



General Assembly

Distr.: General
14 June 2024

English
Original: Spanish

Human Rights Council

Fifty-fifth session

26 February to 5 April 2024

Agenda item 2

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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, the fight against impunity and democratic space.

* The present report was submitted after the deadline so as to include the most recent information.

** The summary of the report is being circulated in all official languages. The report itself is contained in the annex and is being circulated in the language of submission and in English only.



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, including 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 the authorities and civil society. It ran eight public information campaigns on women's rights, Indigenous Peoples and people of African descent, political participation, the land rights of campesinos and Indigenous Peoples, youth participation in environmental protection, the right to freedom of peaceful assembly, the universal periodic review and the seventy-fifth anniversary of the Universal Declaration of Human Rights. OHCHR also 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, the Supreme Electoral Court, the Public Prosecution Service, the Ministry of Social Development and the Ministry of Labour and Social Security. OHCHR also ran 33 workshops for State institutions. The topics addressed included the rights of persons with disabilities, women's rights and the gender perspective, the rights of Indigenous Peoples to land, 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 observer teams in seven departments in the first round of voting, on 25 June, and five teams in four departments in the second round, on 20 August. It participated in the extended round-table discussions on the prevention of electoral conflict convened by the Supreme Electoral Court and in the forum of election observation missions.

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

II. Context

6. In 2023, the country's gross domestic product is estimated to have grown at a rate of 3.5 per cent.³ However, the country continues 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 See <https://www.worldbank.org/en/country/guatemala/overview>.

7. In January, the Supreme Electoral Court called general elections⁴ for the executive branch (the 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 candidate registration stage, creating obstacles for efforts to guarantee the right to participate in public affairs on an equal footing and in accordance with international human rights standards.⁵ Both national observers and observers from regional organizations made statements or commented on the matter.⁶

9. On 12 July, the Supreme Electoral Court published the results of the general elections of 25 June, announcing that the presidential candidates Bernardo Arevalo, of the Semilla party, and Sandra Torres, of the Unidad Nacional de la Esperanza party, had made it through to the run-off.⁷ For the 2024–2028 legislature, 160 parliamentarians were elected, 20 per cent of whom are women and 80 per cent men.⁸ On 20 August, the Supreme Electoral Court announced that the Semilla party's presidential candidate had won the second round, with 58.01 per cent of the vote.⁹

10. OHCHR noted that the two rounds of elections were marked by a peaceful civic backdrop and efficient organization on the part of the Supreme Electoral Court. These observations were reflected in the reports issued by the Electoral Observation Missions of Guatemala, the Organization of American States (OAS) and the European Union.¹⁰

11. After the results of the first round of voting were officially announced, Criminal Court No. 7 issued orders and the Public Prosecutor's Office engaged in a series of actions that were of the utmost concern for OHCHR, in that they were incompatible with international human rights standards and the rule of law. On 27 July, the High Commissioner expressed grave concern about these attempts to undermine the electoral process.¹¹ Subsequently, 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 on the part of the Attorney General's Office to undermine the results of the elections¹³ (see paras. 72–75).

12. On 12 December, the Permanent Council of OAS requested the chair of the Council and the Secretary-General of OAS to seek the Government's consent, as a matter of urgency, to receive a visit under article 18 of the Inter-American Democratic Charter, in view of the events that were compromising the rule of law and the presidential transition.¹⁴ The Council called on State institutions to cease their acts of intimidation and respect the integrity of the electoral process.

⁴ Decree No. 1–2023.

⁵ See <https://www.oacnudh.org.gt/2023/03/30/guatemala-turk-advierde-de-las-represalias-contra-funcionarios-de-justicia/>.

⁶ See <https://www.oas.org/en/IACHR/jsForm/?File=/es/cidh/prensa/comunicados/2023/035.asp> and https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-011/23. See also Misión de Observación Electoral (@MOEGuate), at https://www.twitter.com/MOEGuate/status/1635411637770530818?t=wzZKWKITKYxTpf_SPT65cA&s=08 and <https://twitter.com/MOEGuate/status/1642874604724293633>; and Peter Stano (@ExtSpoxEU), at https://www.twitter.com/ExtSpoxEU/status/1660333300936736770?t=NU0lc_GauQxxYfNloG8zGg&s=08.

⁷ Agreement No. 1328–2023.

⁸ Agreements Nos. 1361–2023 to 1384–2023.

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

¹⁰ See https://www.eeas.europa.eu/eom-guatemala-2023/declaracion-preliminar-de-la-moe-ue-guatemala-segunda-vuelta_es and <https://www.oas.org/fpdb/press/INFORME-PRELIMINAR---Mision-Electoral-OEA-en-Guatemala-2da-vuelta.pdf>.

¹¹ See <https://oacnudh.org.gt/2023/07/27/gt-ac-proceso-electoral/>.

¹² See <https://www.oacnudh.org.gt/2023/10/01/guatemala-persistentes-intentos-de-socavar-el-proceso-democratico-extremadamente-preocupantes-alto-comisionado-de-las-naciones-unidas-para-los-derechos-humanos/>.

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

¹⁴ See https://scm.oas.org/doc_public/spanish/hist_23/cp48944s03.docx.

13. The Congress of the Republic continued its consideration of four bills – concerning the judicial profession, the extinction of criminal responsibility for international crimes, the death penalty¹⁵ and sexual and reproductive health¹⁶ – that did not meet international human rights standards (see paras. 66 and 78). In November, Congress elected judges to the Supreme Court and the Court of Appeals to serve the remainder of the 2019–2024 term,¹⁷ in line with a Constitutional Court decision ordering the organization of this election.¹⁸ A new procedure for the election of judges to serve the 2024–2029 term, subject to the terms established in the Constitution, is due to be rolled out in the course of 2024.¹⁹

14. OHCHR recorded 217 cases of attacks against human rights defenders including journalists and justice officials. The attacks recorded included killings, threats, defamation, censorship and criminalization.²⁰ There was a 39 per cent increase in the number of cases recorded relative to 2022. Of the total number of cases registered, 95 involved criminalization. There were also 17 cases of attacks on members of political parties and 9 cases of attacks on electoral authorities.

15. OHCHR observed 243 protests throughout the country, most of them peaceful, led by a range of actors including Indigenous Peoples, students and civil society organizations. This figure represents a 77.3 per cent increase on the number of protests seen in 2022. The main demands were for the rule of law, the results of the elections and freedom of expression to be respected and for certain bills to be thrown out. Beginning in October, the Indigenous authorities led a series of peaceful protests referred to as a “national strike” (see paras. 93 and 94).

16. As at December, 76,201 Guatemalan migrants had been returned to the country (42,900 men, 18,009 women and 15,292 children). The Guatemalan Migration Institute reported having turned back 20,932 foreign nationals who had attempted to enter the country illegally at its borders.²¹ Of this number, 25 per cent were women, 8 per cent were boys and 6 per cent were girls.²²

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, 86.1 per cent of Xinka households and 82.3 per cent of Mayan households are affected by multidimensional deprivation, compared to an average of 63.2 per cent of households nationwide.²³ The multidimensional deprivation index, which measures deprivation in five areas, namely quality of housing, basic services, employment, education and technology, was calculated on the basis of 2018 census data.²⁴

19. Indigenous Peoples turned to social protest to seek forums for participation in decisions that have an impact on their collective rights. In March, the K’iche’ authorities of

¹⁵ See 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 See https://www.congreso.gob.gt/detalle_pdf/iniciativas/5966. See also communication No. GTM 1/2023. All communications and the corresponding responses mentioned in this report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

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

¹⁸ Case No. 1169–2020.

¹⁹ Arts. 208 and 215 of the Constitution.

²⁰ [A/HRC/52/23](#), para. 15.

²¹ See <https://igm.gob.gt/mas-de-20-mil-personas-han-sido-rechazadas-de-territorio-guatemalteco/>.

²² See <https://igm.gob.gt/wp-content/uploads/2023/11/IMG-20231107-WA0017.jpg>.

²³ See https://issuu.com/oacnudhgt/docs/nuestras_voces_por_nuestros_derechos, p. 209.

²⁴ *Ibid.*, p. 208.

the 48 cantons of Totonicapán, woman weavers and other Indigenous authorities blocked the inter-American highway until round-table discussions²⁵ resulted in agreements to repeal Government Agreement No. 245–2022 on value added tax²⁶ and shelve bill No. 6165, proposing the incorporation of the primary, livestock, bovine and informal productive sectors into the tax system, which would have affected the community-based economy.²⁷

20. OHCHR noted that, 11 years after the events, oral and public hearings were initiated in the trial of nine soldiers accused of extrajudicial killing in the case known as the Alaska Summit Massacre. The events, which occurred on 4 October 2012, resulted in the deaths of six Indigenous men and a further 33 persons were injured.²⁸

21. The Special Rapporteur on freedom of religion or belief, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights of Indigenous Peoples and the Special Rapporteur on violence against women and girls, its causes and consequences²⁹ conveyed to the Government their concerns about the scant progress achieved 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 2022.³⁰

22. OHCHR welcomes reports that the Ministry of Energy and Mining and the Indigenous authorities of the Xinka People's Parliament have continued to make progress in the second stage of the consultations ordered by the Constitutional Court regarding mining activity in El Escobal.³¹ The Xinka authorities are currently making visits to the communities adjacent to the project, together with the State authorities.³²

23. In the course of discussions with the Offices of the Indigenous mayors of San José Nacahuil and San Pedro Ayampuc and with Kaqchikel and Xinka Indigenous authorities and leaders, OHCHR received information about progress towards the implementation of the Constitutional Court ruling on the Progreso VII Derivada mining project, located in San José del Golfo.³³ The Ministry of Energy and Mining indicated that the consultation process would begin once the principles that would govern the round-table dialogue had been agreed with the Kaqchikel and Xinka communities.³⁴

24. OHCHR continued to provide technical assistance to the National Movement of Indigenous Midwives, Nim Alaxik, 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 State³⁵ to implement the 2019 Constitutional Court ruling³⁶ in favour of midwives. The financial support granted to midwives by the Ministry of Health and Social Assistance in 2022 was not repeated in 2023. The grant³⁷ was awarded in recognition of 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 help their members to secure recognition of collective intellectual property rights in respect of the weavings of Indigenous women. Bill No. 6136, consisting of a draft law on the protection of

²⁵ See <https://www.publinews.gt/gt/noticias/2023/03/28/48-acuerdos-ejecutivo-terminan-bloqueos.html>.

²⁶ See https://www.minfin.gob.gt/images/downloads/leyes_acuerdos/acuerdogub245_141022.pdf.

²⁷ See https://www.congreso.gob.gt/assets/uploads/info_legislativo/iniciativas/965ea-6165.pdf.

²⁸ See communications No. GTM 6/1013 and GTM 6/2012.

²⁹ See communication No. GTM 8/2022.

³⁰ [A/HRC/52/23](#), para. 21.

³¹ *Ibid.*, para. 22.

³² See <https://www.mem.gob.gt/blog/funcionarios-del-mem-conred-y-autoridades-xinkas-realiza-recorrido-por-area-de-influencia-derecho-minero-escobal/>.

³³ [A/HRC/52/23](#), para. 24.

³⁴ See <https://www.mem.gob.gt/blog/se-acuerda-el-inicio-del-proceso-de-preconsulta-por-el-derecho-minero-progreso-vii-derivada/>.

³⁵ [E/C.19/2023/7](#), para. 60.

³⁶ Case No. 3362–2017.

³⁷ Decree No. 22–2022.

collective intellectual property rights in respect of the textiles and clothing of the Indigenous Peoples and communities of Guatemala, which was submitted to Congress in 2022, was not tabled for adoption.

26. Two years after the Inter-American Court of Human Rights issued its ruling on community radio stations,³⁸ the State published a summary in the Official Gazette, in Spanish and three Mayan languages, and moved forward with the implementation of financial compensation measures. An end to the criminalization of community radio operators and the adoption of a law recognizing community radio stations remain pending. OHCHR continued to provide technical assistance to the network of Indigenous women community radio operators for the launch of the I´X online community newscast.

27. OHCHR continued to receive expressions of concern from the Garifuna People and persons of African descent about the lack of visibility accorded to their history, culture and contributions to society. In Puerto Barrios and Livingston (Izabal department), 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 lack of access to justice, higher education, jobs and health services was a persistent problem. According to the information received, the Garifuna people has lost its ancestral lands since the internal armed conflict and continues to be affected by the presence of organized criminal groups.

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

B. Women and girls

29. Violence against women and girls remained a source of great concern for OHCHR. The Women’s Observatory of the Attorney General’s Office had recorded 41,032 cases of violence against women as at December, including 205 femicides and 264 violent deaths.³⁹ Of a total of 300 cases of femicide registered with the Office of the Public Prosecutor for Femicide as at September, 89.6 per cent were either dismissed or discontinued. Overall, 18 persons, corresponding to 6 per cent of total cases, were convicted.⁴⁰ Between January and October, 50,924 births were reported among girls aged between 15 and 19 years old and 1,954 birth were reported among girls under the age of 14 years.⁴¹ The Criminal Code defines sexual relations with minors under the age of 14 years old as rape.⁴²

30. OHCHR is concerned about the financial situation of the network of comprehensive support centres for women survivors of violence, which is attributable to delays in the release of funds. As at December, only about 38 per cent of the annual funds allocated had been released by the Ministry of the Interior. This affects the performance of the centres and diminishes the quality of the care available for women.

31. The President led the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women, spearheading the implementation of the National Plan for the Eradication of Violence against Women. However, OHCHR received information indicating that the Office lacked technical and financial resources for the Plan’s implementation.

32. OHCHR remains concerned about the lack of progress made in the judicial proceedings intended to clarify responsibility for the events that occurred in the Virgen de la

³⁸ *Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*, judgment of 6 October 2021.

³⁹ See

http://ww2.oj.gob.gt/es/QueEsOJ/EstructuraOJ/UnidadesAdministrativas/CentroAnalisisDocumentacionJudicial/cds/CDs%20compilaciones/Compilacion%20Leyes%20Penales/expedientes/13_LeyContraFemicidio.pdf.

⁴⁰ Public Prosecutor’s Office, SAIC/G 2023–000001/jmjs, 18 October 2023.

⁴¹ See <https://osarguatemala.org/registros-de-nacimiento-y-embarazos-en-madres-adolescentes-ano-2023/>.

⁴² Arts. 173 and 174.

Asunción children's home in 2017.⁴³ The start of the oral and public hearings has been delayed a number of times, even though, given the seriousness of the charges, and in accordance with international human rights standards, the proceedings should have been expedited.

33. OHCHR noted that, in the run-up to the elections, discriminatory messages and messages of violence against women involved in politics, including Indigenous women, were published and disseminated on social networks and in the media. 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 various civil society organizations in connection with the consideration of the country's tenth periodic report to the Committee on the Elimination of Discrimination against Women in October.⁴⁴

C. Persons with disabilities

35. The Ministry of Health, with technical assistance from the United Nations, including OHCHR, provided capacity-building support for the health personnel who will be part of the assessment panels responsible for issuing certificates to persons with disabilities.⁴⁵ OHCHR highlights that persons with disabilities, and particularly women, contributed to the creation of the national disability certification system by participating in dialogue in which gender-sensitive difficulties in the certification process were identified. Additionally, considerable efforts were made to standardize the administrative records of persons with disabilities in order to provide them with access to social welfare programmes. The disability variable will be included in the National Survey of Living Conditions due to be carried out by the National Statistics Institute.

36. OHCHR notes that, in order to ensure equal recognition before the law for persons with disabilities in relation to legal capacity, national legislation still needs to be harmonized with international human rights standards. Working in close consultation with organizations of persons with disabilities, the State needs to adjust its legislation so that it conforms to a human rights-based model of disability.

37. OHCHR observed that, despite the efforts of the Supreme Electoral Court and those made by organizations of persons with disabilities, structural accessibility problems in, for example, school facilities used as polling stations, affected the right of persons with disabilities to vote on an equal basis with others.^{46,47}

D. Sexual diversity and gender identity

38. According to information received, lesbian, gay, bisexual, transgender and intersex persons face persistent stigmatization, harassment, discrimination and violence. By December, the National Human Rights Observatory responsible for monitoring cases of violence apparently motivated by sexual orientation and gender identity, which is run by Asociación Lambda, a non-governmental organization, had registered 34 violent deaths (16 gay men, 10 transgender women, 3 lesbian women and 5 bisexual men), a number

⁴³ [A/HRC/52/23](#), para. 34; and [A/HRC/46/74](#), para. 40. See also <http://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/InformeHSVA.pdf>.

⁴⁴ [CEDAW/C/GTM/CO/10](#).

⁴⁵ See <https://www.prensa.gob.gt/comunicado/primer-fase-para-la-certificacion-de-personas-con-discapacidad-esta-proxima-finalizar>.

⁴⁶ See <https://www.tse.org.gt/index.php/comunicacion/noticias/769-tse-instala-mesa-de-inclusion-de-personas-con-discapacidad-al-proceso-electoral-2023>.

⁴⁷ See <https://www.tse.org.gt/images/ss/varios/link/03%20Gu%C3%ADa%20Inclusi%C3%B3n%20Completa%20Texto%20-%20ANCG.pdf>.

representing a 17 per cent increase relative to 2022. In fact, in 2023, the Observatory recorded the higher number of violent deaths since it began its monitoring in 2019.

39. OHCHR observed discriminatory speech against lesbian, gay, bisexual, transgender and intersex persons when monitoring social networks and communications media in the run-up to the elections. In the instructions it issued, the Supreme Electoral Court included guidance for assisting lesbian, gay, bisexual, transgender and intersex voters, and particularly transgender voters, in order to ensure that they were able to exercise their right to vote without discrimination.⁴⁸ Some organizations engaged in promotional activities to encourage lesbian, gay, bisexual, transgender and intersex persons to vote and participated as election observers.

40. In September, several OHCHR country offices in the Americas region, including the office in Guatemala, teamed up with the Regional Information Network on LGBTI Violence (Red Sin Violencia LGTBI) to organize, in Colombia, the second regional forum on the development of a Latin American model protocol for the investigation of gender-related killings at which key conceptual, investigative and forensic issues that should be reflected in any future regional or national protocol were identified.

E. Young persons

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

42. In conjunction with the United Nations Population Fund (UNFPA) and the International Organization for Migration, OHCHR launched the NAB'IL project, aimed at building the capacities of the National Youth Council, municipal youth offices, the Office of the Human Rights Ombudsman and the Planning and Programming Secretariat of the Office of the President and fostering the participation of young persons from Mayan and mestizo communities in civic space in Huehuetenango.

43. OHCHR provided technical assistance to the inter-university model United Nations in Guatemala. Working in conjunction with the Inter-agency Working Group of Young Persons, it produced videos promoting initiatives aimed at mitigating the effects of climate change led by young Indigenous persons.

44. OHCHR provided technical assistance on human rights in the run-up to the elections to the association of Young Artists for Social Justice (Jóvenes Artistas por la Justicia Social), the Academy of Higher Judicial Studies, Visibles, a non-governmental organization, and the civic elections volunteer corps. Youth organizations increased awareness of the right to political participation through academic events, registration fairs and forums for discussion with candidates.

IV. Inclusive and sustainable human development

A. Social protection

45. OHCHR welcomes the Ministry of Social Development's decision to update the core diagnostic analysis underpinning efforts to strengthen the social protection system and to adopt the socioeconomic conditions assessment form used for the pilot phase of the development of the Social Register of Households,⁴⁹ during which technical assistance was provided under a joint programme of the United Nations Development Programme, UNFPA, the United Nations Children's Fund (UNICEF) and OHCHR.

⁴⁸ <https://www.tse.org.gt/images/eg23/INSTRUCTIVO%20JRV-M8.pdf>, pp. 7–9.

⁴⁹ See <https://www.mides.gob.gt/institucionalizacion-del-registro-social-de-hogares/>.

B. Access to land, territories and natural resources

46. Land conflicts remained a recurrent problem, with the Presidential Commission for Peace and Human Rights registering a total of 75 in the year.⁵⁰ The Attorney General's Office petitioned the courts for 42 orders for eviction. Inter-American Commission on Human Rights has requested the State to adopt precautionary measures⁵¹ on the basis of trespass and aggravated trespass.⁵²

47. OHCHR documented five cases of forced eviction, affecting 503 families, most of them Indigenous families, a figure which represents a 101 per cent increase on the number of families affected in 2022. It also recorded five attempted evictions, which generated uncertainty and fear for a further 313 families. These evictions, which continue to be carried out in violation of international human rights standards,⁵³ have differential impacts, disproportionately affecting Indigenous women, who are more exposed to situations of violence and forced to assume an even greater share of family care responsibilities as a result of being uprooted.

48. In the case of the Kumatz Indigenous community in Huehuetenango, which was evicted in an inter-agency operation,⁵⁴ there was no prior notification and considerable police involvement was reported. OHCHR continued to document the situation of the Indigenous Mayan Poqomchi' families of the Washington and Dos Fuentes communities in Baja Verapaz department,⁵⁵ who continue to receive threats on their lives. These threats have not been investigated even though the Inter-American Commission on Human Rights has requested the State to adopt precautionary measures to protect families belonging to these communities.⁵⁶

49. The Land Fund indicated that 27.6 per cent of the 1,192 families that have been granted loans under the land assignment programme are Mayan families.⁵⁷ The Fund has rural economy and sustainable goods management programmes, but no contingency programmes to support communities in the event that crops fail owing to the effects of climate change, which OHCHR has observed in the Polochic Valley. Crop failure limits the communities' ability to repay loans granted by the Fund, which situation could result in loss of land.

50. In conjunction with the Presidential Commission for Peace and Human Rights, OHCHR 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 in 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, in which Q'eqchi' Maya women took part, in their own language, with a view to building their capacity to participate in round-table discussions.

52. OHCHR observed the round-table discussions organized to seek solutions to land conflicts and notes that the Izabal Inter-agency Round Table for Agrarian Coordination exemplified best practice in the area, facilitating effective inter-agency communication in the handling of land matters.

53. The Land Registry reports that, as at September, it had registered three areas as communal land and was currently processing 20 land regularization applications through the

⁵⁰ Information provided by the Land Fund, FT-COFOR-226-2023.

⁵¹ Information provided by the Attorney General's Office, SAIC/G 2023-00001/mjs.

⁵² Arts. 256 and 257 of the Criminal Code. See also [A/HRC/40/3/Add.1](#), para. 110.

⁵³ [A/HRC/40/3/Add.1](#), para. 46.

⁵⁴ Carried out by the National Civil Police, the Attorney General's Office, the judiciary, the Presidential Commission for Peace and Human Rights and the Office of the Human Rights Ombudsman.

⁵⁵ [A/HRC/46/74](#), para. 55.

⁵⁶ See <https://www.oas.org/es/cidh/decisiones/pdf/2020/67-20MC306-20-GUA.pdf>.

⁵⁷ Information provided by the Land Fund, FT-66-662-2023BABQ.

special land titling procedure,⁵⁸ including implementing the 2015 ruling of the Constitutional Court in respect of the Indigenous community of Sierra Santa Cruz.⁵⁹

C. Business and human rights

54. OHCHR is pleased that the Presidential Commission for Peace and Human Rights has begun the baseline assessment for 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 for the training provided for 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 the Global Compact, Centrarse, a non-governmental organization, and UNICEF, OHCHR continued to deliver training for companies on the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. It welcomes the willingness of the Guatemalan Exporters' Association (AGEXPORT), the HAME Group, the Association of Renewable Energy Generators (AGER) and the Guatemalan Palm Growers' Association (GREPALMA) to work with OHCHR to promote the application of the Guiding Principles on Business and Human Rights in their activities.

57. OHCHR noted the progress achieved by the Ministry of Environment and Natural Resources in creating the Office of the Deputy Minister for Water. OHCHR conducted training for the Counsel 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 and Social Security strengthened the General Inspectorate for Labour by enhancing its infrastructure and implementing a harmonized procedural protocol for the labour inspection system.⁶⁰ The General Inspectorate had conducted 37 inspections of sugarcane, African palm, banana, cocoa, coffee and timber plantations as at August, and indicated that it had issued reprimands or imposed penalties following 29.73 per cent of these inspections.⁶¹

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 Alta Verapaz, Baja Verapaz and Quiché departments. The obstacles reported include geographical inaccessibility, insufficient provision of interpretation services in Indigenous languages, lack of comprehensive support for victims and lack of protection measures, and long delays in bringing cases to court. Allegations of a lack of appropriate reparation in cases of human rights violations were also received.

60. OHCHR observed measures and practices in place within the Public Prosecution Service and the judiciary that appeared to reflect stereotyping, gender-based discrimination and discrimination against Indigenous Peoples. It also received allegations that officers of the Public Prosecution Service had pressured victims of gender-based violence into withdrawing their complaints.

⁵⁸ Land Registry, GPCE/795–2023.

⁵⁹ Case No. 5955–2013, judgment of 25 November 2015; and A/HRC/49/20, para. 46.

⁶⁰ See

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

⁶¹ Ministry of Labour and Social Security, DM-RERP/rmvv No.1810–2023 and UDAIT-691–2023-EEM-lr.

61. The Public Prosecution Service reported that it has taken steps to reduce the backlog of cases.⁶² However, OHCHR received information indicating that, on a number of occasions, cases may have been dismissed without all lines of inquiry having been exhausted, a situation that could have adverse consequences for the State's duty to guarantee the availability of an effective remedy. For example, OHCHR received allegations of complaints being dismissed because the complainant had failed to ratify them, despite the offences involved being publicly prosecutable.

62. OHCHR continued to observe violations of the right to a fair trial arising from practices in the judiciary that were not in line with international standards. With regard to the right to an independent and impartial tribunal, it received information indicating that appeal chambers have removed judges from cases on the basis of "procedural correctness" – a concept that is not regulated in law – and without duly justified reason.

63. The guarantees of public disclosure and transparency in judicial proceedings mean that hearings should be open to the general public except in exceptional circumstances.⁶³ OHCHR noted that the concept of judicial secrecy was invoked at the judiciary's discretion and in a manner contrary to law, and documented violations of the right to a defence and the right to an open and public hearing.

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

B. Right to personal freedom

65. OHCHR observed that the judiciary issued arrest warrants and remand orders without due grounds and in violation of international standards, which require such measures to be reasonable, necessary and proportionate.⁶⁴ It also noted that arraignment hearings were often delayed, in violation of international standards.⁶⁵ For example, in the case of Claudia González, a lawyer who was detained on 28 August, allegedly as an act of retaliation on the part of persons within the Attorney General's Office and the judiciary for her work with the International Commission against Impunity in Guatemala, OHCHR documented a delay of 25 days before the arraignment hearing was held. This undue delay was identified by Appeal Chamber No. 4, which then ordered the court to conduct the hearing within 48 hours. On 16 November, the lawyer was conditionally released by an appeal chamber.

C. Judicial independence and impartiality

66. Bill No. 6239, the purpose of which is to reassign certain administrative duties connected to judicial service and to concentrate such duties within the Supreme Court, made progress in Congress.⁶⁶

67. The Attorney General's Office and members of the judiciary adopted arbitrary and unfounded measures in retaliation against justice officials, public prosecutors and lawyers who had investigated and/or heard high-profile cases of corruption or human rights violations. Such measures remained a matter of serious concern. OHCHR received information about reprisals against 55 justice officials, 29 of whom were women and 26 men, and 16 lawyers, 5 of them women and 11 men – numbers that represent a 69 per cent increase relative to 2022. Of the 71 persons targeted, 21 had already suffered retaliatory action in 2022, which continued in 2023, and 50 were targeted by new retaliatory action that begun in 2023. OHCHR documented 33 of these new cases of reprisals, affecting 18 men and 15 women. Of these 33 documented cases, 29 entailed the criminalization of the persons

⁶² See https://drive.google.com/file/d/1IxL4uMaGsB5U_-njfwvo26oZ2VizemxN/view.

⁶³ Human Rights Committee, general comment No. 32 (2007), paras. 28 and 29.

⁶⁴ *Ibid.*, general comment No. 35 (2014), para. 12.

⁶⁵ *Ibid.*, para. 33.

⁶⁶ [A/HRC/52/23](#), para. 59.

targeted, as a result of which 21 arrest warrants were issued, 12 persons were arrested and 3 persons were convicted after admitting the charges.

68. In May, the Working Group on Arbitrary Detention concluded that the arrest and pretrial detention of Virginia Laparra,⁶⁷ a former public prosecutor, was arbitrary.⁶⁸ On 26 December, the Criminal Chamber of the Supreme Court ordered that Ms. Laparra be released from prison under house arrest, on the basis that she had been detained for a period exceeding 45 per cent of the four-year prison term to which she had been sentenced in 2022. OHCHR considers this to be a case of criminalization, being of the view that due process guarantees were not respected during the criminal proceedings and that Ms. Laparra should therefore be released unconditionally.

69. In May 2023, former officials of the Office of the Special Prosecutor against Impunity, Aliss Morán and Paola Escobar,⁶⁹ were detained for alleged abuse of authority connected to their investigation of a case of corruption within the judicial system. On 18 August, an appeal chamber ruled that the remand order had not been substantiated by the judge and ordered their release. This ruling was executed on 1 September. Samari Gómez, a former public prosecutor within the Office of the Special Prosecutor against Impunity, was acquitted in June by Criminal Trial Court No. 8,⁷⁰ but, in October, an appeal chamber overturned the acquittal ruling. On 1 December, Lesly Pineda, a public prosecutor, was detained.

70. In 2023, OHCHR recorded the highest number of justice officials being forced to leave the country since 2019. At least 20 officials, 9 of them women and 11 men, were forced to flee to escape the criminalization to which they were being subjected. Judge Carlos Ruano, a former judge against whom, in February, the Supreme Court had admitted a request for the lifting of immunity, was among these persons. Former judge Ruano claimed to have been targeted by reprisals because, in 2017, he had denounced a Supreme Court judge who had asked for a family member to be accorded favourable treatment in court. Former judge Ruano did not receive protection, despite pursuing the relevant remedies.

71. Since 2019, OHCHR has recorded 40 former justice officials going into exile (25 men and 15 women) and has documented serious repercussions undermining their human rights as a result of their exile as well as obstacles impeding the exercise of their right to a defence in Guatemala.

72. OHCHR also notes with grave concern that the highest authorities within the Attorney General's Office and Criminal Court No. 7 acted to undermine the integrity of the electoral process and the rule of law, placing the democratic presidential transition at risk.

73. The aforementioned actions entailed, inter alia, the following: the criminal prosecution of the Semilla party, with a view to suspending its recognition as a legal entity and preventing its members from assuming responsibilities in Congress;⁷¹ requests to lift the immunity of judges of the Supreme Electoral Court, including its President;⁷² and raids on the Electoral Operations Centre and the headquarters of the Supreme Electoral Court in September, during which records certifying the votes cast in the first and second round of the elections were seized, contrary to the Constitution⁷³ and the Elections Acts.⁷⁴ It should be noted that, on 30 November, Congress granted the request to withdraw immunity from prosecution from four judges of the Supreme Electoral Court (three women and one man).⁷⁵

74. On 8 December, the Office of the Special Prosecutor against Impunity requested that the immunity of the President-elect be lifted in the Semilla party corruption case. The Office

⁶⁷ Ibid., paras. 60 and 61.

⁶⁸ [A/HRC/WGAD/2023/24](#).

⁶⁹ [A/HRC/52/23](#), para. 60.

⁷⁰ Ibid., paras. 60 and 61.

⁷¹ The suspension was justified on the basis of the Act against Organized Crime, despite being prohibited in the Elections and Political Parties Act, which, in accordance with the national legal framework, takes precedence in this matter.

⁷² See <https://twitter.com/MPguatemala/status/1735486778348310569/photo/4>.

⁷³ Art. 184.

⁷⁴ Art. 243. See also <https://x.com/TSEGuatemala/status/1701702784456987005/photo/1>.

⁷⁵ See https://www.congreso.gob.gt/noticias_congreso/10557/2023/4#gsc.tab=0.

also stated that the Supreme Electoral Court should annul the results of the general elections, even though, on 31 October, the Court had declared the electoral process to be concluded and had confirmed the official results, indicating that they were “unalterable”.⁷⁶

75. In a ruling issued on 14 December, the Constitutional Court granted a definitive injunction to guarantee the transition and the assumption of office of all persons elected. To this end, the Court called on the President of the Republic and the members of Congress to provide such guarantees, in line with their respective areas of competence.⁷⁷

D. Transitional justice

76. OHCHR documented progress having been made in 3 of the 14 high-profile cases related to events that occurred during the internal armed conflict. A lieutenant colonel of the National Police was sent for trial in the case of the enforced disappearance of Luz Leticia Hernández. In the case involving sexual violence against Achí women, the High-Risk Crime Court ruled that three paramilitaries should face trial, while, in the Xaman case, five soldiers were convicted in Cobán Criminal Trial Court, in Alta Verapaz department, for their complicity in the extrajudicial killing of 11 persons and the attempted extrajudicial killing of a further 28 persons.

77. The judicial authorities agreed alternative non-custodial measures for three persons in the *Molina Theissen* case,⁷⁸ and for a further three persons in the *Diario Militar* case.⁷⁹ The Inter-American Court of Human Rights considered the measures adopted in the *Molina Theissen* case to be in breach of its orders,⁸⁰ and the measures agreed in the *Diario Militar* case were revoked on appeal.⁸¹ The charges against the suspect in the enforced disappearance of Edgar Fernando García were dropped, and the case of the enforced disappearance of Edgar Enrique Sáenz was discontinued for lack of evidence. In the *Rancho Bejuco* case, a former army officer was convicted while eight further accused persons were acquitted. In the case of the Dos Erres massacre, three former Kaibiles were acquitted due to alleged inconsistencies in the evidence regarding identification of the victims. Unjustified delays were observed in the proceedings 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 (the Act on Strengthening for Peace) and moved forward with its consideration. The bill, if passed, would extinguish the criminal responsibility of persons accused and convicted of committing international crimes during the internal armed conflict and is therefore incompatible with international standards.⁸²

79. OHCHR noted persistent uncertainty as to whether the operation of the National Reparations Programme, which has been inactive since 2020⁸³ and is scheduled to cease all operations in December 2023, will be extended. The Programme’s closure could result in thousands of applications for reparation currently pending resolution being shelved.

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

⁷⁶ See https://www.tse.org.gt/images/Decretos2023/decreto_05-2023.pdf.

⁷⁷ Constitutional Court, Case No. 6175-2023, <https://www.cc.gob.gt/index.php/comunicados/>.

⁷⁸ Inter-American Court of Human Rights, *Molina Theissen v. Guatemala*, Judgment of 4 May 2004.

⁷⁹ *Ibid.*, *Gudiel Álvarez et al. (Diario Militar) v. Guatemala*, Judgment of 20 November 2012.

⁸⁰ See *Molina Theissen v. Guatemala*. Precautionary measures and monitoring compliance with judgment, resolution of 4 September 2023. Available at https://www.corteidh.or.cr/docs/supervisiones/molina_theissen_04_09_23.pdf.

⁸¹ The measure was in contravention of article 264 of the Code of Criminal Procedure.

⁸² *A/HRC/52/23*, para. 69. See also communication GTM No. 7/2022.

⁸³ *A/HRC/52/23*, para. 70.

VI. Democratic space

A. Right to promote and protect human rights

81. OHCHR recorded 100 cases of attacks against human rights defenders, involving 288 victims (180 men, 68 women, 17 Indigenous communities and 23 organizations).⁸⁴ This represents a worrying 264 per cent increase in the number of victims compared with the number recorded by OHCHR in 2022.⁸⁵ OHCHR recorded the killing of two women members of the Campesino Development Committee in Jalapa on 6 May and the killing of Xinka leader Noe Gómez in Jutiapa on 28 October.

82. The Attorney General's Office reported having received 30 complaints of attacks on human rights defenders. The complaints concerned firearm attacks, injury, threats, coercion, abuse of authority, robbery, disturbance of possession and attacks on information and 76 per cent of them were either dismissed or discontinued.⁸⁶ The Attorney General's Office reported that six convictions were handed down for offences against human rights defenders in 2023.⁸⁷

83. The Human Rights Defenders Protection Unit of Guatemala registered 3,842 attacks against human rights defenders between January and October.

84. OHCHR documented reprisals and criminalization targeting students and professors at the University of San Carlos in retaliation for their having exercised their right to freedom of expression and academic freedom. In the case of Adrián Camilo García, a student representative on the Higher University Council, the Special Rapporteur on the right to education, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on the situation of human rights defenders expressed concern about his expulsion from the University of San Carlos "in retaliation for his having exercised his academic freedom" and without respecting guarantees of due process.⁸⁸ OHCHR documented a similar situation in the case of Estuardo Tecú López, a student.

85. OHCHR documented attacks against personnel of the Human Rights Defenders Protection Unit of Guatemala, including threats on their lives. Also, in a hearing in the case against José Rubén Zamora, a journalist, one of the witnesses made apparently unfounded accusations against Jorge Santos, the General Coordinator of the Protection Unit.⁸⁹ On the same day, the Coordinator was targeted by threats on social networks made by the plaintiff in the case. In June, Jorge Santos filed a complaint of libel, slander and defamation.⁹⁰

86. OHCHR continued to document cases of criminalization of human rights defenders, including, amongst others, Nanci Sinto and Dulce Archila;⁹¹ María Cuc Choc, a Q'eqchi' environmental defender;⁹² Jorge Coc and Marcelino Xol, Q'eqchi' defenders of land and territories;⁹³ and Rigoberto Juárez, a Q'anjobal leader. OHCHR received information about the criminal allegations levelled against Luis Pacheco, President of the 48 cantons of Totonicapán, for his leadership and participation in the national strike (see para. 93).

87. OHCHR intervened before the State authorities to prevent and address possible human rights violations and assisted victims in coordination with non-governmental organizations. It organized a capacity-building workshop for the Network of Young Human Rights

⁸⁴ Data on attacks against justice officials are included in section IV of this report and disaggregated data on attacks against journalists in section VI (B).

⁸⁵ [A/HRC/52/23](#), paras. 72 and 85.

⁸⁶ Information provided by the Attorney General's Office, SAIC/G 2023-00001/mjs.

⁸⁷ *Ibid.*

⁸⁸ See communication GTM 2/2023.

⁸⁹ Criminal Trial Court No. 8, Criminal Case No. 1079-2022-00280.

⁹⁰ See <https://udefegua.org.gt/comunicados/udefegua-denuncia-ataque>.

⁹¹ [A/HRC/52/23](#), para. 78.

⁹² *Ibid.*, para. 81.

⁹³ *Ibid.*, para. 79.

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 against journalists and media outlets (65 men, 27 women and 14 media outlets), representing an increase of 73.68 per cent relative to 2022. The attacks were attributed to State authorities and private individuals. Most of the attacks occurred during coverage of the elections. OHCHR documented the killing of four male journalists and monitored the situation of 20 journalists in exile (12 men and 8 women).

89. The Attorney General's Office reported having received 54 complaints of attacks on journalists. The complaints concerned firearm attacks, sexual aggression, injury, physical aggression, threats, abuse of authority, defamation, coercion, robbery and attacks on information. Only one case resulted in a conviction.⁹⁴

90. The Observatory of the Association of Journalists of Guatemala registered 154 attacks against journalists and media outlets, including intimidation of members of the media team of the Supreme Electoral Court.

91. The president and founder of *El Periódico*, José Rubén Zamora,⁹⁵ was convicted in June in one of the criminal cases in which he has been implicated. In October, an appeal court overturned his conviction and ordered a retrial. The journalist has been remanded in custody since July 2022 on the charges he faces in the other cases. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers expressed concern about the negative impact of these actions on press freedom, the conditions in which the journalist is being held, violations of due process, the definitive closure of *El Periódico* and the investigations initiated against eight other members of the media outlet's staff.⁹⁶

92. OHCHR documented the criminalization of Carlos Ernesto Choc Chub, a Q'eqchi' journalist, and the case against four officers of the National Civil Police accused of abuse of authority for having arrested another journalist, Norma Sancir, which has been reopened for oral and public hearing.⁹⁷

C. Freedom of peaceful assembly

93. October marked the start of the series of peaceful demonstrations, referred to as the national strike, initiated by the Indigenous authorities of the 48 cantons of Totonicapán and the Indigenous municipality of Sololá and subsequently joined by other Indigenous authorities, campesino and social movements and private sector actors. The call for protests was initiated following a raid on the Supreme Electoral Court on 29 September and resulted in the formation of 1,232 gatherings across the country, demanding the resignation of the Attorney General, the Head of the Office of the Special Prosecutor against Impunity and the presiding judge of Criminal Court No. 7. As of 31 December, a protest outside the Attorney General's Office was still ongoing.

94. OHCHR is concerned that, on 18 October, in response to these protests and at the request of the Attorney General's Office, the Constitutional Court ordered the security forces to "restore public order and disperse the gatherings whenever they cause major disruption, such as blocking traffic," and to proceed to arrest those engaged in illegal acts. Furthermore, the Court equated acts of violence supposedly committed during the protests with possible crimes against humanity.⁹⁸

⁹⁴ Information provided by the Attorney General's Office, SAIC/G 2023-00001/mjs.

⁹⁵ [A/HRC/52/23](#), para. 88.

⁹⁶ See communication GTM 4/2023.

⁹⁷ [A/HRC/52/23](#), para. 87.

⁹⁸ Constitutional Court, Case No. 1322-2023.

D. Security and use of force

95. During the raid conducted by the Attorney General's Office on 20 July on the premises of the Citizen's Registry of the Supreme Electoral Court, OHCHR noted the presence of vehicles without licence plates carrying 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 raid on the Supreme Electoral Court carried out by the Attorney General's Office on 29 September, OHCHR noted that the police deployment was disproportionate and obstructed the work of journalists.

96. During the national strike, OHCHR recorded that, on one occasion, tear gas was used to disperse people exercising their right to peaceful assembly, that photographs of participants were taken and their personal data noted down with the aim of intimidating them, and that the Military Police were present during public security operations.

VII. Conclusions and recommendations

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

98. OHCHR calls on the State to formulate and implement public policies that promote the realization of human rights under conditions that are equal and fair for all, 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; the implementation of judgments that protect their rights; conditions to enhance their participation in decision-making; the legal security of their lands, territories and natural resources; and the implementation of general recommendation No. 39 (2022) 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 persons of African descent, ensuring the participation of women, in order 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) Move forward with the certification process for persons with disabilities, in consultation with persons with disabilities and their organizations;

(d) Take effective measures to prevent, combat and investigate discrimination and violence based on gender identity and sexual orientation, including issuing a protocol for the investigation of violent deaths of lesbian, gay, bisexual, transgender, queer and intersex persons;

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

(f) Establish administrative frameworks to ensure that enterprises fulfil their responsibility to carry out their activities in accordance 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 establish and maintain appropriate conditions of work and comprehensive protection for members of the judiciary, especially those responsible for cases of human rights violations and corruption;

(h) Refrain from issuing regulatory provisions that extinguish the criminal responsibility of persons accused or convicted of committing international crimes

during the internal armed conflict and guarantee the right of victims to comprehensive 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 in order to guarantee that custodial sentences and pretrial detention orders are imposed and enforced 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, that takes account of the diversity of defenders and ensure the prompt design and implementation of a mechanism for the protection of journalists;

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