

GUATEMALA SUGGESTIONS FOR BENCHMARKS/INDICATORS TO MONITOR and PRESS FOR PROGRESS IN HUMAN RIGHTS-RELATED AREAS IN GUATEMALA

At its February 2002 meeting, the Consultative Group of major donors to the Guatemalan peace process called for progress in a series of areas including implementation of the Peace Accords, the battle against impunity, and the protection of human rights, if the Group is to fully disburse the cooperation funding agreed for Guatemala at that meeting.

Amnesty International would like to suggest a number of factors and processes which it believes that country and agency members of the Consultative Group, should be assessing and pressing the Guatemalan authorities to assess, if the Consultative Group is to gain a true picture as to whether indeed there has been progress in the human rights and related issues specified by the February 2002 meeting.

Human Rights in Guatemala: A general assessment

Before moving to those specific suggestions however, Amnesty International would like to make clear that it is making these suggestions because it considers that the human rights situation continues to be of grave concern in Guatemala, and believes that the international community must continue to make its views known if this is to be reversed.

There continues to be for example little progress in combatting impunity -- human rights-related convictions can still be counted on the fingers of one hand -- while threats, intimidation and attacks, directly particularly at those struggling to defend human rights, implement the Peace Accords and end impunity, continue to be reported on an almost daily basis. A detailed catalogue of such abuses appeared in AI's latest document on Guatemala, *Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations*, AMR 34/0001/2002, along with a series of recommendations from AI as to steps it believed the government should take to end new abuses, including through the crucial battle against impunity.¹

Recent reports of abuses

Since that report was published, the pattern of abuses has continued and worsened. A selection of items from the Guatemalan press for 28 October 2002 for example, included the following stories:

¹Other recent compilations of human rights violations in Guatemala prepared by Amnesty International include *Submission to Param Cumaraswamy Special Rapporteur of the United Nations Commission on Human Rights on the Independence of Judges and Lawyers*, AMR 34/032/2001 and *Briefing prepared for Hina Jilani, Special Representative on Human Rights Defenders of the United Nations*, May 2002, AMR 34/040/2002.

“To be involved in journalism in Guatemala is dangerous,” (an article noting the judgement by the Inter-American Press Society that Guatemala is one of the four most dangerous countries in the hemisphere in which to be a journalist);

“A call for an end to violence,” (reporting on a statement from Guatemala’s new Human Rights Procurator pointing to the 63 homicides reported during the month, and his fears that the uncontrolled proliferation of small arms, and the failure of the government to come up with a sound plan to protect citizens have contributed to these alarming figures);

“Continued threats against judges”;

“URNG (political party) Deputy threatened with death”;

“Attack on the headquarters of the UNE (political party)”;

“Human rights of peasants violated” (referring to violent land evictions in the Alta Verapaz area);

“Body of ‘disappeared’ trade union leader found”;

“Alta Verapaz peasant leader threatened with death”;

“UVOC (peasant organization in Alta Verapaz) denounces capture of peasant leader in Alta Verapaz”;

“Peasants in San Marcos call for an end to intimidation” (discussing death threats and armed attacks on peasants by private security guards in the San Marcos area);

“Senuhú: One thousand Special Police and National Civil Police (accompanied by two helicopters) violently dislodge women and children: four women and 8 minors ‘disappeared’ ”,

and so on.

As these incidents have only recently occurred, Amnesty International cannot confirm the veracity of the details contained in the press articles. Nonetheless, it believes that the range of issues surfacing in the Guatemalan press give a broad idea of the grave human rights problems continuing to plague the country and underline the necessity for the international community to continue to work with the authorities in Guatemala to implement the intentions of the peace accords and help move the country towards the rule of law and respect for human rights.

Clearly, the ultimate goal of countries and agencies advocating progress in the human rights area in Guatemala would be an immediate and complete end to such abuses and to the impunity of those who commit them. However, to assess the degree of commitment of the Guatemalan authorities to attaining these goals and their progress in moving towards them, AI would like to make the following suggestions as to indicators or benchmarks which could help evaluate whether progress is indeed being made and as instruments to pressure for progress in human rights-related areas. Monitoring such indicators may also suggest other entry points for cooperation programs aimed at encouraging progress in such directions.

These suggested benchmarks and indicators reflect international standards on human rights protection, many of them signed or ratified by Guatemala, as well as recommendations made by a series of international bodies and instances regarding the human rights situation in Guatemala.

Amnesty International understands that some of the information and statistical evaluation necessary to assess many of the benchmarks or indicators suggested below could be provided by certain Guatemalan research institutes and non-governmental agencies. Beyond what such institutions are able to make available at this time, Amnesty International suggests that the Consultative Group as an important member of that group, urgently press the Guatemalan authorities to ensure that such statistics begin to be systematically collected and evaluated.

Moving forward: What could be indicators/benchmarks to evaluate and press for genuine progress?

I. Administration of Justice

A key element of protecting human rights and punishing perpetrators of abuses is clearly the country's justice program. Within that program, AI believes that there are a number of general aspects and more specific component parts which should be evaluated and targets set, if progress and improvement is to be seen in the overall administration of justice in the country.

A. General operation of the justice system²

To evaluate whether the justice system is operating more effectively in human rights cases, the following benchmarks could usefully be assessed:

1. Number of courts and formation of adequately trained legal personnel

How many courts are now available throughout the country and where are they located? How does this compare to the situation in each year since the Peace Accords were signed?

How many trained legal personnel are currently serving throughout the country and where? What is the rate at which new personnel have been produced each year since the Accords?

What has been the budgetary provision for the judiciary each year since the Peace Accords were signed? Have the budgeted resources been allocated?

2. Handling of complaints

What % of complaints have been turned into criminal actions?³ How do such rates compare between normal criminal proceedings and cases where there is a human rights

²Much useful information concerning post-Peace Accord efforts to reform the Guatemalan justice system are to be found in "Reforming the Justice System," by Dr. Rachel Sieder in *Who Governs? Guatemala Five Years after the Peace Accords*, Hemisphere Initiatives, Cambridge, Massachusetts, 2002.

component and/or the defendant (s) are officials? How have these rates changed, if they have, since the Peace Accords were signed?

How long has it taken in each year since the Peace Accords to resolve the average *amparo*?⁴ Again, how have these rates changed, if they have, since the Peace Accords were signed?

What has been the average period of time per year since the Peace Accords between a *denuncia* (complaint) being filed and trial?

What has been the average time elapsed for each year since the Peace Accords between the Public Prosecutor's Office (Ministerio Público) asking for arrest warrants and their issuance? Again, if the Ministerio Público does not keep statistics in such a way that these variables could be measured, the institution of a system which would generate such statistics should be insisted on.

Where those sought are believed to have fled abroad, have efforts been made in coordination with the relevant second governments to attempt to secure their extradition to face trial?

B. Threats against and intimidation of "justice operators"

In recent years, those involved in the judicial process, particularly as regards efforts to prosecute past officials and security force personnel for abuses -- witnesses, judges, lawyers, prosecutors -- have been heavily targeted.

What have been the rates over time of reported intimidation of judges, lawyers and public prosecutors?⁵

What resources are available to offer protection to judges, lawyers and prosecutors who have reported threats and how often have they been made available for each year since the Accords were signed?

³According to a US AID study in 1999, of the approximately 90,000 complaints submitted a year at that time to the Public Prosecutor's Office, only about 1,100 of these resulted in court filings, and successful prosecution approached the rate of zero.

⁴Action or proceeding for relief, based on constitutional provision for protection of civil rights, with similarities to petitions for *habeas corpus*

⁵From January to August 2000 alone, 81 threats directed at persons involved in the justice system were reported, although not all were related to human rights issues. Eight people involved in legal proceedings were murdered, seven of them witnesses in important cases. In February 2001, the President of the Guatemalan Bar Association transmitted six cases to the MINUGUA, in which judges or lawyers had been murdered in the 100 days after 31 October. In May 2001, Param Cumaraswamy, Special Rapporteur of the United Nations Commission on Human Rights on the Independence of Judges and Lawyers returned to Guatemala at the request of human rights organizations. They cited 22 further instances of intimidation, attacks or threats directed at judges, magistrates and lawyers, including another murder of a lawyer and the lynching of a judge. The Special Rapporteur concluded that the human rights situation had not improved since his prior visit in August 1999, and expressed regret that Guatemala had largely ignored the recommendations he made following that visit.

C. Special mechanisms to protect the legal community

1. Special prosecutor's office

In February 2001, the Guatemalan government announced the creation of a special investigative office to look into attacks against members of the judiciary and the legal profession as a reaction to the general concern about abuses being suffered by them. This office, the *Fiscal de Delitos contra los Operadores de Justicia*, (Special Prosecutor to look into Crimes against Justice Operators) began functioning in February 2001, and to AI's knowledge, initiated investigations into some 27 of the many cases reportedly submitted to it during that year. Up to that point, AI understood that the new *Fiscalía* had issued 13 arrest orders for persons suspected of some of the abuses reported to it.

How many cases have since been denounced to it?

How many investigations have been initiated and what have been their results?

How many arrest warrants has it issued, how many of them have been served and how many arrests have been made?

What are the resources currently allocated to this office?

2. Special help line

A special help line was also announced by the Guatemalan authorities, to act on behalf of justice operators at risk.

What resources have been put into this initiative, and what are the statistics as to how often it has been called upon and how often it has responded?

What have these responses consisted of and have they been effective?

How has it been publicised and how many justice operators know of its existence?

Both as regards the special prosecutor and the special help line, AI urges that the Consultative Group press the Guatemalan government for a genuine evaluation to determine the achievements of both instances so far, and to make recommendations to improve the operations of both initiatives.

D. Witness Protection

It is widely agreed that to make progress in addressing impunity, there must be an adequate witness protection program. Again, announcements have periodically been made that such a program is in operation, but to AI's knowledge there has been inadequate allocation of staff and resources to create an effective program. In order to assess the scope and effectiveness of this program, AI suggests that the Consultative Group ask the Guatemalan government for information as to

Resources available over each year since established

Number of staff administering this program

Number of requests for protection in each year since established

Cases in which such requests have been granted

Explanation of criteria used when deciding whether to grant such aid or not

Data as to the security officers called upon to offer protection: with which agency are they affiliated and what training have they had?

Here too, AI suggests that the Consultative Group press the Guatemalan government for a genuine evaluation to determine the achievements of this program thus far, and to set targets and make recommendations to improve the operation of this program in future.

E. Corruption and ethics within the judiciary

A recent study by the Institute of Comparative Law of Guatemala, (*Instituto de Estudios Comparados en Ciencias Penales de Guatemala*, ICCPG) found that 25% of judges and 87% of public prosecutors acknowledged that they had been pressured by their superiors or influential parties.

What programs have been set up to combat corruption within the judiciary?

How are they funded and what resources have been allocated to them? What is the trend in resource allocation over time?

As of April 2000, a section of the Public Prosecutor's Office set up to deal with corruption, had reportedly filed charges in only 13 cases of out 2,200 complaints.

How many cases have been initiated yearly since then, how many charges have been filed and how have they been resolved?

One new post-peace process reform included a law providing for a disciplinary body for judges to enforce the code of ethics.

How many complaints have been filed by this body, how many have been accepted for investigation and what has been the result of any such inquiries?

F. Public Defender's Service

The concept of public defence is relatively new in Guatemala, but many indigent defendants need such support.

What are the resources allocated to this program since it was established?

What have been the figures as to staff engaged by this program each year since established?⁶

What training has been offered to those employed by it?

How many requests for public defence have been made in each year since it was established?

In how many cases has public defence been granted for each year since the program was established?

What are the statistics regarding legal representation which has been made available through this service for those facing capital charges?

What criteria is used when determining whether or not to assign a public defender?

Again, a genuine evaluation of the program as implemented up to this point is vital.

G. Access to justice for indigenous peoples

Many international donors, including many of the Consultative Group's members, have attempted to improve access to the justice system for indigenous peoples via training for interpreters, establishment of justice centres and community courts. However, a number of these programs have since been discontinued, and AI believes that an assessment is needed over time, as to how effective these programs have proved in actually improving the access to justice of indigenous people.

In this regard, one important aspect is provision of interpretation in trials involving indigenous witnesses and defendants, clearly needed if justice is to be done in such cases. According to anecdotal evidence collected by AI, provision of such interpretation is certainly not yet the norm in Guatemala. AI therefore suggests that data on the following areas is vital to assess how efforts to ensure fair trial for indigenous defendants are faring:

What resources have been allocated to interpretation facilities for indigenous witnesses since the Peace Accords?

How many interpreters have been available each year for example and where are they located?

Who are the interpreters? What safeguards are built in to ensure they are independent?

How many requests have there been each year for interpretation for indigenous defendants or witnesses since the Peace Accords?

Number of cases in which provided?

Criteria for determining when to provide?

Programs to make known these facilities to indigenous witnesses and defendants?

⁶According to a January 2000 report by the UN Verification Mission, MINUGUA, at that time there were 91 public defenders permanently employed, plus a pool of 78 defence lawyers in the capital and 25 in eight regional departments. Has the number of such personnel gone up since then, and are they more widely deployed throughout the country?

II. Suggested Benchmarks to evaluate and press for progress on other human rights-related areas

A. Human Rights Defenders

As noted, human rights defenders, particularly those trying to press for implementation of the Peace Accords or participating in efforts to bring perpetrators of past abuses to justice have been a major target of new violations in the past several years. To measure the government's intentions and assess its performance as regards protection of human rights defenders the following could be useful indicators:

1. Monitor progress of complaints of abuses against human rights defenders

Establish, in cooperation with local human rights monitors, a list of emblematic abuses illustrating key patterns of human rights abuses against human rights defenders, in order to monitor the progress of these cases in the courts. Measures of progress in these and other bellwether cases might be:

- Inquiries initiated into the reported abuses

- Progress of each stage of inquiries against the accused completed within the time limits established by the law.

- Genuine efforts made to locate those for whom arrest warrants have been issued

- Number of warrants actually served.

- Where those sought are believed to have fled abroad, efforts made in coordination with the relevant second governments to attempt to secure their extradition to face trial.

- In cases where compensation has been agreed by a Guatemalan Court or by the Inter-American system, have such reparations been paid in a timely fashion?

2. Special units to investigate abuses against human rights defenders

Currently, the Guatemalan government has established a special unit to inquire into threats and intimidation directed at Human Rights Defenders.

- What resources have been allocated to this office and what powers does it have?

- How many complaints has it received and what have been the results of its inquiries?

- What consideration has been given to increasing the resources of this office and strengthening its powers to create for example, a Special Prosecutor to pursue legal action in response to abuses against human rights defenders?

3. Political initiatives to protect human rights defenders

What official declarations have been made, by the President and others to recognize the legitimacy and importance of the work of human rights defenders and to indicate official support for them?

What steps have been taken by Congress to indicate its own support for such official pronouncements concerning the legitimacy and importance of human rights defenders?

What have been the sanctions taken against officials who make statements that could be construed as threats against human rights defenders?

What have been the government's reactions to the recommendations made by the UN's Special Representative on Human Rights Defenders after her visit to the country last July?

What bills have been presented to Congress proposing laws aimed at the protection of human rights defenders and the implementation of the recommendations of the Special Representative and what has been the legislative outcome?

B. Progress in other bellwether human rights cases

In addition to agreeing with the local human rights community a list of emblematic cases illustrating representative patterns of abuses against human rights defenders, where progress must be seen to be made if the Consultative Group is to be convinced of genuine progress in human rights areas, AI also suggests that a similar number of other such cases should be identified and assessed, in consultation with the local human rights community, to see whether genuine progress is being made in their investigation. Such cases should include a selection of cases from the conflict years, including a number of the large-scale massacres whose perpetrators have not yet been brought to justice, as well as a selection of emblematic post-conflict abuses directed against figures from a range of sectors of society, including peasants and indigenous leaders, trade unionists and journalists.

Further with respect to such bellwether cases, what resources have been allocated per year since the establishment of the Prosecutor to look into cases with special human rights significance (*casos especiales*)? Are regular reports prepared by this Prosecutor to report on the stage of proceedings of each such case? Has progress been made in each of these cases?

Possible indicators/benchmarks to assess progress in these "*casos especiales*" and other bellwether cases have already been suggested above.

C. The Human Rights Procurator

The Human Rights Procurator could be an important locus in efforts to protect human rights in Guatemala.

What have been the resource allocations and the available staffing for this office over time?

What % of complaints received by the Human Rights Procurator, have been turned into criminal investigations? Does this differ between human rights-related and other complaints?

Again, if statistics are not kept in such a way as to make comparisons of such trends possible over time, the Consultative Group should insist that such a system be established.

D. Reform of the police and military

1. Training of police and military and procedures to screen out past violators

What are the current figures for the total official police and military forces?

How many new police and military are being trained and placed on active service each year?

As of 2001, it was reported that of the more than 19,000 students who had passed through the police training academy since the Accords, some 11,000 were reportedly "recycled" members from the former police force.

What procedures are in place to verify any past involvement in human rights violations of applicants for the police and recruits to the military?

How many past violators have been identified and how many proceedings have been initiated against such persons?

What training do recruits and personnel already in place receive on human rights issues?

2. Internal investigatory and disciplinary mechanisms

Which such mechanisms exist, how exactly do they operate and how are they resourced?

What has been the trend in resource allocation for these units over time since the Peace Accords were signed?

What % of cases have these internal investigatory mechanisms resolved each year since the Peace Accords and what have the resolutions been? Have these patterns changed over time? What have been the ranks of those investigated and is there any correlation between their ranks and the investigatory bodies' findings?

If there a differential in the resolution ratio when comparing criminal to human rights-related cases?

What is the level of training within these bodies regarding dealing with human rights violations? How has this training been financed and how has the level of funds made available for such training and the sources of finance for them evolved since the Peace Accords were signed? Is the Guatemalan government taking a greater role in such training over time?

3. Cooperation with efforts to prosecute perpetrators of abuses

How many formal requests for documents made to the security forces in relation to both internal and external attempts to prosecute officials have been complied with and what is the trend in this regard over time?

What procedures are the police and military following for determining which documents they destroy? Have they kept a list of such documents as they are formally obliged to do?

How many exhumations have been requested each year since the Peace Accords were signed and who has requested them? How many have been initiated?

What has been the trend with respect to the time period between the initial request for an exhumation being requested, as for example by family members or human rights groups, and it being legally authorized to go ahead? How does the rate and speed at which they are granted relate to the identity of the persons or institutions requesting them?

What has been done to ensure that the authorities carrying out exhumations can count on the necessary expertise in forensic anthropology and other relevant disciplines?

What consideration has been given to establishing a state funded program of exhumations?

Again, AI understands that human rights groups in Guatemala may be able to provide some of the data which would be required to assess these indicators.

E. Demilitarization

1. General indicators/benchmarks

What has been the military budget each year since the Peace Accords were signed and what have been the main budget lines?

What have been the total figures of people in arms for each year?

What are the figures as to how often joint military/police operations have been instituted in each year since the Peace Accords were signed?

What has been the criteria for deciding to call upon the military to participate in policing operations and has this changed over time?

Who makes the decision to call the military into policing operations and has this changed over time?

Which types of situations have they been called to intervene in, and again, has this changed over time?

What training have the military been given in the role of the army in a democratic society, and as regards military participation in policing operations?

2. EMP

The Presidential Chief of Staff, known as the EMP (*Estado Mayor Presidencial*) ostensibly exists to provide protection for the President and his family, but has repeatedly been implicated in many high profile human rights abuses over the years. It was to have been eliminated under the Peace Accords but has still not been phased out.

What are the current resources allocated to the EMP⁷ and how many staff does it currently employ? How have these figures changed over time?

What is the latest date now given as to when it will finally be wound up? What provisions have been made as regards its current staff and as to how its illegal functions will be discontinued and its other activities taken on by other bodies?

3. The Civil Patrols

There has been an extremely worrying resurgence of the civil patrols in recent months. Forced to serve as civilian adjuncts to the military during Guatemala's long-term civil conflict, many of the patrols were themselves involved in atrocities. Amnesty International is concerned that government efforts to meet recent demands by ex-patrollers for recompense for the time they served in the patrols is contrary to the intentions of the Peace Accords and may signal official acceptance of the re-emergence of the patrols and the abuses attributed to them.

AI therefore urges that the Guatemalan authorities be pressed to make clear:

How they are determining which patrollers they consider eligible for compensation and what steps they intend to take to ensure that these bodies, which were to have eliminated under the Peace Accords, do not re-surface.

What are the figures as to how many victims of abuses by official agencies during the conflict have been compensated as compared to the numbers of patrollers whom the government is considering compensating.

How many proceedings have been opened against former civil patrollers for abuses carried out during the conflict years?

F. Private security firms

As of June 2001, the Association of Private Security Firms reported that some 85 private security firms were legally registered, comprising some 45,000 agents, thus outnumbering the police at that time by 3 to 1. These agencies, which have been cited as responsible for a number of abuses, should by law respect the same norms and standards of behaviour as the National Police, and must by law be registered with official agencies which are responsible for monitoring their activities.

What is currently the figure of private security firms and agents?

⁷According to the Guatemalan human rights group, *Grupo de Apoyo Mútuo* (GAM), Mutual Support Group, the EMP budget has been doubled in the course of 2002, while the army in general has had a 7.8% increase in its budget. Monies to fund these increases have, according to GAM's analysis of budget figures, been taken from various other government programs, including the Peace Secretariat, which is to oversee implementation of the Peace Accords and the Ministries of Agriculture, Livestock and Nutrition and of Energy and Mines.

How many of them are actually formally registered with official agencies?
 How are their activities monitored? What are the formal lines of accountability?
 How many complaints have been filed against them for abuses?
 How have these complaints been handled and how many have resulted in convictions?

Private security forces are to report monthly to the Department of Control and Arms and Munitions of the Ministry of Defence as regards the arms they are holding.

How many small arms have been legally registered each year with this Department?
 What information can the Ministry of Defence give about the numbers and content of such reports for each year since the Peace Accords were signed?
 How many inquiries into illegally held firearms has this Department initiated each year since the Accords were signed and what have been the results of these inquiries?

G. Special mechanism to investigate the so-called “parallel power structure”

The operations of these “parallel powers” are of great concern, as they allegedly include powerful members of the security forces and other government officials who operate unofficially to threaten and attack those who challenge their political programs or their involvement in illegal economic activities, such as drugs and arms trafficking, and then take advantage of their positions and powerful alliances to ensure they remain immune from prosecution.

There are currently a number of proposals circulating within Guatemala and abroad, to establish a special mechanism to look into the operations of the so-called “parallel power structure.” AI is studying these proposals. Generally, it is concerned that any such mechanism address the broad range of current human rights problems in Guatemala; that from the beginning the Guatemalan authorities accept that its recommendations will be implemented; that there will be sufficient resources both human and material for the body to carry out its inquiry and implement its recommendations; that adequate security protection is available from the outset for both any investigators involved in its inquiries and the witnesses and others it may interview; and that it is a truly independent body. Once it has studied current proposals in more detail, AI intends to make suggestions as to how to try and ensure that any such body can effectively achieve its aims.

H. Programs to treat the mental health sequelae of the conflict years

It is often said that Guatemala suffered a national trauma during the conflict years, that has severely affected the mental well-being of its citizens and the possibilities of rebuilding the country’s institutions and society. Indigenous people suffered disproportionately. One particularly under-reported and little understood phenomenon was the widespread sexual abuse carried out against indigenous women by the regular security forces and the civil patrols. Yet little has officially been done to address the mental health problems left behind by the brutality of the conflict years

What official mental health programs have been established to deal with the sequelae of the conflict years? What has been the resource allocation for such programs for each year since the Accords?

Which such programs have been mandated to specifically address the mental health problems of women that suffered abuses, including rape and sexual abuse during the conflict years?

What multilingual facilities do any such programs have?

How many requests for mental health assistance needed as a result of the abuses of the conflict years have government medical institutions received each year since the Accords were signed?

How many individuals or communities have received any such mental health assistance from official medical programs?

I. Citizen security issues

1. Arms control

To AI's knowledge, there has been little progress with respect to agreeing new legislation to control small arms trafficking. Some of the information sought as to indicators/benchmarks with respect to demilitarization, above, would be relevant to assess this issue as well.

In addition, what specific initiatives can the government point to with regard to controlling the flow of small arms as one step toward improving citizen security?

How many prosecutions have there been for example with respect to illegally held arms? Regarding trafficking allegations? And what has been their outcome?

2. Lynchings

Lynchings whether spontaneously erupting as a result of common citizens' frustration at the failure of the country's institutions to ensure the rule of law, or orchestrated as some argue by official institutions for their own purposes, remain a continuing problem.

What % of lynchings have been investigated and what has been the outcome of such inquiries for each year since the Accords?

What government programs are in place, what official statements have been made and what legislation is under consideration to try and counteract this problem?

J. Cooperation with the international community's human rights monitoring mechanisms

International and regional bodies concerned with human rights issues have become increasingly concerned with the human rights situation in Guatemala, and over the past several years, there have been a number of visits from important rapporteurs and monitoring bodies.

Which of the recommendations of the various international human rights reporting mechanisms and rapporteurs have been implemented and to what extent?

In this regard, AI suggests that the various rapporteurs and representatives that have studied various aspects of the Guatemalan human rights situation on behalf of the international community be invited to submit their own evaluations on this question and/or that consideration be given to inviting them to be present at the Consultative Group's next meeting.

K. Importance of systematic data collection

In closing, Amnesty International would like to reiterate that it is clear that the cooperation of the Guatemalan government would be necessary to collect the data required in order to establish and assess the suggested benchmarks and indicators. AI urges the Consultative Group to press the Guatemalan authorities to set processes in motion to at least begin the systematic collection of such data. As noted, data already available on some of these issues could also be collected by the Consultative Group via the relevant human rights and research bodies in Guatemala.

L. Importance of evaluating current human rights-related programs and mechanisms in Guatemala

AI would also like to reiterate the importance of evaluating human rights-related programs, institutions and units that are ostensibly in place and urges the Consultative Group to press for such evaluations. Such evaluations should be carried out with the systematic participation of civil society and should include recommendations as to how they can improve their performance and as to the division of responsibilities and areas of cooperation between the various units.

M. Location of next Consultative Group Meeting

Finally, Amnesty International would urge that the Consultative Group's next meeting be held in Guatemala as originally planned. AI understands that there are pressures to have it held once again abroad, but opposes this change, as clearly, civil society can make its views known to the donor countries, organisations and agencies more easily, more representatively, and more comprehensively if the meeting takes place in country. Otherwise, there is the risk that those able to attend as representatives of civil society will in fact represent only those whom the government has characterized as "representative" and agreed to sponsor to attend. Similarly, if the meeting is held in Guatemala as originally planned, those representing donor countries and agencies in the Consultative Group will have the chance to hear and observe at first hand the current situation in Guatemala in the areas ear-marked for scrutiny at the last Consultative Group meeting.