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Наций по правам человека о деятельности его отделения
в Гватемале* *****Резюме*

В настоящем докладе содержится обзорная информация о положении в области прав человека в Гватемале и о работе, проводившейся отделением Управления Верховного комиссара Организации Объединенных Наций по правам человека в Гватемале (УВКПЧ–Гватемала) в 2015 году.

В контексте коррупционных скандалов, в которых замешаны высокопоставленные государственные должностные лица и политические партии, в докладе приводится описание достигнутого прогресса и проблем с точки зрения борьбы с безнаказанностью и укрепления судебного сектора, включая вопрос о правосудии переходного периода. В докладе высвечивается проблема сохранения значительных масштабов насилия и изучаются меры реагирования, принятые учреждениями, занимающимися вопросами безопасности. В докладе приводится описание небезопасных условий, в которых работают журналисты и правозащитники, при этом отмечается, что в данном году их было убито больше, чем в 2014 году. В нем также приводится описание нерешенных проблем в области защиты прав женщин и коренных народов. В докладе также рассматриваются такие вопросы,

* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на английском и испанском языках.

** Настоящий доклад был представлен после истечения официально установленных сроков с тем, чтобы отразить в нем информацию о самых последних событиях.



как доступ к земле, трудовые права, право на здоровье, право на питание и предпринимательская деятельность и права человека. В нем также содержится описание деятельности УВКПЧ–Гватемала, а в заключительной части приводится набор рекомендаций.

УВКПЧ–Гватемала продолжает осуществлять второй этап Программы майя, финансируемой Норвегией и направленной на укрепление прав коренных народов. УВКПЧ–Гватемала осуществляет проект защиты правозащитников в избирательном контексте, который финансируется Европейским союзом.

Annex

[English and Spanish only]

Report of the United Nations High Commissioner for Human Rights on the activities of her office in Guatemala

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I. Introduction

1. On 10 January 2005, the United Nations High Commissioner for Human Rights signed an agreement with the Government of Guatemala for the establishment of a country office, which in March 2014 was extended for three years. OHCHR-Guatemala monitors the human rights situation in the country, and advises State institutions and civil society to enhance the promotion and protection of human rights.

2. The present report describes the human rights situation in Guatemala, with special attention to the reform of justice; the fight against impunity; the security policy in a context of persistent violence; the situation of indigenous peoples, human rights defenders, journalists and women; business and human rights; and economic and social rights. The report also describes OHCHR-Guatemala activities and concludes with a set of recommendations.

II. National context

3. 2015 was marked by the general elections, which were held in the context of an unprecedented political and institutional crisis and massive citizen mobilization, triggered by several investigations into corruption networks and organized crime structures infiltrating the State and some political parties.

4. The significant achievements in the fight against corruption and criminal structures resulted from the Attorney-General's Office investigations, in coordination with the International Commission against Impunity in Guatemala (CICIG), whose mandate was renewed until 2017. The investigations linked public officials from different levels and some candidates for elected office to crimes such as customs fraud, money laundering and irregular procurement.

5. While these corruption networks were unravelled, massive social sectors across the country gathered peacefully, demanding the resignation of involved public officials, as well as the transparent use of public funds and deeper political, economic and social reforms to overcome poverty and exclusion. Consequently, several Government officials resigned, including the President and the Vice-President, in September and May respectively, due to their alleged involvement in corruption cases. Alejandro Maldonado Aguirre, appointed by the Congress as Vice-President in May, took over the Presidency in September to complete the Government's term ending in January 2016.

6. In September, presidential, legislative and municipal elections were held, as well as elections for the Central American Parliament. Since the required majority to elect the President was not attained, a second round was held in October, which led to the victory of Jimmy Morales of the National Convergence Front party.

7. In general, elections were peaceful. Nonetheless, some incidents were reported, especially in the first round, including threats to journalists and human rights defenders, intimidation and coercion of voters, vote buying and roadblocks. Persons with disabilities faced obstacles in exercising their right to vote, such as physical difficulties to access polling stations and lack of ballots in Braille. Out of 158 Congress deputies, only

24 women were elected, including one indigenous woman and one feminist defender of LGTBI rights. Out of 338 mayors, only eight women were elected.¹ The first election round saw the highest voter turnout in 30 years (71.33 per cent). Twelve predominantly

¹ Collective for the defense of women's rights in Guatemala. El Mirador Electoral 2015.

indigenous municipalities recorded a voter turnout of over 90 per cent. During the second round of the presidential elections, the turnout decreased to 56.32 per cent.²

8. Guatemala faces an historic opportunity to undertake long-term State reforms based on broad consensus and respect for human rights. The population's demand for change should lead to concrete actions that guarantee strong, efficient and transparent institutions apt to address the country's structural problems.

9. In response to social demands, the Congress established four working groups to discuss legislative initiatives aimed at undertaking structural changes on: laws to strengthen the justice sector; transparency on state procurement and contracting; selection and nomination process for civil service through the reform of the Civil Service Law; and the Electoral and Political Parties Law. Among these initiatives, only the Procurement and Contracting Law was approved in November.

10. In October, the Congress submitted to the Constitutional Court a proposal to reform the Electoral and Political Parties Law. If approved, it would strengthen the Supreme Electoral Tribunal and the political participation and representation of women and indigenous peoples, and increase the transparency and oversight of financing of elections and campaigns.

III. Justice

A. Fighting impunity

11. The Attorney-General's Office achieved significant results in the fight against impunity, enhancing the former Attorney-General's efforts. It prosecuted various criminal structures that had co-opted State institutions, and made progress in the investigation and prosecution of crimes which impacted social and economic rights, such as extortion and smuggling. It also contributed to the dismantling of kidnapping and property theft gangs, among others. The immunity of three judges and a magistrate involved in corruption was withdrawn. The Attorney-General's Office might consolidate these results if allocated with adequate financial resources and by ensuring that the current Attorney-General develops her functions until the end of her mandate, free from intimidation, obstacles and interference.

12. The justice system should continue strengthening its legal framework as a whole, in line with international human rights standards. OHCHR-Guatemala, together with CICIG, provided technical assistance to the Congress Working Group on Security and Justice, analysing, among others, proposed reforms to the Injunction (Amparo), Habeas Corpus and Constitutionality Law and the Impeachment Law to ensure the principles of swiftness, transparency and objective criteria in these procedures. The increasing number of members of the tribunal and court with jurisdiction in cases of high-risk, called "Group C", constitutes an important step in the fight against impunity for past and present crimes.³

13. The National Institute of Forensic Sciences (INACIF) still lacks adequate budgetary allocation, which is essential for its efficient and independent performance, and for providing judicial proceedings with objective, scientific and reliable evidence.⁴

² Results published by the Supreme Electoral Court updated on 26 October 2015: <http://resultados2015.tse.org.gt/2v/resultados-2015/index.php>.

³ A/HRC/28/3/Add.1, paras. 24 and 99(c).

⁴ A/HRC/28/3/Add.1, para. 99(e); A/HRC/25/19/Add.1, para. 96(c).

B. Independence of the judiciary

14. Attacks and threats against judges and magistrates remained of concern as they affected their independence and impartiality. OHCHR-Guatemala received reports of armed attacks against at least two courts,⁵ and threats to the safety and physical integrity of judges, particularly against the President of High-Risk Court "A"⁶ and a member of the criminal court of Santa Rosa department. The security measures provided to judges by the Supreme Court of Justice (CSJ) should be enhanced.⁷

15. OHCHR-Guatemala observed that the Supreme Court of Justice's transfer of several judges to another jurisdiction without ensuring due process or applying clear and objective criteria could affect judicial independence.⁸ The concerned judges considered their transfer as a sanction or reprisal of a political nature, and filed several injunctions. The Constitutional Court handed down at least three resolutions revoking these transfers.

16. OHCHR-Guatemala and CICIG provided technical assistance to the Congress Working Group on Security and Justice, to the comprehensive set of legislative reform proposals to the Law on the Judicial Career. If approved, the reforms would create an independent Council of the Judicial Career and strengthen the promotion, transfer and disciplinary procedures, as well as the performance evaluation, based on suitability, competence and integrity criteria. These legislative changes should be endorsed by a constitutional reform in the area of justice.⁹

17. The authorities responsible for appointing the Constitutional Court's magistrates for 2016-2021 should ensure that the selected candidates meet the requirements of suitability, competence and honourability, and apply objective, transparent and public criteria in this process.

C. Transitional justice

18. Investigations and prosecution of serious human rights violations committed during the internal armed conflict continued, including cases related to the more than 500 skeletons exhumed on the military base of Cobán in 2013, and the so-called Diario Militar case.¹⁰ A public debate has been scheduled for February 2016 on a case of sexual violence against a group of indigenous women in the Sepur Zarco military base in 1982-1983.¹¹

19. In the trial of Efraín Ríos Montt and José Mauricio Rodríguez Sánchez, former military intelligence chief, for the crime of genocide and crimes against humanity against the Ixil indigenous population, the high-risk court B ruled in August, according to the INACIF expert opinion, that the accused Ríos Montt suffered from degenerative vascular dementia and would therefore have to undergo a specific procedure known as "trial for the exclusive application of security measures".¹² The High Commissioner regrets that these facts may remain unpunished due to a delay of more than 30 years in accessing to justice for the victims.

⁵ Five homemade explosive devices were thrown against the Court for Children and Adolescents in Conflict with the Law of Chimaltenango (7 April). The Court of First Instance for Civil and Coercive Economic cases of Coatepeque was attacked with fire weapons (20 April) and the Judge and court staff received threats (2 July).

⁶ A/HRC/28/3/Add.1, para. 24.

⁷ A/HRC/16/20/Add.1 para. 30; A/HRC/19/21/Add.1 para. 27; A/HRC/25/19/Add.1, para. 33.

⁸ A/HRC/16/20/Add.1, para. 31; A/HRC/22/17/Add.1, para. 32.

⁹ A/HRC/28/3/Add.1, para. 22.

¹⁰ A/HRC/28/3/Add.1, para. 26.

¹¹ A/HRC/28/3/Add.1, para. 26.

¹² Criminal Procedure Code, arts. 484-486.

20. The High Commissioner welcomes the decision of the First Chamber of the Court of Appeals which, in accordance with international human rights standards, and reaffirming the non-applicability of Statutory Limitations to the crime of genocide and crimes against humanity, denied Efraín Ríos Montt's appeal for amnesty in the trial he was facing for the crime of genocide.¹³ This unprecedented ruling represents a milestone in the fight against impunity for past crimes.

21. As an attempt to hamper the work of the Special Unit on Internal Armed Conflict Cases, at least three criminal complaints were filed in February, April and August against the eleven prosecutors from the Special Unit for apology of crime, abuse of authority, dereliction of duty, abuse of individuals, illegal acceptance of gifts, prevarication and denial of justice. Two complaints were dismissed by the Judiciary in July for lacking of legal basis.¹⁴ The third complaint against the Guatemalan Anthropology Forensic Foundation is still pending of a decision.

22. OHCHR-Guatemala has provided technical assistance in the implementation of the reparations policy for the victims affected by the construction of the Chixoy hydroelectric dam in 1975.¹⁵ It welcomes the State's efforts to move forward in the first implementation phase, through three disbursements, for the indigenous communities of Río Negro, Pacux and Chicruz. The High Commissioner encourages the authorities to prioritize the policy's full implementation.

23. The implementation of the National Reparations Programme (PNR), established in 2003 to compensate the internal armed conflict victims, continued to face challenges related to the lack of adequate budgetary allocation. The 2016 approved budget only covers administrative costs, seriously hampering compensation for the internal armed conflict victims.

D. Justice and indigenous peoples

24. Indigenous peoples continued to face significant challenges in accessing ordinary justice. However, some improvements have included dialogue fostered by the Indigenous Peoples Department of the Attorney-General's Office and the Judiciary's Indigenous Affairs Unit between indigenous authorities and the ordinary justice system. The Attorney-General's Office, with technical assistance from OHCHR-Guatemala, also drew up guidelines to develop an institutional policy on indigenous peoples' access to justice. Moreover, the Centre for Indigenous Legal Translation and Interpretation of the judiciary has consolidated linguistic interpretation services to facilitate such access.

25. The Constitutional Court handed down four judgments on the right to consultation of indigenous peoples in cases of transport and electricity projects in the Ixil region.¹⁶ In three of these,¹⁷ it consolidated criteria in line with international standards, such as the indigenous authorities' right to claim collective rights, and the acknowledgement of international legal norms on the right to consultation as part of the constitutional block. However, the same judgments did not fully uphold the communities' claims to revoke the respective ministerial decrees authorizing electric power transmission and hydroelectric

¹³ Record 01076-2001-00015, appeal, of.3, 5/10/15; A/HRC/28/3/Add.1, para. 27.

¹⁴ Cumulative Injunctions 158-2015 and 168-2015 official 5º; Injunction 01018-2015-00046 Not 1.

¹⁵ A/HRC/28/3/Add.1, para.15.

¹⁶ Constitutional Court: Record 156-2013, judgment 28 January 2014, notified in April 2015; Cumulative Records 5237-2012 and 5238-2012, judgment 25 March 2015; Record 1149-2012, judgment 10 September 2015; Cumulative Records 4957-2012 and 4958-2012, judgment 14 September 2015.

¹⁷ Constitutional Court: Record 156-2013, judgment 28 January 2014, notified in April 2015; Record 1149-2012, judgment 10 September 2015; Cumulative Records 4957-2012 and 4958-2012, judgment 14 September 2015.

power generators.¹⁸ This revocation is subjected to a consultation, in which communities and other stakeholders should demonstrate the effects of the aforementioned projects on their rights.¹⁹

E. Persons deprived of liberty and juveniles in conflict with the law

26. The detainee population exceeded by 200.94 per cent²⁰ the capacity of Guatemala's 22 detention centres. The general lack of protection of detainees' rights, widespread corruption and lack of legality of many detentions remained of serious concern. For instance, in December 2015 a confrontation between detainees resulted in 17 deaths in the Detention Center Granja Penal Canadá, Escuintla. This center, with a capacity for 600 detainees, has a population of 3,063 and only 17 active guards.²¹ Three strikes by penitentiary guards took place in protest against low wages and poor working conditions.

27. Juvenile detention centres exceeded their capacity by 54.9 per cent.²² OHCHR-Guatemala observed that in the Juvenile Detention Centre for Boys II "Annex" adolescents were confined in cells without ventilation and access to water, and only left their cells about four hours per week. Several allegations of ill-treatment of adolescents during detention were received. In July, two guards from this "Annex" were killed during a riot. In April, the Director of the "Gaviotas" Provisional Detention Centre for Boys was also killed, allegedly for reprisals linked to ill-treatments occurred in the detention center.

28. Despite some progress to comply with the precautionary measures granted by the Inter-American Commission on Human Rights on behalf of people with mental disabilities confined in the Federico Mora Mental Hospital, its infrastructure and sanitary conditions remain deplorable.²³ This was evidenced by the Fourth Chamber of the Court of Appeal's decision not to allow Efraín Ríos Montt to be taken to the Hospital, as it did not meet the required standards.²⁴

29. OHCHR-Guatemala is concerned about alleged administrative irregularities concerning the mismanagement of resources and abuses over employees committed by some Rapporteurs of the National Office for the Prevention of Torture, that are currently being investigated by the General Accounts Office and the Attorney-General's Office, respectively.

IV. Security

30. In 2015, according to INACIF, the number of violent deaths decreased by 3.7 per cent compared to 2014,²⁵ registering an average of 15.7 per day²⁶. Youths between 13 and 29 years accounted for 56.3 per cent of the victims.²⁷ Firearms were the leading

¹⁸ Ministry of Energy and Mines, Ministerial Agreements 99-2011 (13 June 2011); 258-2011 (22 December 2011); 244-2011 (1 December 2011).

¹⁹ Constitutional Court: Record 156-2013, judgment 28 January 2014, notified in April 2015, page 67; Record 1149-2012, judgment 10 September 2015, page 45; Cumulative Records 4957-2012 and 4958-2012, judgment 14 September 2015, page 50.

²⁰ Operative Sub-Direction of the Penitentiary System data, 1 December 2015.

²¹ Interview with the Granja Penal Canadá's responsible, December 2015.

²² Social Welfare Secretary of the Presidency of the Republic, data from January to August 2015.

²³ A/HRC/28/3/Add.1, para. 37 (2014); A/HRC/25/19/Add.1, para. 40 (2013).

²⁴ Habeas Corpus 11-2015, no. 01184-2015-00053, 24 July 2015.

²⁵ INACIF, necropsies from January to October of 2014 and 2015.

²⁶ INACIF, necropsies from January to October 2015.

²⁷ Ibid.

cause of death in 75 per cent of the cases,²⁸ underscoring the urgent need for a national disarmament plan²⁹. In addition, the Ombudsman for Human Rights (IPDH) reported that 42 people were killed and 108 injured by lynching in 2015,³⁰ including a re-elected mayor³¹.

31. Despite outstanding challenges in vetting the police force, there have been efforts to ensure accountability for crimes committed by police officers, including human rights violations. In the first seven months of 2015, the General Inspectorate of the National Civil Police (PNC) detained 436 police officers allegedly involved in criminal acts,³² including abuse of authority, theft and kidnapping. Following the 2014 assassination of three indigenous people in Samacoch, Alta Verapaz,³³ 19 arrest warrants were issued against police officers. However, only four were tried for extrajudicial execution. In Villa Nueva, four police officers, accused in April 2014 by the Attorney-General's Office of arbitrary detention and torture of four people, were prosecuted in October 2015 but only for abuse of authority and minor injuries.³⁴

32. The State's lack of control of the private security sector remained challenging. Allegations that private security companies' personnel were involved in theft, extortion and sexual assault, among others, were received.³⁵ The number of private security companies increased from 149 in 2014 to 163 in 2015.³⁶ In the first half of 2015, the General Direction of Private Security Services (DIGESSP) regularized 79 companies operating in accordance with Decree 52-2010, three times more than in 2014,³⁷ and suspended 40 companies that failed to comply with the legal framework. The suspended companies filed legal complaints against the decision. These complaints were subsequently dismissed by the Constitutional Court. In June, the DIGESSP Director resigned because of external pressure.

33. In January, the Ministry of Defence continued to deploy the Reserve Army Squads for Citizen Security (CERSC) on the basis of the Governmental Agreement 31-2015, contradicting the Government's commitment with the High Commissioner in 2012 to developing a timetable for the gradual withdrawal of the armed forces from citizen security tasks.³⁸ It is worrying that in July, in San Pedro Yepocapa, Chimaltenango, five soldiers from the Mariscal Zavala Military Brigade brutally beat two teenagers resisting a strip search. A video of the incident was posted on social networks, resulting in the opening of judicial proceedings against the soldiers for child abuse, ill-treatment and abuse of authority.

V. Democratic space

34. Public discontent about corruption scandals unveiled by the Attorney-General's Office and CICIG led to the revitalization of peaceful citizen mobilization and participation, questioning the existing political system and calling for an overhaul.

²⁸ INACIF, necropsies from January to October 2015.

²⁹ A/HRC/28/3/Add.1 para. 43.

³⁰ IPDH data to October 2015.

³¹ The elected mayor of Concepción, Sololá, on 11 October 2015.

³² PNC General Inspectorate, January-15 December 2015.

³³ A/HRC/28/3/Add.1, para. 40.

³⁴ PNC Office of Professional Responsibility.

³⁵ The Attorney-General's Office received 108 complaints until July 2015, showing the same trend as in 2014.

³⁶ DIGESSP, January-15 December 2015.

³⁷ Ibid.

³⁸ A/HRC/28/3/Add.1 para. 41; A/HRC/25/19/Add.1 para. 42; A/HRC/22/17/Add.1 para. 24.

35. Social networks were crucial in channelling this rejection and fostered the emergence of new movements which, as of April, called for a series of peaceful mass protests. Between April and September, more than 20 peaceful demonstrations throughout the country gathered about 100,000 people demanding the authorities' resignation and a thorough State reform. What started as a movement driven mainly by urban youth, expanded to include other social groups, including peasants, students, indigenous peoples, entrepreneurs, academics, LGBTI people, elderly people, and people with disabilities. This movement culminated in the organization of a national strike on 27 August, which prompted the President's resignation in September.

36. Following a joint monitoring exercise with the Ombudsman, OHCHR-Guatemala concluded that the demonstrations were peaceful, and that the State guaranteed the rights to freedoms of expression, peaceful assembly and association.

A. The right to freedom of expression

37. The mass, community and digital media played a key role in reporting on corruption cases and mobilizing citizen protest movements. The strengthening of digital media helped to increase sources of information despite the concentration of mass media ownership by few people.

38. In January, the closure of Community Radio Q'anjob'al Snuq 'Jolom Konob' by the mayor of Santa Eulalia, Huehuetenango, and the absence of a legal framework for community radios, hindered the indigenous peoples' right to their own media in their own languages.

39. The Attorney-General's Office recorded 120 allegations of attacks against journalists, 36 lodged by women,³⁹ compared to 71 in 2014⁴⁰. These include the murder of three journalists, on 10 and 13 March, in Suchitepequez, and two allegations of sexual violence against women journalists perpetrated by alleged agents of the Department of Administrative and Security Affairs. For the above-mentioned case of murder, the Attorney-General's Office, with CICIG support, detained 9 alleged perpetrators who are currently being prosecuted.

B. Human Rights Defenders

40. The Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEFUGA) reported an increase of human rights defenders' murders compared to 2014,⁴¹ registering 13 cases between January and November. In the same period, 445 attacks were registered, 53 per cent targeted women.⁴² The victims continued to be mainly defenders of land-related rights, indigenous peoples' rights, and journalists. OHCHR-Guatemala is concerned about attacks through social media against members of the organizations UDEFEFUGA (human rights defenders), CALAS (environment), Sobrevivientes and Myrna Mack Foundation (fight against impunity), and ODISCEA (sexual diversity), as well as against the CICIG Commissioner.

41. Between April and August, OHCHR-Guatemala recorded 23 attacks against defenders of the civic movement that emerged from the institutional crisis. In May and July, it was informed of attacks against members of the organization #XelaVos and threats through social media against leaders of the Sumpango Libre movement.

³⁹ Attorney-General, January-November 2015.

⁴⁰ Ibid, January-November 2014.

⁴¹ UDEFEFUGA registered seven murders between January-November 2014. Annual Report on Human Rights Defenders.

⁴² UDEFEFUGA, data January-November 2015.

42. In September, Sebastián Sajic Córdova, an ancestral authority and member of the Council of Principals of the Ixil municipality of San Juan Cotzal, Quiché, was murdered. He was a witness of General Romeo Lucas García's trial for the crime of genocide, and he supported indigenous claims on the right to consultation in relation to hydroelectric projects. The case is being investigated by the Human Rights Section of the Attorney-General's Office and one person was arrested in September. In September, Professor Rigoberto Lima Choc, one of the first whistle-blowers on the pollution of La Pasión river allegedly caused by the REPSA palm company, was murdered in front of the Justice of the Peace Court of Sayaxché, Petén.

43. OHCHR-Guatemala remains concerned about the misuse in several cases of criminal law against defenders who claim their rights in the context of hydroelectric and mining projects. Several arrest warrants were issued and several defenders were detained on charges of conspiracy, illegal gathering or demonstrations, and incitement to commit crimes, as well as on charges for offenses that do not foresee alternative measures to detention, such as kidnapping.⁴³ Between January and October, OHCHR-Guatemala registered the arrest of 10 defenders in Huehuetenango and San Marcos who, as at November 2015, were still detained. Some of them have spent more than 250 days in custody. In some of these cases, the kidnapping allegations were dismissed and the human rights defenders are being prosecuted for lesser crimes, such as illegally detention.

44. High levels of impunity persist in criminal proceedings for human rights violations against human rights defenders and journalists, as illustrated by the case related to the April 2013 kidnapping and murder of the Q'anjob'al indigenous journalist Daniel Pedro Mateo. Although one of the perpetrators was convicted in October 2015 for kidnapping, to date no other individual responsible for the murder has been identified. There has been no progress in the investigation of the March 2013 murder of trade unionist Carlos Hernández in Chiquimula, nor in the trial for the murder of Pascual Basilio Pascual Diego, in Santa Eulalia, in January 2015.⁴⁴

45. The Unit for Analysis of Attacks against Human Rights Defenders of the Ministry of the Interior⁴⁵ continued to strengthen its coordination with the Human Rights Section of the Attorney-General's Office. A wider and diverse participation of human rights defenders in the work of this Unit would contribute to strengthen its effectiveness.

46. With OHCHR and UNESCO technical support, the technical committee on the creation of a mechanism to protect journalists, under the coordination of the Secretariat of Social Communication of the Presidency, completed a proposal to establish such mechanism, which should be independent, based on a legal framework, and receive necessary funding. The adoption of this proposal is pending and should be integrated into a comprehensive policy for the protection of human rights defenders.

VI. Women's rights

A. Violence against women

47. INACIF reported 563 cases of violent deaths of women.⁴⁶ In addition, 1,464 allegations of femicide and other forms of violence against women were reported to the

⁴³ A/HRC/28/3/Add.1, para. 46.

⁴⁴ A/HRC/25/19/Add.1, para. 45.

⁴⁵ A/HRC/28/3/Add.1, para. 50.

⁴⁶ INACIF, data January-October 2015.

Judiciary,⁴⁷ compared to 1,517 cases in 2014⁴⁸. The specialized tribunals on femicide and violence against women issued 1,725⁴⁹ verdicts compared to 1,400⁵⁰ in 2014.

48. Following its analysis of judgments in cases of femicide and other forms of violence against women finalized in 2015,⁵¹ OHCHR-Guatemala concluded that the specialized criminal courts were an important contribution to the fight against impunity, mainly due to the training of specialized judges. However, the transfer to other jurisdictions of judges, which have been trained on violence against women, makes it difficult to maintain homogeneity in the courts and causes a loss of specialized human resources.

49. During 2015, some members of the National Coordination for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) were not appointed, and the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI) was not renewed.

50. The deadline to comply with the judgment of the Inter-American Court of Human Rights in the case of the murder in 2001 of adolescent María Isabel Veliz Franco lapsed in July. Despite meetings held in 2015 by the State with the victim's relatives, there was only a partial progress in substantive compliance with the ruling.⁵²

B. Sexual and reproductive rights

51. The Ministry of Health and Social Welfare (MSPAS) registered alarming figures of 4,431 pregnancies of girls aged between 10 and 14, and 64,398 pregnancies of girls aged 14 to 19.⁵³ Urgent measures to reduce teenage pregnancies need to be taken, including prevention of sexual violence, comprehensive sexuality education and youth friendly health services.

52. The passing of Decree 8-2015 constitutes a positive step to increase the age of the exception allowing early marriage at 16 instead of 14 years. However, further regulation is required since early marriage is allowed by judicial decision without any ruling of the circumstances that could justify the exception, leaving to judges the discretionary decision to authorize early marriages, in contradiction with international standards and recommendations of the Committees for the Elimination of Discrimination against Women and the Rights of the Child.⁵⁴

VII. Rights of indigenous peoples

A. Discrimination

53. Indigenous peoples continued to be victims of racial discrimination, inequality and exclusion. 79.2 per cent of indigenous people live in poverty and 39.8 per cent in extreme poverty.⁵⁵ 83 per cent have limited access to education and health, compared

⁴⁷ Judiciary, data January-August 2015.

⁴⁸ Judiciary, data January-August 2014.

⁴⁹ Judiciary, data January-August 2015.

⁵⁰ Judiciary, data January-August 2014.

⁵¹ A/HRC/28/3/Add.1, para. 52.

⁵² Ibidem.

⁵³ Public Health Ministry. Reproductive Health Observatory, data January-August 2015.

⁵⁴ CEDAW/C/GC/31; CRC/C/GC/18.

⁵⁵ <http://www.ine.gob.gt/sistema/uploads/2015/12/11/vjNVdb4IZswOj0ZtuivPIcaAXet8LZqZ.pdf>, pages 4 and 9.

with 49 per cent within the *mestizo* population.⁵⁶ Of concern are the levels of discrimination against and poverty of Garifuna people and people of African descent.⁵⁷ The Presidency of the Republic and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) supported the launch in November of the International Decade of Persons of African Descent, which constitutes an opportunity to develop a national programme to reverse this situation.

54. The indigenous peoples' representation in State institutions at the highest level remained almost non-existent. Out of 14 Ministers, only one Maya K'iche' woman was appointed in September as Minister of Social Development. In the Judiciary, an indigenous magistrate served a one year term as President of the CSJ, for the first time.

55. After the 2015 elections, the number of Congress seats held by indigenous decreased. Only one indigenous woman was elected. Xinka, Garifuna and people of African descent did not get any seat. At the municipal level, indigenous representation remained the same as in previous periods. Xinka representatives occupied some positions in five municipal corporations.

B. Access to land and territories

56. The High Commissioner welcomes the Constitutional Court decision based on international standards and with an intercultural approach, in which it recognizes the collective property over the ancestral lands and territories to 8 communities Q'eqchi' from Sierra Santa Cruz, El Estor and Livingston, Izabal. Their ancestral lands and territories had been stripped by "notoriously unlawful legal transactions".⁵⁸

57. In September, a Jalapa municipality's agreement⁵⁹ restored the status of Santa María Xalapán as an indigenous community, reversing the administrative procedure that had turned it into a civic association in 2004. However, OHCHR-Guatemala observed that in several cases, the State continued ignoring the recognition of the indigenous communities' legal status, when for instance failed to comply with the Constitutional Court decisions, as in the case of the Kaqchikel indigenous community of Chuarrancho village.⁶⁰ In this case, OHCHR-Guatemala received information that the municipality stated that in order to maintain its indigenous community status, the community had to comply with requirements similar to those applying to NGOs, thereby distorting its legal nature.

58. OHCHR-Guatemala noted the refusal of Sayaxché and Poptún municipalities, Petén, to register indigenous communities, leading to the filing of injunctions (*amparos*).⁶¹ In the case of the Cho'orti indigenous community of Morola, the Camotán municipality, Chiquimula, declined its status as a collective subject of law and barred it from governing their communal land and natural resources, proposing fractioned and individual land ownership.

59. The Ministry of Environment and Natural Resources (MARN) amended the rules of evaluation, control and environmental monitoring.⁶² Despite international, regional and national human rights jurisprudence on the matter, the Ministry did not integrate an

⁵⁶ UNDP: <http://www.gt.undp.org/content/guatemala/es/home/ourperspective/ourperspectivearticles/2015/09/16/-qu-desarrollo-queremos-para-guatemala-de-2015-a-2030>

⁵⁷ National Institute of Statistics (INE), Communication T.269-2015.

⁵⁸ Constitutional Court, Record 5955-2013, November 2015.

⁵⁹ Record No. 54-2015 of the Jalapa Municipality Local Council, 22 September 2015.

⁶⁰ A/HRC/28/3/Add.1, para. 57.

⁶¹ Injunction 02-2015, Of.2º, Record-M0007/2015/1965.

⁶² Governmental Agreement No. 60-2015, 2 February 2015.

appropriate mechanism for consultation with indigenous peoples.⁶³ As a result, in 2015, the Ministry of Energy and Mines⁶⁴ granted seven hydroelectric projects without consultation with indigenous peoples.

60. In July, the construction of El Progreso VII Mining Project in San Pedro Ayampuc and San José del Golfo was subjected to an injunction granted by the Supreme Court of Justice⁶⁵ to the deputy mayors of El Guapinol and Carrizal, ordering to halt the construction. An appeal against this decision has been filed to the Constitutional Court.

VIII. Economic and social rights

61. Although the GDP increased 4.2 in 2014,⁶⁶ the total poverty gap increased by 22%⁶⁷ compared to 2006, according to data from the National Survey of Living Conditions (ENCOVI), showing that the country's economic growth is not reflected in development opportunities for all population. There is a need for appropriate mechanisms to redistribute wealth in the country.

A. Monocultures and access to land

62. OHCHR-Guatemala continued receiving complaints from farmers and indigenous communities about the impact of monoculture expansion on their rights to access to land, a healthy environment and adequate food. In May and June, the Civic Committee for the Defense of Life and Nature of Sayaxché, Petén, denounced the contamination of La Pasión river by the palm company REPSA, which caused a high fish mortality. The Attorney-General's Office immediately initiated a criminal prosecution against REPSA. OHCHR-Guatemala, in coordination with the United Nations System, monitored the case and submitted recommendations to relevant authorities, such as the approval of a water law by the Congress.⁶⁸

63. The land demarcation conflict between 14 communities of El Estor, Izabal,⁶⁹ and a palm company remains unresolved, delaying the collective land titling of the indigenous communities in the Sierra de las Minas.⁷⁰

64. The lack of resources and changes in the Cabinet prevented the Land Fund (FONTIERRAS)⁷¹ to comply with the State's commitment on land purchase for over 600 families from the Polochic Valley communities, who were displaced following the purchase and lease of a farm for growing sugar cane, and were not yet resettled.⁷² Their precarious health conditions have worsened due to lack of access to adequate food and

⁶³ Records 1149-2012, 159-2013; Cumulative Records 4957-2012 and 4958-2012.

⁶⁴ Ministerial Decrees No. 27-2015, 238-2015, 288-2015, 301-2015, 305-2015, 325-2015, 359-2015.

⁶⁵ Appeal 01050-2014-00871.

⁶⁶ <http://www.bancomundial.org/es/country/guatemala>

⁶⁷ <http://www.ine.gob.gt/sistema/uploads/2015/12/11/vjNVdb4IZswOj0ZtuivPIcaAXet8LZqZ.pdf>, page 19.

⁶⁸ http://www.ohchr.org.gt/documentos/comunicados/20150721_ConferenciaPrensa_RioLaPasion.pdf

⁶⁹ Semuy I, Semuy II, San Pablo II abajo, Quebrada Seca, Naranjal Yaxte, Ensenada Manzana Rosa, Caxlampom-Pataxté, Playa Pataxté, Nuevo Jerusalén, Seaman, Chapín Abajo, San Pablo I, Manguito II and Selenpim.

⁷⁰ A/HRC/28/3/add.1, para. 57, pages 14 and 15.

⁷¹ A/HRC/28/3/add.1, para. 68, page 17. See also specific report on the case.

⁷² "Evictions in Polochic valley: a look at the agrarian problems and the protection of Q'eqchi's communities' human rights". OHCHR-Guatemala, 2013. In March 2011 in the Polochic valley, Panzos Municipality, Alta Verapaz, 732 families were evicted following the purchase and lease of 37 farms in order to produce sugar cane.

health services.⁷³ OHCHR-Guatemala encourages FONTIERRAS and the Secretariat of Agrarian Affairs (SAA) to continue their efforts to compensate all victims.

B. Labour rights

65. High levels of non-compliance with the payment of minimum wages continued to be observed, particularly in the agricultural sector, which employs 31.2 per cent⁷⁴ of the population. In addition, the payment of wages was conditioned upon excessive labour goals set unilaterally by the employer.⁷⁵ As part of an initiative to generate employment through differentiated wages, the Government tried to reduce the minimum wage for manufacture industry to Q1,500 (195.31 USD) per month in four municipalities,⁷⁶ increasing the gap between the minimum wage and the cost of the basic basket. In January, the Ombudsman legally challenged this decision. In September, in line with international standards, the Constitutional Court ruled that the measure was unconstitutional.⁷⁷

66. The failure to pay the minimum wage, set at an average of Q2,644.40 (USD 347) per month, continued to affect several sectors despite the increase in the cost of living of 137 per cent.⁷⁸ OHCHR-Guatemala received complaints of domestic workers earning salaries of Q1200 (156 USD) per month or even less in the provinces.

67. In November, the Ministry of Economy presented a bill to renew tax benefits for exporters and other sectors. The bill does not foresee mechanisms to ensure compliance with labour rights and the right to a healthy environment. It remains necessary to adopt a tax reform to foster social investment.⁷⁹

68. The High Commissioner praises that in December the Minister of Labour approved, among other measures, the Protocol of the General Labour Inspection that includes specific guidelines to monitor the rights of farmworkers. However, the Labour Inspectorate was weakened by a 7 per cent budget cut⁸⁰ compared to 2014⁸¹. The 2016 approved budget foresees a further reduction of 5 per cent.⁸² Contrary to the request of the International Labour Organization (ILO)⁸³ and OHCHR-Guatemala⁸⁴, the Inspectorate remains deprived of sanctioning power in cases where labour rights are infringed.

69. In August, a court in El Tumbador municipality, San Marcos, convicted the administrator of the San Juan Loarca estate for coercion of 12 former workers-tenant families. However, these families remain under risk of eviction as the current owner of the estate ignored his predecessor's commitment to grant them land titles in payment for

⁷³ Oxfam-Guatemala: "Assessment of the food and nutritional security of evicted families from the Polochic valley".

⁷⁴ The earnings of an agricultural worker are Q1154.00 per month. INE, National Survey of Employment and Income 2-2014, April 2015.

⁷⁵ A/HRC/22/17/Add.1, paras. 78-79, page 18; A/HRC/25/19/Add. 1, para. 71, pages 16-17; A/HRC/28/3/Add.1, para. 69, page 17.

⁷⁶ Governmental Decrees 471, 472, 473 and 474 of December 2014, in the municipalities of Masagua (Escuintla), Estanzuela (Zacapa), San Agustín Acasaguastlan and Guastatoya (El Progreso).

⁷⁷ File 2,151,298,1045-2015.

⁷⁸ <http://www.ine.gob.gt/sistema/uploads/2015/12/11/vjNVdb4IZswOj0ZtuivPIcaAXet8LZqZ.pdf>

⁷⁹ A/HRC/16/20/Add.1, para. 66.

⁸⁰ <http://www.minfin.gob.gt/index.php/informacion-presupuestaria/proyectos-de-presupuesto/proyecto-de-presupuesto>

⁸¹ A/HRC/22/17/Add.1, para. 78, page 18.

⁸² <http://www.minfin.gob.gt/archivos/proypre2016/inicio.htm>

⁸³ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_227081.pdf

⁸⁴ A/HRC/28/3/Add.1, para. 102(c).

their labour. According to the Ministry of Agriculture, Livestock and Food, the total number of workers-tenants cases in the country is about 36,000 families.⁸⁵

70. The number of threats and intimidations against trade unionists increased from 105 in 2014 to 113 in 2015.⁸⁶ One trade unionist employed at the Jalapa municipality was murdered in September.⁸⁷ As a result of an inter-sectorial roundtable, the Attorney-General approved Instruction No. 01-2015 to investigate and prosecute crimes against workers, union leaders, unionized workers and other defenders of labour and union rights.

71. In 2014, under the Dominican Republic, Central America and the United States Free Trade Agreement, the United States government established an arbitration panel for non-compliance with the Implementation Plan established by Guatemala and the United States in April 2013 to improve labour conditions.⁸⁸ The ILO deferred until March 2015 its decision to appoint a commission of inquiry for the implementation of union freedom rights (ILO Convention 87).⁸⁹ ILO⁹⁰ decided to postpone, once again, until March 2016, the decision to establish said commission.

C. Right to health and right to food

72. Guatemala has faced an unprecedented health sector crisis. Hospitals exhausted completely existing supplies. There is a lack of medical staff, and doctors attend an average of 15 to 30 patients per day in external consultation and hospital services.⁹¹ In addition, medical personnel publicly denounced that their salaries had not been paid for over six months.

73. The Attorney-General's Office and CICIG investigations evidenced the impact of corruption on the enjoyment of the right to health. To date, several corruption networks articulated around drug procurement processes as well as irregularities in the signing of contracts with service providers have been identified in the Institute for Social Security. These irregularities included inadequate medical services provision, such as peritoneal dialysis for kidney patients.

74. The health sector crisis and the closure of almost the entire Extension Coverage Programme (PEC)⁹² hampered the implementation of the "1000 days window" programme, a core component of the Zero Hunger Pact, constraining the availability of first-level care for people living in remote areas, and endangering children affected by malnutrition.

75. A 6 per cent decrease in acute malnutrition of children under five was reported in 2015 compared to 2014.⁹³ Reported cases of deaths of children under five for acute malnutrition dropped from 103 cases between January and September 2014 to 84 in the same period in 2015.⁹⁴ Due to the prolonged heat wave, over 175,387 families lost 50 to

⁸⁵ Social Communication Secretary of the Presidency, Bulletin No. 641, 11 February 2014.

⁸⁶ Data January-September 2014 and 2015.

⁸⁷ Information from Attorney-General's Office, report of the Trade Unionist Protection Unit.

⁸⁸ Office of the United States Trade Representative: www.ustr.gov/about-us/press-office/speeches/2014/September/Remarks-by-Ambassador-Froman-on-Labor-Enforcement-Case-Against-Guatemala.

⁸⁹ A/HRC/28/3/Add.1, para.74.

⁹⁰ ILO report GB.325/INS/8 (Rev.1); http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_419598.pdf

⁹¹ http://www.pdh.org.gt/archivos/descargas/Sala%20de%20prensa/Comunicados/comunicado_pdh_sistema_nacional_de_salud_09112015.pdf

⁹² Programme of the MSPAS to provide medical care to rural areas.

⁹³ Health Information System: <http://sigsa.mspas.gob.gt/>

⁹⁴ Ministry of Health: Report of the Technical Committee for the Analysis of Mortality caused by

100 per cent of their corn and bean crops, and had no food reserves, which represented a challenge to tackle food insecurity.⁹⁵

IX. Business and human rights

76. Following the Second Forum on Business and Human Rights in August, the Ministry of Foreign Affairs, with OHCHR-Guatemala support, fostered a dialogue with Government representatives, civil society and companies in the framework of the Guiding Principles on Business and Human Rights. OHCHR-Guatemala hopes that this space of training, reflection and dialogue will contribute to the inclusion of a human rights approach in business management and in public policies in order to prevent conflict situations triggered by potentially negative impacts on human rights of business activities, particularly those relating to indigenous peoples and the environment.

X. Activities of the Office of the United Nations High Commissioner for Human Rights in Guatemala

77. In 2015, OHCHR-Guatemala carried out 80 monitoring field missions and regularly met with authorities, NGOs, indigenous communities, human rights defenders, victims and their relatives, and witnesses of alleged or confirmed human rights violations.

78. OHCHR-Guatemala, with support from other OHCHR offices in the region and the United Nations Country Team, and in collaboration with the Ombudsman, monitored the human rights situation during the electoral process in 30 municipalities.

79. OHCHR-Guatemala, together with the United Nations System, provided technical assistance to Congress in drawing up various legislative initiatives.

80. OHCHR-Guatemala provided technical assistance to the Ministry of Labour in developing a Protocol of the General Labour Inspection; to the MARN in providing training to officials responsible for environmental impact studies on the indigenous peoples' rights; and to the Secretariat for Food Security in developing a protocol with civil society to ensure the right to food. OHCHR-Guatemala and the Ombudsman issued a joint report on monitoring the implementation of the Zero Hunger Plan.

81. OHCHR-Guatemala and UNESCO provided technical assistance to the technical committee for the creation of a mechanism to protect journalists. OHCHR-Guatemala regularly attended the meetings of the Unit for the Analysis of Attacks against Human Rights Defenders and provided recommendations for strengthening its capacities.

82. OHCHR-Guatemala continued providing training on international human rights standards in the administration of justice for judges dealing with high-risk cases, for magistrates and legal clerks of the Constitutional Court and the *Amparos* and Human Rights Section of the Attorney-General's Office. The Office completed the annual update of the thematic systematization of international standards of the Constitutional Court's website and provided technical assistance to the Court to develop a human rights communications plan.

83. OHCHR-Guatemala provided advice to the Human Rights Section of the Attorney-General's Office to develop a general instruction on the investigation of attacks against human rights defenders. It also contributed to draft, together with ILO, a Manual on

Acute Malnutrition, 2015.

⁹⁵ Forecast of Food and Nutrition Security, September-November 2015. Food and Nutritional Security Secretary, September 2015.

Procedures for the Special Prosecution Unit for Crimes against Trade Unions of the Human Rights Section of the Attorney-General's Office.

84. Through the Maya Programme, funded by Norway, OHCHR-Guatemala and the Department of Indigenous Peoples of the Attorney-General's Office finalized the "Guidelines to design a policy of indigenous peoples' access to justice with a human rights approach". OHCHR-Guatemala provided technical assistance to the Indigenous Affairs Unit of the Judiciary in updating the training programme on indigenous peoples' rights and the curriculum of the School of Judicial Studies. It advised the Constitutional Court in identifying jurisprudential trends on indigenous peoples and indigenous women rights.

85. OHCHR-Guatemala provided technical assistance to the Unit for Control, Monitoring and Evaluation of the specialized tribunals in incorporating a new software tool to analyse sentences on crimes of femicide and other forms of violence against women, as well as in the organization of the annual meeting of specialized tribunals.

86. With the Ministry of Foreign Affairs, OHCHR-Guatemala organized the Second Forum on Business and Human Rights, with the participation of the Government, the business sector and civil society.

87. OHCHR-Guatemala advised and supported social organizations on transitional justice, security, indigenous peoples' rights, women rights, disabled people and human rights defenders. In support to the International Platform against Impunity, OHCHR-Guatemala organized a meeting on human rights indicators and the Universal Periodic Review. In cooperation with OHCHR headquarters in Geneva, it provided training to civil society on the United Nations human rights protection mechanisms and organized a seminar on reparations in cases of sexual violence and gender.

88. OACNUDH-Guatemala participated as an observer in the Council for Monitoring and Implementing the reparations policy for the 33 indigenous communities affected by the construction of the Chixoy hydroelectric dam.

89. In coordination with the Robert F. Kennedy Centre for Justice and Human Rights, OHCHR-Guatemala prepared a study on the impact of hydroelectric projects on indigenous peoples' rights, which will be made public in 2016.

90. OHCHR-Guatemala continued to promote human rights debates through interviews, press releases, press conferences and meetings with journalists, and the presentation of its annual report. It took part in more than 20 human rights training activities for teachers, youth, educators and librarians. It continued to participate in the Working Group on Education for Peace, Memory and Human Rights. It also published information and education materials for children, youths and people of African descent. It collaborated with the Sixth International Film Festival on Memory, Truth and Justice and organized the photo exhibition "Guatemala Different" at the University of San Carlos.

XI. Cooperation with United Nations human rights mechanisms

91. OHCHR-Guatemala supported the official visit of the Sub-Committee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment from 11 to 20 May.

92. OHCHR-Guatemala provided technical assistance to the Presidential Secretariat for Women in preparing Guatemala's eight and ninth joint periodic report to the Committee on the Elimination of Discrimination against Women. It also provided technical assistance to CODISRA, the Presidential Commission for Human Rights and the

Ministry of Foreign Affairs, in the framework of their participation in the 86th session of the Committee on the Elimination of Racial Discrimination (CERD).

93. OHCHR-Guatemala provided technical assistance to indigenous peoples and Afro-descendants organizations in drawing up its shadow report to CERD and supported the participation of an indigenous women delegation in Geneva during the 86th Committee's session.

XII. Recommendations

94. **The United Nations High Commissioner for Human Rights urges the Government of Guatemala to implement, in a coordinated manner, and in consultation with civil society, the recommendations made in previous reports, as well as the United Nations human rights mechanisms' recommendations.**

The High Commissioner:

95. **Urges the Congress to approve the amendments to the Law on the Judicial Career, the Organic Law of the Attorney-General's Office, the Law on the Judiciary, the Amparo Law, and the Impeachment Law, to have a legal framework guaranteeing an independent, impartial and transparent justice system.**

96. **Calls on the competent authorities to allocate adequate funding to the judiciary so that it functions effectively, particularly to the Attorney-General's Office, including enhancing its presence at the municipal level in dialogue with indigenous authorities in their territories.**

97. **Reiterates his call on all judicial authorities to pursue their efforts to investigate human rights violations committed in the context of the armed conflict and to prosecute perpetrators.**

98. **Encourages the CSJ and the Attorney-General's Office to continue efforts to adopt policies aimed at improving indigenous peoples' access to justice.**

99. **Reiterates his call on the Judiciary to continue allocating sufficient resources to the specialized tribunals on femicide and other forms of violence against women, and to expand their geographic coverage.**

100. **Urges the State to develop and implement a structural prison system reform with a human rights approach, including centers under the authority of the PNC.**

101. **Reiterates its call on the Judiciary and the Attorney General to make efforts to rationalize the use of deprivation of liberty and broaden the application of alternative measures, focusing mainly on indigenous people.**

102. **Urges the Ministry of Interior to prioritize measures for violence prevention, particularly towards young people, including by strengthening the PNC in terms of professionalism and internal control through adequate resources.**

103. **Reiterates his recommendation to gradually remove the army from citizen security tasks.**

104. **Encourages the DIGESSP to continue controlling and supervising activities of private security companies, ensuring their compliance with national legislation and international standards.**

105. **Calls upon judicial authorities to ensure that all attacks against journalists and human rights defenders are properly investigated, prosecuted and punished.**

106. Urges the authorities to ensure the prompt establishment of the Mechanism to Protect Journalists and to develop a comprehensive policy for the protection of human rights defenders.

107. Urges the authorities to strengthen efforts to address the high rate of early pregnancies, and ensure accessibility and availability of sexual and reproductive youth friendly health services.

108. Calls on the Government to strengthen indigenous institutions, through greater political and budget support, and transparency in the appointment of their officials.

109. Urges the MARN to ensure that Environmental and Social Impact Studies of extractive projects are made by competent and independent entities, include evaluations of their impact on the social, cultural and spiritual values of indigenous peoples, and take into account the right to consultation, in line with international standards.

110. Recommends the prompt ratification of ILO Convention 189 on domestic workers.

111. Reiterates the Government the need to allocate sufficient resources for the functioning of the Labour Inspectorate and to promote legal reforms to allow the Ministry of Labour to impose sanctions in cases where labour rights are infringed.

112. Urges the adoption of measures to fully implement the agrarian policy, including providing FONTIERRAS and the SAA with sufficient financial resources to perform their functions.

113. Recommends increasing the budget allocated to health care, and adopting measures to consolidate a national health system accessible to all, without discrimination, including in rural areas, with special attention on prevention of child malnutrition.
