



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the fifth and sixth periodic reports of Guatemala

Addendum

Information received from Guatemala on follow-up to the concluding observations*

[Date received: 17 July 2014]

I. Introduction

1. On 9 January 2012, Guatemala responded to the list of issues prepared by the Committee against Torture prior to the submission of a report. That response comprised the combined fifth and sixth periodic reports of Guatemala (CAT/C/GTM/5-6), pursuant to the reporting procedure. In preparing that document, the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) applied participatory methods, involving a number of State bodies, consulting them directly and in thematic workshops. These were forums for collective analysis and the sharing of experience and they publicized and disseminated international agreements in order to promote thinking and encourage compliance with commitments entered into by the State in relation with the international community.
2. The report was considered by the Committee at its 1142th and 1145th meetings (CAT/C/SR.1142 and 1145), held on 13 and 14 May 2013 at the Palais Wilson, Geneva.
3. At the request of the Committee, Guatemala presents the following document describing the measures and actions implemented in this area.

* The present document is being issued without formal editing.



II. Significant progress on the recommended national mechanism

4. Pursuant to article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee against Torture was established and began work on 1 January 1988 as a United Nations body responsible for monitoring a legal instrument for protection against torture and other acts of cruelty. Its purpose is to strengthen the defence of human rights and fundamental freedoms and it is empowered to carry out monitoring and investigation to ensure their effective enjoyment.

5. Through the Secretary-General of the United Nations, States parties report to the Committee on measures they have adopted in compliance with their obligations under the Convention. States parties are required to submit periodic reports every four years on any new provisions they have adopted.¹

6. Guatemala is a party to the Convention (which it ratified on 12 October 1989 by means of Congressional Decree No. 52-89) and to the Optional Protocol (approved by Decree No. 53-2007), whose instrument of ratification was deposited with the United Nations on 9 June 2008. In September 2003 Guatemala made a declaration relating to article 22 of the Convention, recognizing the competence of the Committee to receive individual complaints in cases of torture.²

7. Pursuant to Congressional Decree No. 40-2010, the Act on the National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in conformity with article 17 of the Optional Protocol to the Convention, which requires each State party to maintain, designate or establish a national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment. That mechanism is designed to function as an independent body for the prevention of torture and other cruel, inhuman or degrading treatment through a system of periodic visits to places where persons deprived of their liberty are held.

8. That mechanism is the National Office for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which will have an advisory council.

9. The National Office will be commissioned by Congress and will serve as a collegiate body composed of five regular and five alternate rapporteurs, each elected for a period of five years. Two regular members may be re-elected for a period of five years and the other three for a period of three years. By means of Congressional Decree No. 10-2014, the following rapporteurs were elected:

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 19.

² *Ibid.*, art. 22 (1): "A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration."

Table 1

Regular and alternate rapporteurs of the National Office for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Regular members	Otto Marroquín Guerra (3 years)	Mario Enrique Carrera (3 years)	Lucrecia Villalta Martínez (5 years)	Carlos Alberto Solórzano (5 years)	Hilario Roderico Pineda Sánchez (3 years)
Alternates	Anthony Giovanni Pivaral de León (3 years)	María Elizabeth Ramos Aguilar (3 years)	Iracema Palacios Franco (5 years)	José Antonio Meléndez Sandoval (5 years)	Sandra Shaw Díaz (3 years)

10. The National Office has been established since 25 March 2014, has been housed in temporary accommodation pending the allocation of resources for its functioning and has already made some progress in setting up its institutional structure. In first 40 working days of its operation, it had defined the content of its own institutional policies, the organizational and functional structure of the national mechanism and the budget for its implementation and initial functioning in 2014, for which it had taken measures to secure Congressional approval.

11. As part of the above tasks, it has defined the basic classification of the positions and salaries required for the functioning of its institutional platform, including delegates as required by law and by the Optional Protocol. On 26 May, a public invitation was addressed to civil society organizations to participate in the advisory council of the National Office. Work is in hand to finalize general regulations to complement and implement the mandates contained in Decree No. 40-2010 and the Optional Protocol.

III. Follow-up to the recommendations of the Committee

12. In its concluding observations on the State party's combined fifth and sixth periodic reports, the Committee requested that the State party should provide information by 31 May 2014 on action taken in response to the Committee's recommendations in paragraphs 13, 14 and 18 of its concluding observations, which concerned the subjects of violence against women, human rights defenders and conditions of detention.

A. Violence against women (paragraph 13 of the concluding observations)

1. 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

13. The State refers to the actions and measures it is promoting and conducting through the Presidential Secretariat for Women to redouble its efforts to prevent and combat violence against women, including gender-based murder, through the following strategies:

(a) Redouble its efforts to prevent and combat violence against women, including gender-related murder

14. In 2012-2013 the Presidential Secretariat for Women launched a joint initiative to formulate an inter-agency strategic plan for the prevention of violence against women, working with the Presidential Commission on Femicide, the Department against Violence, Exploitation and Trafficking in Persons, the Programme for the Prevention and

Elimination of Domestic Violence, the Justice Administration (Gender Analysis Unit, Judicial Unit, Office of the Chief Justice for Cases involving Femicide or Other Forms of Violence against Women), the Public Prosecution Service, the Public Criminal Defence Institute, the Ministry of the Interior, the National Civil Police (NCP), the Office of the Counsel-General of the Nation, the United Nations Population Fund (UNFPA) and the Women's Civic and Political Coalition. This initiative was suspended and replaced by a new project at the regional level, the Regional Project for the Prevention of Violence against Women, Trafficking and Femicide.

Regional Project for the Prevention of Violence against Women, Trafficking and Femicide

15. In order to help to create an atmosphere of improved security for persons and their property and promote sustainable human development, the heads of State and Government of the Central American Integration System (SICA), at their thirty-first Ordinary Meeting held in Guatemala on 12 December 2007, established a Central American security plan. Following that summit meeting, an intersectoral meeting of ministers of foreign affairs, public security/the interior and defence, directors of public prosecutions and police chiefs, held on 3 September 2010 at Antigua Guatemala, agreed that the security plan should be reviewed and updated, a process which was completed in 2011.

16. The project, focusing on specific actions to prevent all manifestations of violence against women and assist its victims, has adopted an approach strategy involving the strengthening of the institutional mechanisms of the Presidential Secretariat for Women, the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons and the Ministry of the Interior.

17. The project is expected to continue for two years (2014-2015), with a budgetary allocation of US\$ 1,452,211.43. To ensure the fulfilment and implementation of the project's priorities, the country has established a national mechanism, the Presidential Secretariat for Women, as the lead agency in relation to women's human rights as contained in national and international instruments including those relating to gender equality and all forms of violence against women. Two bodies are responsible for ensuring compliance in relation with the project's specific themes: regarding security, crime and violence, the Ministry of the Interior is responsible through its Third Vice-Ministry for the prevention of violence and crime, and the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons has responsibility for the prevention of human trafficking and support for its victims.

18. The Guatemala project is undergoing its final revision by the technical committee of the Regional Project for the Prevention of Violence against Women, Trafficking and Femicide, based at SICA, and is expected to be launched in July 2014. It should be noted that funds have already been allocated and local staff have been hired in order to implement it.

(b) *Ensure the full and effective application of the relevant legislation*

19. The Government's political agenda gives priority to tackling the various manifestations of violence against women, trafficking and femicide in Guatemala. Concrete progress has been made in the areas of legislation, legal frameworks, budgeting and planning. It should also be noted that institutional structures have been created to deal with this area.

20. In the area of domestic violence, the State acknowledges the existence of persistent patterns of gender violence and violence against children and older persons. In 2013, Government Order No. 111-2013 was adopted, amending Government Order No. 929-99

and requiring the Presidential Secretariat for Women to coordinate, conduct and advise on actions for the prevention and eradication of domestic violence and violence against women and assist their victims, in accordance with section 5 of the policy on the comprehensive advancement of women. It was therefore decided that the Presidential Secretariat for Women should control the Programme for the Prevention and Elimination of Domestic Violence to enable it to achieve its goals according to the needs of the female population that it is intended to target. The new Government Order came into force on 7 March 2013.

21. Through the judicial system, the State is responsible for administering justice independently and with the power to prosecute offences. In this respect, the following progress has been achieved in the area of gender.

22. Criminal courts have been established to deal with offences of feminicide and other forms of violence against women in the departments of Guatemala, Alta Verapaz, Chiquimula and Escuintla. The following have also been created:

- (a) Nine criminal courts for the offences of feminicide and other forms of violence against women;
- (b) Six criminal trial courts for the offences of feminicide and other forms of violence against women;
- (c) Two collegiate courts for the offences of feminicide and other forms of violence against women;
- (d) One division in the Criminal Appeals Court for the offences of feminicide and other forms of violence against women.

(c) *Ensure effective coordination between the various bodies that have a role to play in tackling violence against women*

23. Coordination is among the most widely-used tools for tackling the various manifestations of violence against women. The State has created a number of mechanisms having specific functions in accordance with their mandates. In this area of the executive power, violence against women is a priority issue for the Special Cabinet for Women, coordinated by the Vice-President, and is always on its agenda.

24. Through the Programme for the Prevention and Elimination of Domestic Violence, the Presidential Secretariat for Women has conducted the following activities in coordination with a number of institutions, all of which are connected to the area of violence against women:

- (a) Jointly with the Network for the Prevention of Domestic Violence and Violence against Women, the Presidential Secretariat for Women has participated in the creation of the sub-network against domestic and gender violence of the Third Vice-Ministry of the Interior. The sub-network is responsible for establishing public policy on prevention of violence. Appropriate meetings have been held with sectors involved in that area to identify the coverage and scope of the institutional network;
- (b) Consideration has been given to the creation of a network for the referral of victims of domestic violence, together with the multisectoral network of the municipality of Mixco, Guatemala department, and the Public Prosecution Service. Two reports were drafted regarding meetings to discuss the network's progress in the area of domestic violence, with participation by 13 representatives of the participating bodies;
- (c) A "march for peace and love in the family" was held in coordination with local actors and authorities, involving 3,409 children, 600 parents and 142 teachers, representing the following schools: Estado de Israel, Jornadas Matutinas y Vespertina; Germán Alcántara; Julia Idígoras Fuentes; Escuela para Párvulos, Colonia Santa Marta,

zone 5 of the municipality of Mixco, department of Guatemala. This activity promotes the prevention of domestic violence;

(d) As part of the awareness-raising campaign and through the prevention programme, in order to involve more multiplying agents, the Presidential Secretariat for Women entered into an agreement with the Panamerican University, to enable second-year students from the Department of Psychology to experience supervised practice in educational workshops on the prevention of domestic violence.

25. In the framework of the coordination, the Presidential Secretariat for Women has held, participated in and contributed to inter-agency meetings in order to promote activities to prevent violence against women. These activities have been coordinated with the municipality of Chimaltenango, the *Jóvenes por Guate* (young people for Guatemala) association; the Ministry of the Interior and NCP, the Presidential Commission on Femicide, the Public Criminal Defence Institute, the Public Prosecution Service, the Centre for Research and Support for Women, the departmental government and the National Institute of Forensic Sciences in Guatemala City and Chimaltenango; 75 women and 30 men benefited from this activity.

26. In 2012, through its judiciary, Guatemala signed the following agreements for the prevention of all forms of violence against women:

(a) An administrative cooperation agreement signed by the Supreme Court and the Clothing and Textile Industry Association, to publicize women's rights and in particular to promote labour-market reintegration for women survivors of various manifestations of violence;

(b) A collaboration and coordination agreement between the judiciary and the *Convergencia Ciudadana de Mujeres* (Women's Civic Coalition), to monitor the system of institutional integrity and other processes which help to facilitate access to justice for women;

(c) A collaboration and coordination agreement between the judiciary and the Sororaria Alliance for women's lives, which is made up of the following organizations: the Women's Civic Coalition, the Women's Civic and Political Coalition, the Women's Centre for Research, Training and Support, the *Tierra Viva* women's group and the National Union of Guatemalan Women. Its purpose is to organize the sharing of statistical data for an observatory of civil society bodies to monitor and follow up prosecutions for violent deaths of women and sexual offences in the departments of Guatemala, Escuintla, Quetzaltenango, Chiquimula and Chimaltenango.

2. 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

27. In the area of human trafficking, through the Department against Violence, Exploitation and Trafficking in Persons, the State is responsible for coordinating the Inter-agency Commission against Trafficking. It was within that Commission, in 2010, that the need was raised to open a specific shelter to assist foreign or Guatemalan adults who had been trafficked. The shelter was placed under the authority of the Social Welfare Secretariat of the Office of the President.

28. The shelter, located in Guatemala City and named *Albergue Luz de Esperanza* (Light of Hope Shelter) was established under Internal Order No. 011A-2011 of 26 January 2011. It is designed to provide a comprehensive service, free of discrimination and with respect for the human rights and dignity of the persons concerned, to promote the physical

and emotional recovery of victims of trafficking while offering new opportunities in their lives.

29. As soon as a victim is identified, appropriate assistance is provided by activating a rapid-response team comprising representatives of the Department against Violence, Exploitation and Trafficking in Persons, the coordinating authority, the Public Prosecution Service, as the functional leader of the investigation and responsible for conducting the criminal investigation and prosecution, NCP through its Special Criminal Investigation Division, Social Welfare Secretariat of the Office of the President and the Attorney General's Office.

30. The provision of assistance is also guided by two inter-agency protocols:

(a) The Inter-agency Coordination Protocol for the protection of and assistance to victims of human trafficking. Revised and updated in 2013 (not yet printed);

(b) The Inter-agency Protocol for the repatriation of victims of trafficking. Children, adolescents and adults. Revised and updated in 2013, already in force.

3. 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

31. Through the Subdirectorate-General for Crime Prevention, NCP and the Specialized Department for Children and Adolescents of the Ministry of the Interior, the State has conducted the following awareness campaigns:

Table 2
Specialized Department for Children and Adolescents

No.	<i>Campaign targeting the general public</i>	<i>Training and teaching programmes targeting NCP</i>	<i>Training and teaching programmes targeting children, young people and parents</i>
01	Police body	Training for NCP on its activities in connection with missing or disappeared children and adolescents under the Act on the Alba-Kenneth Alert System	Talks for children, adolescents and/or parents on the rights and obligations of children under the Act on the Comprehensive Protection of Children and Adolescents and the Convention on the Rights of the Child

Table 3
Department of Gender Equality

No.	<i>Campaign targeting the general public</i>	<i>Training programmes</i>	<i>Training and teaching programmes targeting NCP</i>
01	Police body	Training for NCP on its activities relating to proceedings on domestic and other forms of violence against women and on national and international law on the protection of women's rights	Workshop for police officers with the compendium of laws for the application of women's human rights, NCP procedural protocol for dealing with violence against women and Resolution 1325/200
02	Campaign targeting the general public	Informative talks for civil society (parents, children and adolescents), educational centres and community leaders	Trilogy of laws on the application of law in relation to women and issues regarding crime prevention with a gender perspective

32. Through the Ministry of Public Health and Social Welfare (Violence and Mental Health Section, risk management unit), the State has a work programme for 2014 involving supervision, monitoring and systematic technical assistance for the nine basic tasks of the strategy of committees on violence in health districts. This strategy is based on Ministerial Agreement No. 527-2013, subparagraph g, and annex 1: the approach to comprehensive pregnancy care for girls aged under 14, the appropriate integration into the network of level 1 and 2 health services, as well as pregnancy prevention in underage girls, violence against women and sexual violence, with inter-agency coordination at the local level.

33. The Committees on Violence, in the framework of the agreement on inter-agency activity by the Ministry of Public Health and Social Welfare through the country's hospitals, the Public Prosecution Service, the National Institute of Forensic Sciences, the Counsel-General's Office, the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons and the Office of the Human Rights Advocate on the care of victims of ill-treatment and/or sexual offences.

34. The agreement on inter-agency action was concluded in November 2010 and its agenda was adopted in May 2013 by the heads of the aforementioned participating institutions. Their main objective is to safeguard and protect human life by adopting long-term coordinated activities among those institutions, providing integrated support with dignity to the victims of ill-treatment and/or sexual offences who enter the criminal law system via the hospitals of the State health network.

35. At the health district level, each Committee on Violence has the main objective of preventing and controlling the various manifestations of violence, giving priority to five types of violence (physical, domestic, sexual, economic and psychological), implementing an alert and response system in response to violence at the health district level with multisectoral joint responses, assessing the response capacity of the network of health services and other relevant bodies. Each Committee is also required to determine the causes of violence, identifying social factors, conditions and protective and risk factors and the related epidemiological pattern of violence with a view to tackling the causes.

B. Human rights defenders (paragraph 14 of the concluding observations)

36. On 9 December 2013, the Ministry of Foreign Affairs organized an event to mark International Human Rights Day. Participants included members of the diplomatic corps accredited in Guatemala, international organizations, United Nations bodies, academic institutions, State officials and officials of the Ministry.

37. On this occasion, the Government reaffirmed its commitment to the international system of protection and promotion of human rights and recognized the significant contribution of human rights defenders in promoting those rights, justice and democracy in the country.

1. 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

38. Pursuant to the goals for which the Unit for the Analysis of Attacks against Human Rights Defenders was established, it has been strengthened institutionally and there has been an uninterrupted series of 90 ordinary meetings between 2012 and 2014, resulting in the following:

(a) A document on the analysis of patterns of attacks against human rights defenders in the group representing journalists, which will be published shortly;

(b) The implementation of a new system of security and immediate preventive protection for human rights defenders;

(c) Studies of cases examined and investigated by the divisional human rights prosecutor's office of the Public Prosecution Service, which are presented weekly at the ordinary meetings of the Unit;

(d) Four training workshops were held in Guatemala City and the departments of Quetzaltenango, Alta Verapaz and Izabal to bring together departmental and/or rural journalists and the justice system, in coordination with the *Centro de Reportes Informativos Sobre Guatemala* (Guatemalan News Centre);

(e) Incorporation of an additional 12 officials into the Unit, bringing its staff numbers up to a total of 20 specialized investigators and two managers. This has made it possible to allocate five investigators to each of the divisional human rights prosecutor's offices: these are responsible, respectively, for investigating attacks on journalists, human rights activists, trade unionists and judicial personnel. To date, the Unit has conducted 222 investigations;

(f) Strengthening of the prosecutor's office within the Public Prosecution Service responsible for investigating attacks on journalists, thanks to the appointment of a grade II assistant prosecutor.

(g) The hiring of a consultant from NAS to assist with studies on patterns of attacks against human rights defenders, which will help to advance criminal investigations and lead to convictions for attackers and the provision of adequate redress to victims.

(a) *Unit for the investigation of attacks on human rights defenders of the Special Criminal Investigation Division of NCP, attached to the Unit for the Analysis of Attacks against Human Rights Defenders*

39. This unit exercises the technical assistance function of NCP within criminal investigation, under the criminal-law responsibility of the Public Prosecution Service. It is specifically attached to the divisional human rights prosecutor's office of the Public Prosecution Service, consisting of the human rights prosecutor's offices responsible for investigating attacks on journalists, human rights activists, trade unionists and judicial personnel. This unit provides assistance in criminal investigation for all cases which come under the divisional human rights prosecutor's office of the Public Prosecution Service; its investigation requirements may involve actions at the national level, as a result of which it has recently been reinforced by an additional 12 investigators, bringing it to a total of 20, with five investigators being assigned permanently to each of the units. To this end, the Ministry of the Interior has invested 3,000,025 quetzales. The cases investigated by this unit are presented weekly at the ordinary meetings of units for the analysis of attacks against human rights defenders, generating investigative recommendations to the Public Prosecution Service.

b) *Programme of measures for prevention and protection of human rights defenders and other vulnerable groups*

40. During this period, in response to the needs and demands of human rights defenders, a preventive security and protection mechanism has immediately been implemented for human rights defenders through NCP, the body which provides preventive and reactive security. As soon as an attack against a human rights defender becomes known through a verbal or written complaint, the security mechanism is activated in a preventive sense and to assess the acts about which the complaint was made.

2. 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

41. The State has established mechanisms to safeguard and protect the rights of human rights defenders, through the creation of specialized offices known as “prosecutors’ offices for offences committed against human rights defenders”, where relevant complaints can be made.

42. Ministerial Agreement 09-2012 of 10 January 2012 established the Unit for the Analysis of Attacks against Human Rights Defenders in Guatemala. The Unit comprises a representative of the Ministry of the Interior, who coordinates it, and representatives of the Prosecutor-General of the Public Prosecution Service and the Presidential Human Rights Commission. The Unit’s functions include: (a) analysing cases to identify patterns in the attacks on human rights defenders; (b) making recommendations to the competent bodies for the investigation of such attacks; (c) recommending technical criteria for assessing risk and threat levels and the vulnerability of human rights defenders; and (d) compiling information on the enforcement of prevention and protection measures and on their effectiveness in reducing risk. In addition, the Public Prosecution Service, the Ministry of the Interior and the Presidential Human Rights Commission have signed an inter-agency agreement in which they express their commitment to participating in this dialogue mechanism and supporting its institutionalization.

3. Guarantee the continued existence of the Unit for the Analysis of Attacks on Human Rights Defenders

43. The Unit for the Analysis of Attacks on Human Rights Defenders was initially created by Ministerial Agreement 103-2008, dated 10 January 2008, for a period of four years which was to expire on 11 January 2012, and Ministerial Agreement 09-2012 of 10 January 2012 confirmed its establishment for a further four years. Its basic function was to analyse, in context, the patterns of attacks on human rights defenders, using a well-defined scientific methodology which was approved by the members of the Unit. Its functions include the following:

(a) Preparing case studies to detect patterns in attacks on human rights defenders;

(b) Draft recommendations for the investigation of attacks on human rights defenders, for the Human Rights Unit of the Special Criminal Investigation Division and the Public Prosecution Service;

(c) Recommend specific criteria to the relevant authorities for use in assessing the risk levels of human rights defenders, based on an analysis of patterns of attack;

(d) Collect information on compliance with prevention and protection measures and on their effectiveness for reducing risks for activists who have been attacked.

44. The Unit comprises the following:

(a) A representative of the Ministry of the Interior, coordinating the Unit. That coordination is currently delegated to the Ministry’s Human Rights Directorate, which was established as part of its new political and administrative structure to mainstream respect for, observance of and education in human rights in its various departments;

(b) A representative of the Prosecutor-General of the Public Prosecution Service;

(c) A representative of the Chairperson of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH).

45. In addition, at the discretion of the members of the Unit, the following bodies may participate as guests:

(a) Representatives of country-level human rights bodies, such as journalists, trade unionists, judicial personnel, the LGBT community and human rights activists;

(b) Prosecutors employed in the Human Rights Section of the Public Prosecutor's Office, including the units dealing with offences against journalists, human rights activists, trade unionists and judicial personnel;

(c) As an observer, a representative of the office in Guatemala of the United Nations High Commissioner for Human Rights. This participation has been constant throughout the 90 meetings to date, and that representative has signed and validated all the work and decisions included in the Unit's continuous weekly activities.;

(d) Exceptionally, when the members of the Unit deem it necessary, representatives of other State bodies or members of non-governmental organizations.

46. In April 2013, two representatives of civil society bodies asked to be allowed to withdraw from the Unit temporarily because they had to consult with bodies representing activities currently taking place in the Unit. These were the representative of the Unit for the Protection of Human Rights Defenders (*Unidad de Protección de Defensores y Defensoras de Derechos Humanos*, UDEFEGUA), the *Refugio de la Niñez* (Children's Refuge) association and the Dutch Platform against Impunity in Guatemala. Those representatives have continued to receive information on the Unit's current activities and achievements. Also present in the Unit are representatives of groups of vulnerable human rights defenders such as trade unionists (national trade unions, federations and confederations), the LGBT community, journalists, judicial personnel (association of judges and magistrates). These groups, on the basis of the criteria approved by the United Nations, are considered to be human rights defenders because they protect the human rights of the groups they represent, regardless of their individual status.

C. Detention conditions (paragraph 18 of the concluding observations)

47. Regarding the Committee's recommendation that the State should eradicate the practice whereby centres of detention are controlled by organized groups of prisoners, the Directorate-General of Prisons constantly implements passive and active security measures, carrying out searches to restrict and prevent the possession or entry of illicit items, which may be weapons used for controlling certain prisoners. These actions are conducted under the Integrated Prison Security Plan.

48. Within the Directorate-General of Prisons there is a prison system inspection unit and a prison information analysis unit; the purpose of these is to follow up reports from either prisoners or prison guards regarding any known or reported incident involving ill-treatment of a prisoner. Furthermore, the anti-corruption code has been widely applied and publicized within the prisons and also outside them for the benefit of any persons who may be connected to or have knowledge of any harassment, misconduct or criminal offence.

49. A 24-hour telephone hotline (1533) with guaranteed confidentiality is available for persons wishing to report any illegal act. Public card-phones have been installed throughout prison facilities, facilitating communication for the prisoners and also independent complaints.

50. The following information supports the progress, achievements and actions taken in accordance with the criteria set by the Directorate-General of Prisons for 2012-2014.

1. Infrastructure

51. The activities include:

(a) Preventive and corrective maintenance of facilities. A group of technicians is permanently assigned to the maintenance of existing infrastructure, to ensure that its condition remains at the appropriate standard for the custody of prisoners;

(b) Planning: technical feasibility studies have been conducted for improvements to the current condition of infrastructure. The appropriate technical project briefs have been prepared for the contracting and execution of works to improve the following services:

- Drinking water;
- Drainage;
- Electric power.

(c) Strategic plan for large-scale infrastructure development. A feasibility study has been prepared for the extension of the Finca Canadá, Escuintla and Cantel detention centre in order to boost the capacity of the prison system and reduce overcrowding by 37 per cent. The new modules will have a capacity of 5,760 prison places;

(d) The “Mejorando Mi Centro” (Improving my Centre) programme to upgrade prison facilities.

2. Prisoner rehabilitation

52. The following are being implemented:

(a) A specific plan for the relocation of prisoners who have been convicted but are serving their sentences in preventive detention facilities;

(b) Analysis and standardization of all social rehabilitation programmes in order to unify them throughout the facilities managed by the Directorate-General;

(c) Specialized programmes in the areas of childhood, women, gender and violence;

(d) Increased numbers of placement files created by the multidisciplinary team, in coordination with the operational subdirectorate, to streamline the placement of prisoners who have been convicted;

(e) Increase in completed cases of remission of sentence and conditional release, coordinated with the Public Criminal Defence Institute;

(f) Agreements concluded with the Criminal Chamber, Public Prosecution Service and Public Criminal Defence Institute on the validity of reports for the established time periods;

(g) Monitoring and improvement of spaces in education and employment processes used by the Social Rehabilitation Branch;

(h) Promotion of technical programmes to enable prisoners to obtain certification in accordance with the skills obtained;

(i) Drafting of a care protocol for children aged up to four years staying with their mothers who are deprived of liberty;

(j) Structural improvements to medical clinics through international cooperation;

(k) Improving the skills of medical staff in specialized care in cases of HIV, tuberculosis and terminal illnesses;

(l) Strengthening of the vulnerable groups unit which cares for prisoners belonging to minorities including language groups, the LGBT community, older persons, persons with disabilities and gender;

(m) Cooperating with the School of Prison Studies to strengthen the human rights module, to include care in prison for other identified marginalized groups in prisons;

(n) Increase in approvals of cases of remission of sentence by the National Commission for Comprehensive Health, Education and Labour;

(o) Strengthening and progress in the social rehabilitation of prisoners through various programmes, such as:

- Employment programmes;
- Medical and dental health days;
- Educational programmes at all levels;
- Psychological care.

3. Information and communications technologies

53. The following have taken place:

(a) A videoconferencing room at the men's remand centre of zone 18 of Guatemala City;

(b) A study on blocking mobile telephone signals was prepared and submitted by the mobile telephone operators in the areas of Fraijanes, Guatemala department, and el Infiernito, Canadá, Escuintla department;

(c) Public card-phones have been installed in prisons in cooperation with the Secure Telecommunications Association (Asociación de Telecomunicaciones Seguras - ASTEL);

(d) Issuing of personal identification documents to prisoners by the National Registry Office;

(e) Managers, assistant managers and data-entry operators have been trained in the use of the integrated prison management system.

4. Transparency and honesty

54. Security measures have been comprehensively implemented in prison facilities to ensure effective control by the Directorate-General of Prisons; these are inspired by the Constitution of the Republic of Guatemala and human rights treaties and conventions ratified by the State, seeking to strengthen security in a framework of full institutional and inter-agency coordination and to achieve a better atmosphere in this social rehabilitation environment. To that end, the following strategies have been implemented:

(a) Preventive security measures such as checks and searches of visitors, to minimize the entry and presence of illicit items in prison facilities;

(b) Reorganization of prisoner transfers between different prison facilities;

(c) Periodic visits by prison system managers to assess the needs and demands of prisoners;

(d) Constant campaign against all corrupt behaviour through the internal anti-corruption agencies, strengthened by active participation of public servants;

(e) Individual treatment and penalties for any member of staff in the Directorate-General of Prisons committing corrupt acts, in accordance with the relevant rules and procedures..

5. Well-being of prison guards

55. Since the well-being of prison guards is vital for the proper functioning of the prison system, the following measures have been taken:

(a) The School of Prison Studies has created training courses for prison staff, including courses in human rights. Support has been received from the Presidential Human Rights Commission, which is currently providing a diploma course in human rights in prison management;

(b) A plan (the “plan SOL”) has been introduced in all detention facilities for improving the working conditions of prison guards and other operational staff;

(c) Periodic training of managers and assistant managers of detention facilities country-wide;

(d) Improved conditions for guards and other operational staff, including the provision of lockers, cots, mats, office equipment, uniforms and boots;

(e) Promotion schedule for guards;

(f) Improvement of the profiles of applicants for employment as prison guards in terms of educational level; they are now required to have completed middle school;

(g) Equipment and upgrading of the new areas of the School of Prison Studies in the Fraijanes district, Guatemala department;

(h) Strengthening of School of Prison Studies training programmes, including courses at the international level in Argentina, Mexico and the United States of America;

(i) Preparation of proposals for improving the incomes of prison staff, with priority treatment for prison guards;

(j) Strengthening of supervision in the area of nutrition for prison guards at the national level, through a nutritional inspection unit.
