



Republic of Guatemala

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**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC,**

Acción Ciudadana

And

Latin American and Caribbean Network for Democracy (RedLad)

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2** The Latin American and Caribbean Network for Democracy (REDLAD) is a civil society platform with more than 200 members and allies in Latin America and the Caribbean. REDLAD promotes democracy, human rights, sustainable development and citizen integration in the Americas.
- 1.3** Acción Ciudadana is a CSO that fosters conscious and committed citizenship to promote transparency in public management. Its vision is to build a society based on transparency and citizen participation, supporting democracy.
- 1.4** In this submission, the authors examine the Government of Guatemala's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Guatemala's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2017. To this end, we assess Guatemala's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide several follow-up recommendations.
- 1.5** During the 3rd UPR cycle, the Government of Guatemala received 31 recommendations relating to the space for civil society (civic space). Of these recommendations, 30 were accepted and one was noted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrates that the Government of Guatemala has only partially implemented one recommendation.
- 1.6** While the government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, acute implementation gaps were found regarding the freedom of association and issues relating to the protection of HRDs and journalists.
- 1.7** We are deeply concerned by the extreme violence against HRDs and journalists, which is aggravated by the continued criminalisation and stigmatisation they face from authorities and non-state actors.
- 1.8** We are further alarmed by the adoption of a restrictive legislative framework which could significantly impact on the work of civil society in Guatemala, in a context where the work of CSOs is already vulnerable to obstruction through abusive judicial and administrative proceedings.

1.9 As a result of these issues, civic space in Guatemala is currently classified as obstructed by the CIVICUS Monitor, indicating that civic space is constantly undermined.¹

- Section 2 of this submission examines Guatemala’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Guatemala’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Guatemala’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, media freedom and access to information.
- Section 5 examines Guatemala’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- An annex on the implementation of 3rd cycle UPR recommendations related to civic space is in Section 7.

2. Freedom of association

2.1 During Guatemala’s examination under the 3rd UPR cycle, the government received one recommendation on the freedom of association and creating an enabling environment for CSOs. The government committed to ‘investigate fully allegations of serious acts of violence, including numerous murders, against trade union officers and their members, and bring their perpetrators to justice’.² Despite this commitment, the recommendation has not been implemented.

2.2 Article 34 of the Political Constitution of the Republic of Guatemala guarantees the right to the freedom of association.³ Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Guatemala is a state party, also guarantees the freedom of association. Yet in recent years, attacks on and stigmatisation of civil society groups have continued while the legal framework governing their operations was changed to impose new burdensome restrictions.

2.3 In February 2020, Guatemala’s Congress approved changes to the Law of Non-governmental Organisations for Development (NGO Law), a key instrument

¹ CIVICUS Monitor: Guatemala, <https://monitor.civicus.org/country/guatemala>.

² Paragraph 111.28, Report of the Working Group on the Universal Periodic Review: Guatemala (A/HRC/37/9), 2 January 2018, <https://digitallibrary.un.org/record/1466820?ln=en>.

³ Political Constitution of the Republic of Guatemala, 1985 (rev. 1993), https://www.constituteproject.org/constitution/Guatemala_1993?lang=en.

regulating CSOs.⁴ The modified provisions enabled increased government control over CSO activity and funding, creating onerous reporting requirements.⁵ The reform was signed into law by President Alejandro Giammattei but the Constitutional Court suspended its implementation in March 2020, in response to writs for amparo filed by several CSOs.⁶ Following the election of new Court members, in May 2021 the Constitutional Court dismissed the amparo writs, revoking the provisional injunction that blocked enactment of the legislation.⁷

- 2.4** Human rights experts in the UN and Organisation of American States warned that the changes to the NGO Law violated international standards and could facilitate arbitrary restrictions on civil society.⁸ The amended legislation dictates the immediate cancellation of the legal status of groups found to have used foreign funding to ‘alter public order’. This vague language could criminalise the work of CSOs that oppose government activity and policy, express criticism of powerholders or organise protests. Directors of sanctioned organisations may face civil and criminal penalties.
- 2.5** In July 2021, the government published complementary regulations defining the registration procedures mandated in the NGO Law.⁹ The procedure for cancelling the legal status of organisations is not detailed and the Ministry of Interior is given broad discretionary power to resolve unforeseen cases. International organisations must now register with the Ministry of Foreign Affairs in addition to the Registry of Legal Entities (REPEJU). Organisations had six months, up to 2 February 2022, to update their data with REPEJU or face involuntary dissolution. However, REPEJU reported to Congress that only 14 per cent of organisations registered as NGOs had updated their data by this deadline, leaving over a thousand organisations at risk of cancellation.¹⁰
- 2.6** There are cases of criminalisation of the work of CSOs, particularly those promoting sexual and reproductive health and LGBTQI+ rights in the context of increasing

⁴ Decree 02-2003: Law of Non-governmental Organisations for Development, https://www.minfin.gob.gt/images/downloads/leyes_ongs/textos_legales/2_1Decreto2-2003.pdf; Decree 4-2020: https://www.congreso.gob.gt/detalle_pdf/decretos/13510#gsc.tab=0.

⁵ ‘Guatemala: Reforms to the Law on Non-Governmental Organizations’, Alianza por las Reformas, June 2020, <https://www.vancecenter.org/wp-content/uploads/2020/06/Report.-Analysis-reforms-NGO-law-Guatemala.-Vance-Center.-June.pdf>.

⁶ ‘NGO oversight law limits and restricts freedom of association in Guatemala’, CIVICUS Monitor, 9 March 2020, <https://monitor.civicus.org/updates/2020/03/09/ngo-oversight-law-limits-and-restricts-freedom-association-guatemala>.

⁷ ‘Guatemalan civic space continues to shrink during Giammattei’s government’, CIVICUS Monitor, 29 September 2021, <https://monitor.civicus.org/updates/2021/09/29/guatemalan-civic-space-continues-shrink-during-giammatteis-government>.

⁸ ‘Guatemala: UN and OAS experts sound alarm about ‘choking’ NGO law’, Office of the High Commissioner for Human Rights, 1 July 2020, <https://www.ohchr.org/en/press-releases/2021/07/guatemala-un-and-oas-experts-sound-alarm-about-choking-ngo-law?LangID=E&NewsID=27248>.

⁹ Governmental Agreement 157-2021: <https://sgp.gob.gt/wp-content/uploads/2021/08/AG-157-2021.pdf>.

¹⁰ ‘Solo 14% de ONG actualizó información con base en reformas a la legislación’, Publinews, 13 February 2022, <https://www.publinews.gt/gt/noticias/2022/02/13/covid-19-guatemala-14-millones-dosis.html>.

mobilisation by anti-rights groups.¹¹ In September 2020, congress members Julio Lainfiesta and Aníbal Samayoa filed a criminal complaint against youth organisation Incidejoven and social media profiles that had shared information about reproductive rights on the International Day for the Decriminalisation of Abortion. The two deputies claimed that the social media posts constituted ‘incitement to crime’.¹² In a separate case, two organisations faced accusations of crimes such as ‘sedition’ in 2021 after acting as human rights observers at an anti-racism march where some monuments were vandalised. Their staff received threats and were targeted by an online smear campaign.¹³

- 2.7** Civil society groups are also subjected to surveillance, break-ins and stigmatisation.¹⁴ In December 2019, for instance, the offices of LGBTQI+ youth association Somos Jóvenes Diversos en Acción (SOMOS) were raided in Guatemala City. The offices were broken into overnight and property and documents were taken. This incident took place hours before the presentation of a bill to strengthen penalties for discrimination based on sexual orientation and gender identity, developed by lawmakers in collaboration with SOMOS and other CSOs.¹⁵
- 2.8** In 2020 and 2021, Guatemala was assessed by the International Trade Union Confederation’s (ITUC) Global Rights Index as a country where there is ‘no guarantee of rights’ for workers.¹⁶ Labour legislation in Guatemala inhibits workers’ rights to join and form trade unions, including by preventing unions from grouping together public and private sector workers. Labour, civil or criminal sanctions may be imposed for strikes in the civil service or by workers in specific enterprises. Trade union leaders continue to face intimidation and extreme violence. At least seven trade unionists were killed in 2020.¹⁷

¹¹ ‘Guatemala: “Los grupos antiderechos buscan mantener los privilegios de unos a costa de los derechos de otros”’, CIVICUS interview with Visibles, 21 March 2021, <https://www.civicus.org/index.php/es/medios-y-recursos/noticias/entrevistas/5682-guatemala-los-grupos-antiderechos-buscan-mantener-los-privilegios-de-unos-a-costa-de-los-derechos-de-otros>.

¹² ‘Judicial harassment of journalist and attacks against Indigenous rights defenders in Guatemala’, CIVICUS Monitor, 29 October 2020, <https://monitor.civicus.org/updates/2020/10/29/judicial-harassment-journalist-and-attacks-against-indigenous-rights-defenders-guatemala>.

¹³ ‘Guatemala: Siege in municipality to prevent anti-mining protests by Indigenous groups’, CIVICUS Monitor, 18 November 2021, <https://monitor.civicus.org/updates/2021/11/18/guatemala-siege-municipality-prevent-anti-mining-protests-indigenous-groups>.

¹⁴ ‘Situación de las personas defensoras de derechos humanos en Guatemala: Entre el compromiso y la adversidad’, Joint report of the Human Rights Ombudsperson and the Office of the United Nations High Commissioner for Human Rights in Guatemala, 2019, http://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/Informe_personas_defensoras.pdf.

¹⁵ ‘Jimmy Morales’ presidency ends with significant setbacks to freedom of expression in Guatemala’, CIVICUS Monitor, 30 January 2020, <https://monitor.civicus.org/updates/2020/01/30/jimmy-morales-presidency-ends-significant-setbacks-freedom-expression-guatemala>.

¹⁶ ITUC Global Rights Index 2021: Guatemala, <https://www.globalrightsindex.org/en/2021/countries/gtm>.

¹⁷ ‘2021 ITUC Global Rights Index: The world’s worst countries for workers’, ITUC, 30 June 2021, https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN-final.pdf.

2.9 On 31 March 2022, trade union leader Carlos Mancilla and his family received anonymous phone calls warning that they were under surveillance. The callers mentioned each person in Mancilla's family by name and said they had followed his daughter. Mancilla is general secretary of union confederation CUS-G, president of Guatemala's Tripartite Commission on Labour Relations and Freedom of Association and a titular member of the ITUC General Council. The group called on the government to protect Mancilla, amid increasing insecurity and attacks on the union movement. The ITUC warned of an ongoing campaign to discredit and stigmatise workers' representatives in the Tripartite Commission.¹⁸

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Guatemala's previous UPR examination, the government received 23 recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to several recommendations including to 'implement a protection policy for human rights defenders, in coordination with civil society' and to 'ensure that human rights defenders can carry out their legitimate activities without fear or undue impediment, obstruction, or legal or administrative harassment'.¹⁹ Of the recommendations received, 22 were accepted and one was noted. As examined in this section, the government has failed to operationalise any of these recommendations effectively.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates that states take necessary measures to ensure the protection of HRDs. The ICCPR guarantees the freedoms of association, peaceful assembly, and expression. In 2018, Guatemala signed the Escazú Agreement, which contains specific provisions on the protection of environmental defenders and access to justice. The agreement has yet to be ratified.²⁰

3.3 Despite these guarantees, the environment for HRDs in Guatemala continues to be marked by high levels of violence. While Guatemala made commitments to improve the protection frameworks for HRDs under the Jimmy Morales presidency (2016-2020), important institutional protection mechanisms were dismantled. In 2019, the government closed the police unit that specialised in human rights and the body that analysed attacks on HRDs.²¹ The latter provided a space to involve civil society in the

¹⁸ 'Guatemala: death threats against union leader and family', ITUC, 1 April 2022, <https://www.ituc-csi.org/guatemala-death-threats-against>.

¹⁹ Paragraphs 111.52 and 111.67, Report of the Working Group on the Universal Periodic Review: Guatemala (A/HRC/37/9), 2 January 2018, <https://digitallibrary.un.org/record/1466820?ln=en>.

²⁰ 'Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean', Observatory on Principle 10 in Latin America and the Caribbean, <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>.

²¹ 'Guatemala: una deuda sin saldar', UDEFEGUA, January 2021, <https://udefegua.org/download/file/5995>.

analysis and monitoring of attacks against HRDs.²² A ministerial resolution briefly restored this institution on 23 October 2020, but the resolution was derogated on 27 October 2020.²³

- 3.4** Institutional deterioration has continued under Alejandro Giammattei's presidency since 2020. Four executive bodies in charge of human rights policy and the implementation of the 1996 Peace Agreement were merged into a single institution in 2020. Among them was the Presidential Commission for the Coordination of the Executive's Policy on Human Rights, which had been tasked with organising dialogues to establish a national policy for the protection of HRDs.²⁴ The merging of key institutions generated uncertainty about how Guatemala would fulfil its international human rights obligations, including on the protection of HRDs and journalists. According to Front Line Defenders, responsibilities within the new institution remained unclear throughout 2021, and there was a reduction in staff and resources.²⁵
- 3.5** 2020 saw a marked increase in attacks on HRDs. Local human rights group Unidad de Protección a defensoras y defensores de Derechos Humanos de Guatemala (UDEFEFUGUA) registered 1,004 cases of attacks, the highest number of cases since its monitoring began in 2013. These attacks included 15 murders, 22 attempted murders and over 300 cases of criminalisation.²⁶ UDEFEGUA's monitoring showed 494 attacks against HRDs in 2019, 392 in 2018 and 493 in 2017.²⁷
- 3.6** Guatemala had the seventh-highest number of land and environmental defenders killed globally in 2020.²⁸ International watchdog Global Witness ranks the country among the 10 most deadly in the world for these defenders throughout the period 2017-2021.²⁹
- 3.7** In one such case, on 15 June 2020, Indigenous land defender Medardo Alonzo Lucero was found dead with signs of torture in Olopa, Chiquimula. The HRD belonged to the

²² 'Caso 12.775 Caso Defensor de DDHH y Otros Vs. Guatemala -Información Adicional', Inter-American Court of Human Rights, 9 January 2020, https://corteidh.or.cr/docs/supervisiones/escritos/defensor_de_derechos_humanos_y_otros_vs_guatemala/Rrepresentantes%209.1.20_LISTO.pdf.

²³ Ministerio de Gobernación: Acuerdo Ministerial 331-2020, Diario de Centro América, 28 October 2020, <https://legal.dca.gob.gt/GestionDocumento/VisualizarDocumento?verDocumentoPrevia=True&versionImpresa=True&doc=72058>.

²⁴ UDEFEGUA, January 2021, op. cit.

²⁵ '2021 Global Analysis', Front Line Defenders, https://www.frontlinedefenders.org/sites/default/files/2021_global_analysis_-_final.pdf.

²⁶ UDEFEGUA, January 2021, op. cit.

²⁷ 'Informe de Situación de Personas, Comunidades y Organizaciones Defensoras de DD.HH 2019-2020', UDEFEGUA, May 2020, <https://udedefegua.org/download/file/fid/5884>.

²⁸ 'Last line of defence', Global Witness, 13 September 2021, <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence>.

²⁹ 'Land and environmental defenders: annual report archive', Global Witness, <https://www.globalwitness.org/en/campaigns/environmental-activists/land-and-environmental-defenders-annual-report-archive>.

Maya Chorti'La Cumbre community, which has resisted mining in its territory. His brother, Ovidio Alonzo, was threatened after the killing.³⁰ Another community leader of the Olopa municipality and the principal of the Maya Ch'orti' Council, Elizandro Pérez, was killed in 2018 after several attacks.³¹

3.8 Criminal legislation is routinely used to obstruct the work of HRDs and activists in Guatemala, particularly those defending environmental resources, land and Indigenous rights.³² Typical charges used against these defenders include 'incitement to crime', 'aggravated usurpation', 'kidnapping' and 'threats', among others.³³ These are used to subject HRDs to drawn-out criminal proceedings that often encompass pretrial detention, house arrest and displacement from their communities. In some cases, arrest warrants against HRDs remain unexecuted for years and are reactivated in strategic moments of mobilisation and protest.³⁴

3.9 In a notable example of this period, environmental and land rights defender Abelino Chub Caal was held in detention for over 800 days because of his activities with Q'eqchi communities affected by mining in the Izabal department. Despite a lack of evidence linking Chub Caal to any criminal activity, he was arrested in February 2017 and placed in pretrial detention while facing trumped-up charges including 'aggravated land usurpation', 'coercion' and 'illicit association'.³⁵ He was finally acquitted of all charges and released in April 2019, following years responding to a process marred by irregularities.³⁶

3.10 Some cases have led to convictions, with penalties ranging from fines to years of imprisonment. Maya Q'eqchi Indigenous leader Bernardo Caal Xol was convicted and sentenced to seven years and four months in prison, despite the lack of evidence supporting the accusations against him.³⁷ He was criminalised for defending the rights of communities in Santa María de Cahabón, Alta Verapáz, which have resisted

³⁰ 'Indigenous defender killed and others threatened and attacked in Guatemala', CIVICUS Monitor, 7 July 2020, <https://monitor.civicus.org/updates/2020/07/07/indigenous-defender-killed-and-others-threatened-and-attacked-guatemala>.

³¹ 'Elizandro Pérez', HRD Memorial, <https://hrdmemorial.org/hrdrecord/elizandro-perez>.

³² 'Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos', Human Rights Ombudsperson, 2020, <https://www.pdh.org.gt/documentos/seccion-de-informes/informes-anuales/9621-informe-anual-circunstanciado-pdh-2020-version-ligera/file.html>.

³³ UDEFEGUA, January 2021, op. cit.

³⁴ 'Situation of Human Rights in Guatemala', Inter-American Commission on Human Rights, 31 December 2017, <https://www.oas.org/en/iachr/reports/pdfs/Guatemala2017-en.pdf>.

³⁵ 'Growing concern over cases of criminalisation of HRDs and their activities', CIVICUS Monitor, 10 April 2017, <https://monitor.civicus.org/updates/2017/04/10/repeated-cases-criminalisation-hrds-and-csos>.

³⁶ 'Abelino Chub Caal released amid increasing attacks against HRDs', CIVICUS Monitor, 7 May 2019, <https://monitor.civicus.org/updates/2019/05/07/abelino-chub-caal-released-amid-increasing-attacks-against-hrds>.

³⁷ 'Public vilification of Indigenous peoples and criminalisation of environmental defenders', CIVICUS Monitor, 12 August 2020, <https://monitor.civicus.org/updates/2020/08/12/public-vilification-indigenous-peoples-and-criminalisation-environmental-defenders>.

the construction of a hydroelectric dam. Caal Xol was arrested in January 2018 and remained incarcerated until March 2022, when he was released for good behaviour.³⁸

3.11 In another case, land rights defenders Aura Margarita Valenzuela, Mariela Alvarez Sucup and Maria Magdalena Zarat Cuzán, were sentenced to 30 months' imprisonment in 2018 over alleged 'aggravated land usurpation'. The conviction related to an incident where the three women protected a group of families in a settlement during an eviction.³⁹ Their sentence was commuted to fine, but prosecutors appealed against this ruling. They continued to face criminalisation until the Constitutional Court finally confirmed a suspended sentence in 2021.⁴⁰

3.12 According to Guatemala's Human Rights Ombudsperson and the Office of the UN High Commissioner for Human Rights (OHCHR) in Guatemala, other common rights violations reported by HRDs are intimidation, stigmatisation and smear campaigns, attacks against their lives and integrity, and surveillance. Attacks are particularly prevalent in rural areas, leaving defenders working to protect the environment, Indigenous rights and territory at high risk.⁴¹

3.13 HRDs engaged in the defence of LGBTQI+ rights, campesinos and those working in fields such as anti-corruption, truth and justice are also particularly vulnerable to attacks. On 11 June 2021, for instance, Andrea González, leader of the trans rights group OTRANS Reinas de la Noche, was brutally assassinated outside her home. González worked with several human rights movements including RedLacTrans and Cristosal. A few days before, Cecy Ixpata, a transgender activist and member of RedLacTrans, died in hospital from wounds sustained during an attack. Both defenders had sought help from the Attorney General's Office after receiving threats.⁴²

3.14 From 2019, reprisals against justice operators increased, particularly against those working on cases investigated by the International Commission against Impunity and on anti-corruption efforts. Attacks against judges and prosecutors have included

³⁸ 'Guatemala: Bernardo Caal Xol nunca debió pasar un día en prisión', Amnesty International, 25 March 2022, <https://www.amnesty.org/es/latest/news/2022/03/guatemala-bernardo-caal-xol-should-never-have-spent-a-day-in-prison>.

³⁹ 'Three women HRDs sentenced to two and a half years in prison', CIVICUS Monitor, 26 November 2018, <https://monitor.civicus.org/updates/2018/11/26/three-women-hrds-sentenced-two-and-half-years-prison>.

⁴⁰ 'Margarita Valenzuela: "Tener un lugar donde vivir ha significado mucho esfuerzo"', La Cuerda, 12 July 2021, <https://lacuerda.gt/2021/07/12/margarita-valenzuela-tener-un-lugar-donde-vivir-ha-significado-mucho-esfuerzo>.

⁴¹ Joint report of the Human Rights Ombudsperson and the Office of the United Nations High Commissioner for Human Rights in Guatemala, 2019, op. cit.

⁴² CIVICUS Monitor, 29 September 2021, op. cit.

intimidation, disciplinary proceedings, vilification campaigns,⁴³ criminal prosecution and arrests.⁴⁴

3.15 Journalists and members of the media also face intimidation and harassment, with some notable cases of violence. According to Guatemala's Journalists Association (APG), 2020 was the most violent year for the country's press since the democratic transition. APG documented 149 cases of attacks and restrictions, including three cases of killings of journalists.⁴⁵

3.16 Journalist Mario Arturo Ortega Garcia was shot near his home in Escuintla on 10 November 2020. He was transferred to a local hospital but died four days later. Ortega was the founder of San José Total, a TV station and digital news outlet where he worked as a reporter covering local issues and politics.⁴⁶ The APG reported that local prosecutors refused to transfer the investigation to the specialised prosecutor's unit, claiming from early on that the crime was not related to his work as a journalist. This contradicted international experts' recommendations for investigations into crimes against journalists.⁴⁷

4. Freedom of expression, media freedom and access to information

4.1 Under the 3rd UPR cycle, the government received seven recommendations relating to the freedom of expression, media freedom and access to information. For example, the government pledged to 'continue its efforts to develop a system to protect journalists and safeguard freedom of expression' and 'approve and implement the programme for the protection of journalists, in consultation with the latter'.⁴⁸ All of the recommendations received were accepted. However, the government only partially implemented one recommendation and did not take effective measures to fulfil the other six.

4.2 ICCPR article 19 guarantees the right to the freedoms of expression and opinion. Article 35 of the Constitution of Guatemala also guarantees the right to the freedom

⁴³ 'Report of the Secretary General: Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', 17 September 2021, A/HRC/48/28, <http://bit.ly/3oCU17g>.

⁴⁴ 'Guatemala: surveillance of journalists and reprisals against anti-corruption officials', CIVICUS Monitor, 22 March 2022, <https://monitor.civicus.org/updates/2022/03/22/guatemala-surveillance-journalists-and-reprisals-against-anti-corruption-officials>.

⁴⁵ 'Violent year for the press and growing attacks on Indigenous rights defenders in Guatemala', CIVICUS Monitor, 11 February 2021, <https://monitor.civicus.org/updates/2021/02/11/violent-year-press-and-growing-attacks-indigenous-rights-defenders-guatemala>.

⁴⁶ 'Mass protests against reduced budget for social policies in Guatemala', CIVICUS Monitor, 17 December 2020, <https://monitor.civicus.org/updates/2020/12/17/mass-protests-against-reduced-budget-social-policies-guatemala>.

⁴⁷ 'Gobierno de Alejandro Giammattei: Se agravan restricciones y violencia contra la prensa', APG, 5 January 2021, <https://drive.google.com/file/d/1yPCgwYKCAczNx61KBv8acytzIXNFnWXu/view>.

⁴⁸ Paragraphs 111.47 and 111.53, Report of the Working Group on the Universal Periodic Review: Guatemala (A/HRC/37/9), 2 January 2018, <https://digitallibrary.un.org/record/1466820?ln=en>.

of expression.⁴⁹ However, Guatemala has failed to uphold its international and domestic commitments to guarantee a safe environment for communicators and the media. Despite committing to create a programme for the protection of journalists during the 2nd UPR cycle in 2012, the development and implementation of this programme was stalled for several years.⁵⁰ In 2021, the government said that work on developing a protection programme had resumed after a period of inactivity,⁵¹ but as of April 2022 there was no protection mechanism in place.⁵²

- 4.3** Guatemala has yet to reform existing legislation or enact specific regulations guaranteeing Indigenous peoples access to the broadcasting spectrum, despite a Constitutional Court decision from 2012 exhorting the Guatemalan Congress to do so. In October 2021, the Inter-American Court of Human Rights found the State of Guatemala responsible for violating the right to the freedom of expression of four Indigenous communities, as well as their rights to equality before the law and to participate in cultural life. The Court determined that the regulatory framework concerning radio broadcasting in Guatemala in practice prevented Indigenous communities from legally operating their community radio stations and recommended a series of reparation measures.⁵³
- 4.4** Slander, libel and defamation are typified as criminal offences under articles 159 to 172 of Guatemala's Penal Code. These 'crimes against honour' can lead to prison sentences of up to five years.⁵⁴ While separate legislation, the Law on the Expression of Thought, states that 'attacks on public officials' for actions in the exercise of their duties do not constitute slander or libel,⁵⁵ there are still cases of public officials threatening to prosecute journalists for slander and defamation.⁵⁶
- 4.5** In practice, there are cases of criminal legislation being instrumentalised to harass and silence journalists. In a notable example, Vox Populi journalists Sonny Figueroa

⁴⁹ Political Constitution of the Republic of Guatemala, 1985 (rev. 1993), op. cit.

⁵⁰ 'Programa de Protección a Periodistas en Guatemala', UNESCO Guatemala, <http://unesco Guatemala.org/comunicacion-e-informacion/libertad-de-expresion/programa-de-proteccion-a-periodistas-en-guatemala>.

⁵¹ 'Estatus actual del Programa de Protección de Periodistas', Secretaría de Comunicación Social de la Presidencia, 19 July 2021, <https://prensa.gob.gt/comunicado/estatus-actual-del-programa-de-proteccion-de-periodistas>.

⁵² 'Un plan de protección de periodistas en Guatemala que nació muerto', Knight Centre Latam Journalism Review, 27 April 2022, <https://latamjournalismreview.org/es/articles/un-plan-de-proteccion-de-periodistas-en-guatemala-que-nacio-muerto>.

⁵³ 'Guatemala is responsible for violating the freedom of expression and cultural rights of four indigenous communities operating community radio stations', Inter-American Court of Human Rights, 17 December 2021, https://www.corteidh.or.cr/docs/comunicados/cp_103_2021_eng.pdf.

⁵⁴ Decree 17-73: Guatemala's Penal Code, https://www.oas.org/dil/esp/Codigo_Penal_Guatemala.pdf.

⁵⁵ Decree 9: Law on the Expression of Thought, https://www.congreso.gob.gt/assets/uploads/congreso/marco_legal/7c326-ley-de-emision-del-pensamiento.pdf.

⁵⁶ 'Guatemala: Estado contra la prensa y la libre expresión', Article 19, 3 May 2021, https://articulo19.org/wp-content/uploads/2021/05/Informe-Guatemala_WEB.pdf.

and Marvin Del Cid face criminal charges for alleged ‘psychological violence’ from a lawsuit filed in May 2021 by a former public official’s family. The reporters investigated the finances and asset purchases of former official Miguel Martínez. Martínez’s mother and sister filed a lawsuit against the journalists claiming they had experienced emotional and psychological trauma due to their reporting.⁵⁷ Prior to this, the journalists faced harassment and threats of prosecution for their work investigating corruption. On 11 September 2020, Figueroa was detained for 21 hours and released without charges.⁵⁸

- 4.6** Indigenous journalists covering land-related conflict and protests against extractive projects have faced retaliation with trumped-up criminal charges. On 22 September 2020, Indigenous communicator and rights defender Anastasia Mejía Tiriquiz, director of Xol Abaj Radio and Xol Abaj TV, was detained along with several local leaders in Joyabaj. She was accused of ‘sedition’, ‘aggravated assault’ and other criminal charges for broadcasting live from a demonstration against alleged corruption that ended with damage to municipal buildings.⁵⁹ After five weeks in pretrial detention, she was put under house arrest until charges against her were dismissed, almost a year later, on 3 September 2021.⁶⁰
- 4.7** Carlos Ernesto Choc, a correspondent for news outlet Prensa Comunitaria in the Izabal department, has faced judicial harassment for covering resistance to mining in El Estor. In August 2017, Choc and reporter Jerson Antonio Xitumul Morales faced criminal prosecution after covering community-led protests in the region. The case against them was based on accusations made by the private company that operates the Solway Group’s nickel mine in El Estor.⁶¹ In January 2022, Choc was named in an arrest warrant based on a complaint by police officers that he had attacked them during a protest in October 2021. He is accused of ‘instigation to commit crimes’.⁶²
- 4.8** Communicators and media outlets in Guatemala also endure rights violations in the form of intimidation, harassment, smear campaigns and physical attacks. Threats and coercion were the most frequent complaints filed with the Prosecutor’s Office for

⁵⁷ ‘New court ruling allows implementation of restrictive NGO law in Guatemala’, CIVICUS Monitor, 10 June 2021, <https://monitor.civicus.org/updates/2021/06/10/new-court-ruling-allows-implementation-restrictive-ngo-oversight-law-guatemala>.

⁵⁸ ‘Situation of human rights in Guatemala, Report of the United Nations High Commissioner for Human Rights’, A/HRC/46/74, para. 90, February 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/030/40/PDF/G2103040.pdf?OpenElement>.

⁵⁹ CIVICUS Monitor, 29 October 2020, op. cit.

⁶⁰ CIVICUS Monitor, 29 September 2021, op cit.

⁶¹ ‘El periodista Carlos Choc sigue criminalizado por la CGN, debe firmar un libro cada mes’, Prensa Comunitaria, 20 September 2019, <https://www.prensacomunitaria.org/2019/09/el-periodista-carlos-choc-sigue-criminalizado-por-la-cgn-debe-firmar-un-libro-cada-mes>.

⁶² ‘Guatemalan journalist Carlos Choc faces criminal charges after covering protest’, Committee to Protect Journalists, 1 April 2022, <https://cpj.org/2022/04/guatemalan-journalist-carlos-choc-faces-criminal-charges-after-covering-protest>.

crimes against journalists between 2017 and 2020.⁶³ Stolen equipment, physical attacks and authority abuses were also recurrent complaints.

4.9 Under both the Morales and Giammattei governments, the authorities have adopted a confrontational attitude toward the press. In November 2019, APG concluded that Morales' administration had brought important setbacks for the freedom of expression. In its analysis, Morales sought to delegitimize the press with stigmatising statements and, on several occasions, used security forces to intimidate communicators. From 2017, online smear campaigns proliferated against media outlets and journalists expressing criticism of the government.⁶⁴

4.10 Hostility toward the press has continued under the Giammattei government, with the APG registering 43 cases where the authorities were responsible for press freedom violations in 2021, out of 135 cases overall.⁶⁵ Verbal attacks became more frequent and brazen when COVID-19 reached Guatemala in March 2020. During the pandemic, authorities selectively restricted access to information on public health and the emergency's management. In April 2020, several journalists were removed from WhatsApp chats where authorities provided updates on the crisis.⁶⁶

4.11 While an Access to Public Information Law (LAIP) has been in place since 2008, there is no specialised body to guarantee its implementation. Enforcement of the LAIP has been the responsibility of the Human Rights Ombudsperson's Office. Initiative 5,792 under consideration in Congress would reform the legislation and create a National Office of Access to Information, but the proposed modifications would create a body whose directors would be appointed by Congress.⁶⁷ This nomination mechanism is viewed by CSOs and other specialists as an institutional reengineering strategy to increase control by powerholders over the accountability framework.⁶⁸

4.12 Acción Ciudadana highlighted the ongoing case of Raúl Marroquín, an anti-corruption activist from the Alta Verapaz department who faces charges for a public information request.⁶⁹ On 5 April 2021, a public official in charge of the information unit of the San Cristóbal Verapaz's municipality refused to file an access-to-information request by Marroquín. Marroquín was later accused of threatening the official and charged.

⁶³ Article 19, 3 May 2021, op. cit.

⁶⁴ 'Cuatro años de retrocesos: un asedio constante contra la prensa', APG, November 2019, https://drive.google.com/file/d/1z9AuDdqhm8vAck_K7h5x8si5MuwcV7kZ/view.

⁶⁵ '135 agresiones contra comunicadores y medios se reportan durante segundo año de gobierno de Alejandro Giammattei', APG, 22 January 2022, <https://drive.google.com/file/d/1dytfbKigTnjBI8xGDIT5Och6A61iU2wU/view>.

⁶⁶ 'Guatemala: Ataques a la libertad de prensa', Human Rights Watch, 18 February 2021, <https://www.hrw.org/es/news/2021/02/18/guatemala-ataques-la-libertad-de-prensa>.

⁶⁷ 'Avanza análisis de iniciativa que reforma la Ley de Acceso a la Información Pública', Congress of the Republic of Guatemala, 5 November 2020, https://www.congreso.gob.gt/noticias_congreso/5277/2020/3.

⁶⁸ 'Las reformas a la Ley de Acceso a la Información Pública', Fundación Libertad, 18 November 2020, <https://www.fundacionlibertad.com/articulo/las-reformas-la-ley-de-acceso-la-informacion-publica>.

⁶⁹ Causa No. 2017-2021-19, <https://drive.google.com/file/d/17FzhrhYUn6l5WhPe4s2so8ePOxGV1G7/view?usp=sharing>.

Although the Public Prosecutor's Office found no evidence of a crime, the Peace Court of San Cristobal Verapaz convicted Marroquín for misdemeanours and sentenced him to 25 days in jail with a commutable payment. Acción Ciudadana and the Human Rights Ombudsperson's Office filed an amparo action against the conviction, considering it a serious case of criminalisation that, if accepted, would generate a dangerous legal precedent for the prosecution of citizens who seek to access public information.⁷⁰ As of June 2022, the case is still ongoing.

4.13 In May 2022, during a significant spike in homicidal violence, the National Civil Police suspended the release of official data on violence provided to think tanks and research institutes, claiming that this data was used improperly to create alarm. In addition, the human rights organisation Mutual Support Group reported that the portal that issues official data on violence against women and domestic violence has been suspended since February 2022.⁷¹ The Giammattei government has denied the existence of these transparency issues, claiming that transparency remains a priority of the administration, without addressing these concerns.⁷²

5. Freedom of peaceful assembly

5.1 Under the 3rd UPR cycle, Guatemala did not receive any recommendations related to the right to the freedom of peaceful assembly. Nevertheless, Guatemala has made international and domestic commitments to upholding this right. Article 33 of the Guatemalan Constitution⁷³ and ICCPR article 21 guarantee the right to the freedom of peaceful assembly.

5.2 Despite constitutional protections, security forces have disrupted protests with excessive force. On 21 November 2020, when thousands of people joined demonstrations against cuts in the 2021 budget, police responded to incidents of violence with indiscriminate use of teargas and water cannon.⁷⁴ Human rights groups verified videos that showed police officers beating protesters and communicators.⁷⁵

⁷⁰ Acción de Amparo a favor de Raúl Aníbal Marroquín Casasola, <https://drive.google.com/file/d/1M0PStqag2DeywpjNf0NGaiEZopyzBel9/view?usp=sharing>.

⁷¹ La receta del gobierno para reducir la violencia: No informar, https://lahora.gt/nacionales/lucero_sapalu/2022/06/06/la-receta-del-gobierno-para-reducir-la-violencia-no-informar.

⁷² Minigob niega que haya incrementado violencia y acusa a tanques de pensamiento de mal utilizar datos, <https://www.prensalibre.com/guatemala/justicia/ministro-de-gobernacion-niega-que-haya-incremento-de-casos-de-violencia-y-acusa-a-tanques-de-pensamiento-de-mal-utilizar-datos-breaking>.

⁷³ Political Constitution of the Republic of Guatemala, 1985 (rev. 1993), op cit.

⁷⁴ CIVICUS Monitor, 17 December 2020, op. cit.

⁷⁵ 'Guatemala: Amnistía Internacional exige investigación del uso excesivo de la fuerza en protestas', Amnesty International, 23 November 2022, <https://www.amnesty.org/es/latest/news/2020/11/guatemala-amnistia-exige-investigacion-uso-excesivo-fuerza>.

Twelve people were injured and 43 were detained, among whom 21 reported being beaten by police.⁷⁶

- 5.3** Maya HRD Nanci Sinto was among those criminalised with accusations of damaging cultural property during protests on 21 November 2020. During the demonstration, Sinto was attacked by police officers and blamed for vandalism that caused damage to the Congress building.⁷⁷ Her house was raided in November 2021 and she was detained, then placed under house arrest for several months.⁷⁸ Proceedings were finally dismissed in June 2022, when a court found no basis for a trial.⁷⁹ Sinto's lawyers argue that the complaint against her was an attempt to discredit her defence of human rights and Indigenous territories.⁸⁰
- 5.4** There have been several cases of repression of community-led protests, many affecting Indigenous communities resisting extractive projects. In May 2017, for instance, a Maya-Q'eqchi protester was killed in El Estor when anti-riot police used live ammunition, rubber bullets and teargas against protesters who blocked a road to protest against mining-related water pollution.⁸¹ In June 2017, at least two children became ill after anti-riot police threw a teargas cannister at their house while repressing anti-mining protesters in Casillas, Santa Rosa department. Another protest against mining in Casillas was similarly disrupted in July 2017.⁸²
- 5.5** For three weeks in October 2021, protesters in the El Estor municipality protested and blocked a road to stop trucks belonging to the Fénix nickel mine.⁸³ The mine's processing plant continued to operate despite the suspension of the mine's licence by the Constitutional Court in June 2020.⁸⁴ On 22 and 23 October 2021, the National Civil Police repressed protesters, journalists and members of the Maya Q'eqchi' people with excessive force and indiscriminate use of teargas. Guatemala's Ombudsperson

⁷⁶ 'La CIDH condena excesivo uso de la fuerza e insta a que se investigue toda forma de violencia durante las protestas sociales en Guatemala', Inter-American Commission on Human Rights, 23 November 2020, <https://www.oas.org/es/cidh/prensa/comunicados/2020/281.asp>.

⁷⁷ '#LibertadParaNanci ¿Quién es la activista Nanci Sinto?', Ruda GT, 24 November 2021, <https://rudagt.org/libertadparananci-quien-es-la-activista-nanci-sinto>.

⁷⁸ Public Ministry of Guatemala via Twitter, 24 November 2021, https://twitter.com/MPguatemala/status/1463486625212686337?s=20&t=UBMwRW5fwTKcA-vy_cJcPg.

⁷⁹ 'Nanci Sinto queda en libertad luego de haber sido señalada de depredación de bienes durante protesta en el Congreso', César Pérez Marroquín for Prensa Libre, 10 June 2022, <https://www.prensalibre.com/guatemala/justicia/nanci-sinto-queda-en-libertad-luego-de-haber-sido-senalada-de-depredacion-de-bienes-durante-protesta-en-el-congreso>.

⁸⁰ '¡Libertad para Dulce Archila y Nanci Sinto!', Ruda GT, 16 June 2022, <https://rudagt.org/libertad-para-dulce-archila-y-nanci-sinto>.

⁸¹ Inter-American Commission on Human Rights, 31 December 2017, op. cit.

⁸² Ibid.

⁸³ 'Guatemalan President Suspends Civil Rights to Facilitate Nickel Mine as Demand for Battery Minerals Skyrockets', Cultural Survival, 29 October 2021, <https://www.culturalsurvival.org/news/guatemalan-president-suspends-civil-rights-facilitate-nickel-mine-demand-battery-minerals>.

⁸⁴ 'Amparo Provisional Antejuicio Magistrados CC, Exp. 2187-2020 Sentencia Mina Fénix, Exp. 697-2019', Guatemala Constitutional Court, 18 June 2020, <https://cc.gob.gt/2020/07/08/sentencia-mina-fenix>.

reported that among those injured were children, teenagers and older people.⁸⁵ On 24 October 2021, President Giammattei declared a state of siege in the municipality.⁸⁶ The government accused protesters of shooting at police officers during clashes, suspended civil rights, imposed martial law and militarised the region. On the day the state of siege was declared, Indigenous rights organisation Defensoría Q'eqchi' and community radio station Xyaab' Tzuultaq'a were raided in search of protest leaders. In January 2022, the Ministry of Energy and Mining announced that the mine's licence would be reactivated following a community consultation process that deliberately excluded Indigenous leaders who had joined protests.⁸⁷

6. Recommendations to the Government of Guatemala

CIVICUS, REDLAD and Acción Ciudadana call on the Government of Guatemala to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Specifically, repeal Decree 4-2020 reforming the Law of Non-governmental Organisations for Development to remove undue restrictions on the freedom of association and bring this legislation back into compliance with ICCPR articles 21 and 22.

⁸⁵ 'La CIDH condena el uso excesivo de la fuerza y la represión en contra de pueblos indígenas mayas q'eqchi', periodistas y medios de comunicación en El Estor, Guatemala', Inter-American Commission on Human Rights, 4 November 2021, <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/293.asp>.

⁸⁶ CIVICUS Monitor, 18 November 2021, op. cit.

⁸⁷ "Guatemala: concern over killings, criminalisation and harassment of HRDs," CIVICUS Monitor, 13 January 2022, <https://monitor.civicus.org/updates/2022/01/13/guatemala-concern-over-killings-criminalisation-and-harassment-hrds>.

- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- Guarantee the effective and independent functioning of autonomous trade unions by removing proscriptions on the formulation of independent labour unions and undue limitations on the right to strike.

6.2 Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Ratify the Escazú Agreement and promote responsible business practices.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs.
- Strengthen institutional mechanisms for the protection of HRDs and journalists, ensuring appropriate budget, resources and capacity for their operation.

6.3 Freedom of expression, media freedom and access to information

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Reform defamation legislation in conformity with ICCPR article 19.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.

- Take steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Guarantee unfettered access for all people in Guatemala to domestic and foreign media information, both offline and online.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression, media freedom and access to information, including by ensuring free access to electronic media, ceasing censorship and surveillance, liberalising electronic media ownership rules and enabling journalists, bloggers and other internet users to play a full and active role in promoting and protecting human rights.
- Implement legislative measures to enable access to information and establish mechanisms to facilitate public access, in line with international best practices.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.
- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all arenas, including in the arts.

6.4 Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.

- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; 4) Special Rapporteur on the independence of judges and lawyers; 5) Working Group on Arbitrary Detention; and 6) Working Group on Business and Human Rights.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

Recommendation	Position	Full list of themes	Assessment on level of implementation
111.28 Investigate fully allegations of serious acts of violence, including numerous murders, against trade union officers and their members, and bring their perpetrators to justice (Greece); Source of position: A/HRC/37/9 - Para. 111	Supported	D31 Liberty and security - general Affected persons: - general	Not implemented
111.40 Strengthen protection measures for human rights defenders (El Salvador); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.42 Further strengthen measures to protect human rights defenders (Georgia); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.43 Support the work of civil society by implementing public policies to protect it and end the misuse of penal and administrative law against human rights defenders, including indigenous peoples' human rights defenders, especially in the context of hydroelectric and mining projects (Germany); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders A41 Constitutional and legislative framework G3 Indigenous peoples Affected persons: - human rights defenders	Not implemented
111.45 Ensure prompt, thorough and impartial investigations regarding attacks against human rights defenders and adopt a public policy on their protection (Greece); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders A42 Institutions & policies - General Affected persons: - human rights defenders	Not implemented
111.48 Take all necessary measures to protect human rights defenders through the removal of legal and policy measures which inhibit the ability of defenders to carry out their vital work in safety, without fear of interference, obstruction or harassment of any kind, including by finalizing the public policy for the protection of human rights defenders with strong participation by civil society and an adequate budgetary allocation (Ireland); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.49 Safeguard the activities of human rights defenders, introducing national laws and policies to protect them (Italy); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented

111.5 Finalize and implement a national action plan to follow up the Guiding Principles on Business and Human Rights (Norway); Source of position: A/HRC/37/9 - Para. 111	Supported	A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general	Not implemented
111.50 Foresee protection measures for human rights defenders, in accordance with international commitments (Lithuania); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.52 Implement a protection policy for human rights defenders, in coordination with civil society (Luxembourg); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.54 Take all necessary steps to work towards diminishing threats and violence against human rights defenders, especially women and journalists, and to implement an effective mechanism to protect them from these threats (Netherlands); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders D43 Freedom of opinion and expression Affected persons: - women - human rights defenders	Not implemented
111.55 Initiate timely, independent, impartial and effective investigations into threats and attacks against human rights defenders, particularly indigenous defenders, to ensure their effective protection (Republic of Korea); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders G3 Indigenous peoples Affected persons: - Indigenous peoples - human rights defenders	Not implemented
111.56 Ensure that thorough and impartial investigations are carried out into allegations of attacks against human rights defenders (Sierra Leone); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.57 Adopt appropriate measures to ensure safety and protection of human rights defenders and take all necessary steps to ensure prosecution of all those responsible for violation of their rights (Slovakia); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.58 Implement public policies so as to protect the work of human rights defenders in line with international standards, and implement measures aimed at the effective reduction of attacks and at their independent and effective investigation (Spain); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.59 Adopt and ensure full implementation of the public policy for the protection of human rights defenders as well as the protocol of the Public Prosecutor's Office on the investigation of cases against human rights defenders (Sweden); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders A42 Institutions & policies - General Affected persons: - human rights defenders	Not implemented

111.60 Implement effective protection measures and undertake an immediate and systematic investigation into abuses committed against human rights defenders, as previously recommended (Switzerland); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.61 Strengthen the protection measures for human rights defenders, taking due account of gender and cultural aspects (Ukraine); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.62 In consultation with civil society groups across Guatemala, finalize and implement a public policy for human rights defenders' protection (United States of America); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.63 Implement safeguards for human rights defenders by introducing legislation to protect freedom of association and assembly (Australia); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders A41 Constitutional and legislative framework D44 Right to peaceful assembly D45 Freedom of association Affected persons: - human rights defenders	Not implemented
111.64 Initiate or pursue timely, independent, impartial and effective investigations into threats and attacks against human rights defenders and bring those responsible to justice (Belgium); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.65 Develop a gender and culturally differentiated public policy for the protection of human rights defenders, and ensure adequate political support and resources for its implementation (Canada); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
111.67 Ensure that human rights defenders can carry out their legitimate activities without fear or undue impediment, obstruction, or legal or administrative harassment (Chile); Source of position: A/HRC/37/9 - Para. 111	Supported	H1 Human rights defenders Affected persons: - human rights defenders	Not implemented
112.35 Put an end to the use of the criminal justice system to intimidate, threaten, marginalize and stigmatize journalists, social organizations and human rights defenders engaged in the defence of economic, social, cultural and environmental rights and of indigenous peoples' rights (Bolivarian Republic of Venezuela); Source of position: A/HRC/37/9 - Para. 112	Noted	G3 Indigenous peoples H1 Human rights defenders Affected persons: - media - human rights defenders	Not implemented

111.41 Strengthen protection for journalists, which is essential to the full respect of fundamental freedoms, in particular by rapidly realizing the programme of protection for journalists, for which much effort has already been made (France); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression Affected persons: - media	Not implemented
111.44 Adopt a mechanism for the protection of journalists and release all journalists detained for exercising their freedom of expression (Greece); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression Affected persons: - media	Not implemented
111.46 Continue efforts to promote freedom of expression and information by protecting journalists (Holy See); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression Affected persons: - media	Not implemented
111.47 Continue its efforts to develop a system to protect journalists and safeguard freedom of expression (Indonesia); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression Affected persons: - media	Partially implemented
111.51 Adopt a framework for the protection of media professionals, based on the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity (Lithuania); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression B52 Impunity Affected persons: - media	Not implemented
111.53 Approve and implement the programme for the protection of journalists, in consultation with the latter (Luxembourg); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression Affected persons: - media	Not implemented
111.66 Lift restrictions on freedom of expression and adopt legal and regulatory measures for the protection and safety of journalists against persecution, intimidation and harassment (Chile); Source of position: A/HRC/37/9 - Para. 111	Supported	D43 Freedom of opinion and expression Affected persons: - media	Not implemented