

officials, failure to separate adults from juveniles in the prison population; irregular visits by judicial authorities and restricted access for such authorities when visiting; and failure to inform detainees of reasons for detention and charges against them.

On the question of the security of citizens, the report notes that newspapers and television news daily broadcast items about bodies found in the streets, tied up or showing signs of abuse and that, in response, people in the upper class have hired and armed private security staff, creating private mini-units that are beyond any control. The general atmosphere of citizen insecurity is compounded by the fact that harassment and threats are common, and frequently target members of the judiciary and the Public Prosecutor's Office, leaders of human rights organizations, and professionals assisting the survivors of recent massacres.

The report includes commentary on a number of conditions that continue to affect negatively economic, social and cultural rights. Among the rights considered are those related to decent and equitable working conditions, trade unionism, health, education and property with, in the case of property, an increasingly complex problem developing and the externalization of historical land ownership disputes. Commentary is also provided on the situation of persons belonging to vulnerable groups. These sections address the needs and conditions affecting the indigenous majority, uprooted persons, communities in resistance, internally displaced persons, refugees, returnees, children and women.

The report concludes with recommendations, including that:

- ▶ steps be taken to ensure the "right to truth", viz., to conduct judicial investigations into past acts such as the massacre at Rio Negro;
- ▶ the law of the army be amended to abolish the institution of military commissioner and a climate fostered to prevent former commissioners from exercising controls over society;
- ▶ special vigilance be maintained with regard to the demobilization of civil defence units;
- ▶ the justice system be redefined so that entry into the judiciary is conducted by open competition and leads to the establishment of a professional and independent judiciary;
- ▶ the government reclassify crimes and review penalties to ensure that laws are consistent with the state's obligation regarding human rights;
- ▶ a professional civil police force be established to uphold public security; and
- ▶ existing procedures and mechanisms related to respect of economic, social and cultural rights be observed, including provisions and means addressing issues such as infant mortality, illiteracy and poverty.

The report also addresses two recommendations to the international community: first, that the Commission on Human Rights keep the situation in Guatemala under review; and, second, that a new representative of the High Commissioner for Human Rights be appointed expeditiously to fill a

vacancy that has been in effect since May 1996 and assist, as agreed on 8 October 1992, with the return of refugees.

Resolution of the Commission on Human Rights

At its 1997 session the Commission on Human Rights adopted a resolution by consensus (1997/51) in which it: expressed appreciation for the efforts made by the government and the armed opposition, the Unidad Revolucionaria Nacional Guatemalteca (URNG), to conclude peace negotiations in 1996; recognized efforts by the government in the field of human rights; encouraged the government to apply necessary urgent measures to consolidate democratic institutions, taking into account the recommendations of the Independent Expert and those of the UN Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), and the commitments in the peace agreements; regretted continuing violations, including those related to the right to life and physical integrity; regretted that impunity continues to exist; expressed concern that the National Reconciliation Act will be used as a means to grant impunity to state officials involved in serious violations of human rights and criminal acts committed during the armed conflict; expressed confidence that the Commission established to clarify past human rights violations and acts of violence will begin its work as soon as possible; requested the international community to extend full cooperation to this Commission; called for efforts by the government and the URNG to ensure full participation of the people in building a multi-ethnic, multicultural and plurilingual nation; called for efforts by the government and the URNG to ensure the establishment of a democratic society and the preeminence of civilian authority in national decision-making; requested judicial authorities to expedite the restructuring and consolidation of the judicial system so as to guarantee rule of law, application of justice, unconditional observance of human rights and the elimination of impunity, particularly for violators of human rights; welcomed the agreement signed with Centre for Human Rights for provision of advisory services; expressed appreciation for the work done by the Independent Expert; requested the Secretary-General to submit a report to the 1998 session of the Commission on the evolution of the human rights situation in Guatemala, with a view to concluding consideration of Guatemala at that session.

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

At its 1997 session, the Sub-Commission adopted a decision (1997/105) authorizing a statement by the Chair on respect for human rights and the conclusion of the peace process in Guatemala (E/CN.4/Sub.2/1997/50, para. 41, p. 133-137). The statement, *inter alia*: welcomed the signing of the Peace Agreement and expressed the hope that it would lay the foundations for a solution to the country's social and economic problems, along with security and the administration of justice; recognized the efforts of the government and urged it to continue with its policy of implementing measures for the protection and promotion of both individual and collective human rights, including the eradication of extreme poverty and overcoming the marginalization and