



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
17 December 2009
English
Original: Spanish

Committee on the Elimination of Racial Discrimination

Seventy-sixth session

15 February–12 March 2010

List of issues to be taken up in connection with the consideration of the twelfth and thirteenth periodic reports of Guatemala (CERD/C/GTM/12-13)

General statistics and information

1. Please provide detailed and updated information on statistical data concerning the various linguistic groups of the Mayan people and other indigenous peoples who make up the Guatemalan nation, including the Garifuna population.
2. Please provide qualitative and quantitative information on the Garifuna community. Please indicate the extent to which the Guatemalan population knows about the existence of the Garifuna people, its history, its culture, its form of social organization and its contributions to the construction of Guatemalan nationality.
3. Please provide detailed information on the effective implementation of the peace agreements, in particular the Agreement on Identity and Rights of Indigenous Peoples, including the Garifuna people.
4. Please indicate whether the State party has conducted perception surveys on racism and racial discrimination in Guatemala.

Article 2

5. Please indicate how the strategic actions contemplated under the six key components of the national policy on coexistence and the elimination of racism and racial discrimination (CERD/C/GTM/12-13, paras. 4 to 10) are implemented in practice.
6. Has the draft legislation on the establishment of a national institute for the advancement of the indigenous peoples of Guatemala been adopted? If so, please explain the institute's powers, scope and functions (CERD/C/GTM/12-13, para. 41).

Article 4

7. Please indicate whether the State party plans to adopt legislation establishing the offence of racial discrimination in conformity with article 4 of the Convention.

Article 5

8. Please indicate the extent to which the study entitled “Access of Indigenous Women to the Official System of Justice (2005–2006)” (CERD/C/GTM/12-13, para. 105) has been effective in practice.

9. To what extent has the study on domestic violence against indigenous women, the purpose of which is to improve understanding of its causes, manifestations and consequences, helped to reduce the rate of incidents of violence against indigenous women (CERD/C/GTM/12-13, para. 106).

10. Please indicate the progress made in achieving a greater participation of indigenous and Garifuna peoples in political processes and the number and status of government posts held by indigenous persons.

11. Please indicate whether measures have been taken to recognize and protect the right of indigenous and Garifuna peoples to own, develop, control and use their lands and territories. Please also indicate whether the bill on the reform of the Mining Act has been adopted establishing a chapter on consultations prior to the issuance of mining licences, in conformity with paragraph 19 of the previous concluding observations (CERD/C/GTM/CO/11, para. 19, and CERD/C/GTM/12-13, para. 278).

12. Please provide detailed information on prior consultation procedures carried out following the adoption by the State party of International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989.

13. Please indicate whether the State party has promoted a plan for literacy in indigenous languages, including the Garifuna language, for civil servants. Has an intercultural bilingual education method been applied in initial teacher training, in particular training provided in intercultural bilingual teacher training schools?

14. Please indicate the measures taken to ensure access to medical services for members of indigenous and Garifuna communities. Have health-care professionals, including midwives, been trained in indigenous and Garifuna communities? If so, please give examples.

15. Please indicate the measures adopted to guarantee access to academic and non-academic education for indigenous and Garifuna children living in rural areas. Please also indicate whether bilingual teachers have been trained and whether bilingual education has been extended to all indigenous communities.

16. Please provide detailed information on allegations that the construction of a cement plant by the San José MINCESA company in San Juan Sacatepéquez has affected 12 indigenous communities, which allege that they were not consulted on the project and did not give their prior, free and informed consent. The members of the communities affected also refer to measures of coercion, such as expropriation of lands, legal prosecution and attacks with tear gas and other devices. In this connection, please provide: (a) additional information that enables the Committee to understand the situation on the ground; and (b) information on social and environmental impact studies as well as consultations with the affected communities, in particular concerning their prior, free and informed consent.

17. Please provide updated information on the state of prevention in San Juan Sacatepéquez and on the alleged use of violence by members of the National Civil Police and the army.

18. Please indicate the measures taken to establish a comprehensive national coordination mechanism on migration issues.

Article 6

19. Please provide detailed information on the follow-up and findings of reports of racial discrimination which the legal unit of the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) receives (CERD/C/GTM/12-13, para. 87).

20. Please indicate the progress made by the National Reparations Commission through the National Reparations Programme in its efforts to compensate, assist, rehabilitate and restore the dignity of victims of the armed conflict, of whom 83 per cent were Mayans. In particular, please indicate the progress made in individual and group reparation initiatives, including psychological and social rehabilitation and economic compensation (CERD/C/GTM/12-13, paras. 263 to 272).

21. Please provide detailed information on the functioning of the indigenous organizations referred to in paragraph 355 of the report of the State party which offer services in legal defence, guidance, consultation and support to help indigenous persons resolve their disputes in the courts. Please also cite examples of cases of settlements of community and personal disputes through the application of Mayan law or alternative judicial mechanisms. In this connection, please also provide information on the work of the Office of the Mayan Ombudsman, the Indigenous Legal Counsel and the Office of the Wajxaq'ib'No'j Ombudsman.

Article 14

22. Please indicate what progress has been made with regard to the legislative initiative on the recognition of the competence of the Committee for considering individual communications (CERD/C/GTM/12-13, para. 163).
