



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENC: CAT/follow-up/reminders

7 July 2014

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the combined fifth and sixth periodic report of Guatemala (CAT/C/GTM/5-6) by this Committee, at its 50th session, held from 6 to 31 May 2013. At the end of that session, the Committee's concluding observations (CAT/C/GTM/CO/5-6) were transmitted to your Permanent Mission. In paragraph 28 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 31 May 2014, further information regarding areas of particular concern identified by the Committee in paragraphs 13, 14 and 18 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Guatemala on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Jens Modvig

Rapporteur for Follow-up on Concluding Observations
Committee against Torture

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**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/5-6)

GUATEMALA

(...)

C. Principal subjects of concern and recommendations

(...)

Violence against women

13. While it welcomes the legislative and other measures adopted by the State party to prevent and punish violence against women, particularly the definition of femicide as a specific offence, the Committee notes with deep concern that, despite its previous recommendation (para. 16) the level of violence against women, including murders, remains high. The Committee is very concerned to see that, according to the National Institute of Forensic Sciences, 709 violent deaths of women were recorded in 2012 and 200 between January and March 2013. Furthermore, while recognizing the progress made in terms of criminal investigations and prosecution, the Committee notes with concern the low number of convictions for offences related to violence against women (arts. 1, 2, 12, 13, 14 and 16).

The Committee urges the State party to:

- (a) Redouble its efforts to prevent and combat violence against women, including gender-related murder; ensure the full and effective application of the relevant legislation; and ensure effective coordination between the various bodies that have a role to play in tackling violence against women;**
- (b) Ensure that acts of violence against women are investigated promptly, effectively and impartially, and that the perpetrators are tried and punished in accordance with the seriousness of their acts;**
- (c) Ensure that victims obtain appropriate redress, including physical and psychological rehabilitation services, and have access to shelters to house and support them in every region of the country;**
- (d) Run extensive awareness campaigns for the general public and extend and strengthen existing training programmes to ensure that all police officers, judges, lawyers, social workers and health workers are ready to respond effectively to all cases of violence against women.**

Human rights defenders

14. The Committee remains concerned about the persistently high number of threats and attacks, including murders, targeting human rights defenders, particularly those defending the rights of indigenous peoples and those working on issues related to the right to land, labour rights and the environment, despite the recommendations of numerous human rights monitoring bodies. In this connection, the Committee takes note with concern of the report that 15 human rights defenders were murdered between January and October 2012. It is also concerned about reports that only a limited number of convictions have been obtained for crimes against human rights defenders. Furthermore, the Committee notes with concern the reports that campaigns have been waged, including in the media, to discredit their activities and that the criminal justice system has been used to persecute them (arts. 2, 12, 13 and 16).

The Committee urges the State party to recognize publicly the essential role played by human rights defenders in helping it fulfil its obligations under the Convention, and to take the necessary steps to facilitate their work. Recalling its earlier recommendation (para. 12), the Committee urges the State party to:

- (a) Redouble its efforts to guarantee the effective protection, safety and physical integrity of human rights defenders in face of the threats and attacks to which they are vulnerable on account of their activities;**
- (b) Ensure the prompt, thorough and effective investigation of all threats and attacks targeting human rights defenders, and ensure that those responsible are tried and punished in accordance with the seriousness of their acts;**
- (c) Guarantee the continued existence of the Unit for the Analysis of Attacks on Human Rights Defenders.**

(...)

Detention conditions

18. The Committee is concerned about the poor conditions in detention centres, including centres for women, and, in particular, about the high levels of overcrowding, which reportedly exceed 200 per cent. It is also concerned about reports that recount incidents of inter-prisoner violence and indicate that numerous detention centres are controlled by organized groups of prisoners that, with the acquiescence of the authorities, allegedly force other prisoners to pay them not to hurt them or to get them out of various tasks, a practice known as *talacha*, and that they beat anyone who cannot pay up, sometimes to death. In this connection, the Committee notes with concern the deaths of Messrs. Víctor Rojas and Efraín Pérez in 2012 after they were beaten for not paying the *talacha*. The Committee takes note of the information supplied by the delegation, which said that steps are being taken to improve detention conditions and find a comprehensive solution to the problem of overcrowding (arts. 2, 11 and 16).

The Committee urges the State party to speed up and step up its efforts to reduce overcrowding, particularly through the use of alternatives to custodial sentences, in line with the Tokyo Rules. The Committee also recommends that conditions in prisons should comply with the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in resolution 663C (XXIV) of 31 July 1957 and resolution 2076 (LXII) of 13 May 1977, and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules, adopted by General Assembly resolution 65/229 of 21 December 2010). The Committee further recommends that the State party ensure its authority and responsibility for the humane treatment of prisoners in centres of detention and step up its efforts to eradicate the practice whereby organized groups of prisoners control these centres; ensure that all cases of prison violence, including torture and ill-treatment, are investigated thoroughly and impartially, and that the perpetrators are brought to trial and, if found guilty, are punished in accordance with the seriousness of their acts; and ensure that detainees have access to an independent complaints mechanism.

(...)

28. The Committee requests the State party to provide, by 31 May 2014, follow-up information in response to the Committee's recommendations related to: (a) ensuring or strengthening fundamental legal safeguards for detainees; (b) conducting prompt, impartial and effective investigations; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as contained in paragraphs 13, 14 and 18 of the present document.
