

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/GTM/CO/7)

GUATEMALA

(...)

C. Principal subjects of concern and recommendations

(...)

National mechanism for the prevention of torture

(...)

15. **The Committee urges the State party to ensure that future rapporteurs of the National Office for the Prevention of Torture are selected by means of a public process that is transparent, participatory and inclusive and that will be independent, will maintain a gender and ethnic balance and will be based on an objective evaluation of the candidates' merits in terms of suitability, probity and recognized qualifications in a range of multidisciplinary fields, including health care (see article 18 of the Optional Protocol and the Committee's guidelines on national preventive mechanisms (CAT/OP/12/5, paras. 17 to 20)). The Committee also urges the State party to:**

(...)

(b) **Ensure that the National Office for the Prevention of Torture has unhindered access to all places of deprivation of liberty and is able to hold confidential meetings with detainees, follows up on the findings that it conveys to the proper authorities and on its recommendations, and respects and ensures the independence of the judiciary at all times;**

(...)

Deaths and ill-treatment occurring in residential and detention centres for adolescents

(...)

25. **The Committee urges the State party to adopt effective measures for:**

(a) **Investigating, promptly, thoroughly and impartially, all allegations of murder, torture, ill-treatment, sexual abuse and trafficking of children and adolescents who have been placed in the Virgen de la Asunción orphanage – whether the alleged events occurred before or after the events of 8 March 2017 –**

and of children and adolescents who have been placed in other shelters or detention centres and ensuring that the suspected perpetrators, together with their superiors who knew or should have known that such acts were being committed, are prosecuted and, if found guilty, punished in a manner that is commensurate with the seriousness of their actions;

(b) Promptly providing full redress to the child and adolescent victims of these acts and their families, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible;

(...)

Investigations of acts of torture and other serious violations committed during the internal armed conflict

(...)

27. The Committee reiterates its previous recommendations (CAT/C/GTM/CO/4, para. 15 and CAT/C/GTM/CO/5-6, paras. 10 and 11) and urges the State party to:

(a) Ensure that all grave human rights violations committed during the internal armed conflict, in particular massacres, acts of torture, acts of sexual violence and enforced disappearances, including the Ixil genocide, are investigated without delay and that the parties who planned and directed those crimes and the parties who actually carried them out, including the chain of command, are punished in a manner commensurate with the seriousness of their acts. The State party should rule out the possibility of granting an amnesty or any other type of pardon for the crime of torture, as to do so would be a breach of the Convention;

(...)

Violent deaths, evictions and internal security

(...)

33. The Committee reiterates its previous recommendations (CAT/C/GTM/CO/4, para. 16 and CAT/C/GTM/CO/5-6, paras. 15 and 16) and urges the State party to redouble its efforts to:

(...)

(d) Take, as a matter of urgency, the necessary measures to fulfil the State's commitment to definitively withdraw the armed forces from civil security tasks;

(e) Ensure that all private security firms are registered, as required by law, that their activities are properly monitored and that they are held accountable, and that those that fail to comply with the law are penalized;

(...)

Follow-up procedure

44. The Committee requests the State party to provide, by 7 December 2019, information on follow-up to the Committee's recommendations on the national mechanism for the prevention of torture; deaths and ill-treatment occurring in shelters and detention centres for adolescents; investigation of acts of torture and other serious violations committed during the internal armed conflict; and violent deaths, evictions and internal security (see paras. 15 (b), 25 (a) and (b), 27 (a) and 33 (d) and (e) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations contained in the concluding observations.

(...)
