by other Indigenous authorities, rural and social movements, and private sector actors. The calls for protest were initiated after the raids of the Supreme Electoral Tribunal on 29 September, and eventually included 1,232 assembly points around the country, demanding the resignation of the Attorney General, the head of the Office of the Special Prosecutor against Impunity, and of the judge of the Seventh District Court. On 31 December a protest was still ongoing in front of the Attorney General's Office.

94. OHCHR is concerned that, in response to these protests, and at the request of the Attorney General's Office, the Constitutional Court on 18 October ordered the security forces "to restore public order and disperse the assembly whenever it causes a major disruption, such as blocking traffic", and to proceed to apprehend those involved in the commission of flagrante delicto. The Court also equated acts of violence allegedly committed as part of the protests with possible crimes against humanity.¹¹¹

D. Security and the use of force

95. In the raid carried out by the Attorney General's Office on 20 July at the facilities of the Citizens' Registry of the Supreme Electoral Tribunal, OHCHR observed vehicles without licence plates, members of the Attorney General's Office and armed men dressed in civilian clothes circulating at the doors of public institutions without any form of identification. In addition, during the 29 September raid by the Attorney General's Office at the Supreme Electoral Tribunal, OHCHR observed disproportionate police deployment, which hindered the work of journalists.

¹⁰⁷ SAIC/G 2023-00001/mjs.

¹⁰⁸ A/HRC/52/23, para. 88.

¹⁰⁹ See Communication GTM 4/2023.

¹¹⁰ A/HRC/52/23, para. 87.

¹¹¹ File No. 1322-2023.

96. During the national strike, OHCHR documented on one occasion the use of teargas to disperse persons exercising their right to peaceful assembly; the taking of photographs and personal data from participants with the aim of intimidating them; and the presence of military police officers performing public security functions.

VII. Conclusions and recommendations

97. Systemic and structural problems related to inequality and discrimination worsened in 2023. OHCHR also recorded a significant increase in deliberate attacks on judicial independence and observed an attempt to undermine the integrity of the electoral process. Attacks on human rights defenders increased as well, with an impact on democratic space.

98. OHCHR calls upon the State to formulate and implement public policies promoting the realization of human rights under conditions that are equal and fair for all, and taking into account the multi-ethnic, pluricultural and multilingual nature of the country. In particular, OHCHR recommends that the State:

(a) Ensure consultation with and the free, prior and informed consent of Indigenous Peoples; implementation of decisions that protect their rights; conditions to enhance their participation in decision-making; legal security of their lands, territories and resources; and implementation of General recommendation No. 39 of the Committee on the Elimination of Discrimination against Women, on the rights of Indigenous women and girls;

(b) Foster dialogue with Garifuna organizations and organizations of African descent, ensuring the participation of women, to strengthen their own forms of social and political organization, guarantee their participation in decision-making and highlight their contributions to the country's development;

(c) Continue to implement the certification process of persons with disabilities, in consultation with persons with disabilities and their organizations;

(d) Implement effective measures to prevent, combat and investigate discrimination and violence on grounds of gender identity and sexual orientation, including the issuance of a protocol for investigation violent deaths of LGBTIQ persons;

(e) Create programmes to promote rural development, supporting small and medium-sized agricultural enterprises, taking into account the relationship of Indigenous Peoples with land and natural resources;

(f) Establish administrative frameworks to ensure that enterprises fulfil their responsibilities to carry out their operators in line with human rights and due diligence in order to prevent, mitigate and redress human rights violations;

(g) Take urgent measures to guarantee the full independence of the justice system, and provide and ensure the existence of conditions for, and comprehensive protection of, the judiciary, especially officials who are responsible for cases of human rights violations and corruption;

(h) Refrain from issuing rules to extinguish the criminal liability of persons accused or convicted of committing international crimes during the internal armed conflict, and guarantee the rights of victims to full reparation, including the implementation of judicial decisions and the proper functioning of the National Reparations Programme;

(i) Realize comprehensive reforms of the criminal justice system so as to guarantee that the application of measures of deprivation of liberty, or pre-trial detention, are adopted in compliance with international human rights standards;

(j) Devise a public policy for the protection of human rights defenders with the participation of civil society organizations, taking into account the diversity of defenders and ensuring the prompt design and implementation of a mechanism for the protection of journalists;

(k) Cooperate actively with United Nations human rights mechanisms, give due consideration to the implementation of their recommendations, and ratify pending international human rights instruments.
