

human rights protection for law enforcement officials; and, lack of adequate and proportionate participation of the indigenous population in Parliament, the public service and public life at the national level and, in particular, underrepresentation among judges and in the administration of justice.

The Committee recommended that the government:

- ▶ continue and strengthen efforts to change the climate of violence and to support rapid disarmament;
- ▶ provide in its next report detailed information on the effectiveness of newly adopted laws and newly created bodies on ethnic relations;
- ▶ include in its next report information on complaints received and judgements issued concerning racial discrimination;
- ▶ continue the process of incorporating the prohibition of racial discrimination in national legislation, and the adoption of laws to implement the agreement on the identity and rights of indigenous peoples;
- ▶ take steps to ensure the effective implementation of new laws and provide for access to the judiciary for all members of the population, in particular by furnishing adequate interpretation services for indigenous people at all levels of judicial proceedings;
- ▶ improve the training of law enforcement officials in the area of protection of human rights;
- ▶ take effective measures to end the impunity of state officials who act illegally and guarantee the availability of remedies and due process for all people;
- ▶ continue efforts to ensure the full participation of all citizens in public life, in particular in elections, after having been adequately informed in the respective languages spoken in Guatemala;
- ▶ take measures to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population, including those persons returning to the territory;
- ▶ use the provisions of ILO Convention No. 169 as a guideline for resolving land distribution issues and consider, in the light of that Convention, the question of compensation for properties for which restitution is not possible;
- ▶ increase efforts to promote affirmative measures in the fields of education and training and introduce bilingual education for all parts of the population; and,
- ▶ consider establishment of a national commission to undertake specific activities in response to recommendations and suggestions made by the Committee.

#### **Discrimination against Women**

Signed: 8 June 1981; ratified: 12 August 1982.

Guatemala's third periodic report was due 11 September 1991; the fourth periodic report was due 11 September 1995.

#### **Torture**

Acceded: 5 January 1990.

Guatemala's second periodic report (CAT/C/29/Add.3) is scheduled for consideration by the Committee at its May 1998 session; the third periodic report is due 3 February 1999.

#### **Rights of the Child**

Signed: 26 January 1990; ratified: 6 June 1990.

Guatemala's second periodic report was due 1 September 1997.

*Reservations and Declarations:* Article 1.

### **COMMISSION ON HUMAN RIGHTS**

#### **Independent Expert on Guatemala**

The CHR has considered the human rights situation in Guatemala each year since 1979 and, since 1983, violations have been investigated and reported to the Commission by various means including a Special Rapporteur (1983–1986), a Special Representative (1987) and an Independent Expert (1988–1997). Monica Pinto was appointed to this position in October 1993 and reported to the 1997 Commission. (As noted below, the mandate was terminated at the 1997 session.)

The report of the Independent Expert to the 1997 session of the Commission (E/CN.4/1997/90) takes into consideration the practical effect of the signing of various agreements that culminated in 1996 with the signing of the Agreement on a Firm and Lasting Peace. It notes that the agreements address areas such as: effective implementation of laws related to labour rights; access for peasants to land ownership; recognition of the legal personality of labour organizations; creation of a Public Defender's Office for criminal matters; establishment of a single national civil police force under the authority of the Ministry of the Interior; introduction of laws governing private security companies; restrictions on the possession and carrying of weapons; limitation on the role of the army to the defence of national sovereignty and territorial integrity; the disbanding of the Mobile Military Police; repeal of the decree establishing the Voluntary Civil Defence Commissions or Civilian Self-Defence Patrols; and, a requirement that an affirmative action policy be implemented to ensure equal participation in and benefit from society for women. The effect of the signing of this series of Agreements is acknowledged in the report as positive but it also suggested that the situation remained tentative.

The report comments on violations and problems in a number of areas, including:

- ▶ a decreased number but continuing allegations of violations of the rights to life and personal integrity and the right not to be tortured or subjected to other cruel, inhuman or degrading treatment or punishment;
- ▶ serious difficulties in the administration of justice, including: loss by the judiciary of its social and professional prestige; appointment of judges on the basis of influence; lack of internal independence; lack of guarantees to assistance of counsel; an inadequate number of prosecutors to cover the whole of the territory; lack of resources to provide efficient direction of police investigations; and the slow pace of investigations into massacres carried out in the past, hindering the filing of charges against those alleged responsible; and,
- ▶ inadequacies in the prison system, including unsatisfactory conditions of hygiene, nutritionally poor food, lack of medical care, lack of education or work programmes, lack of clear definition of rights and duties of prison