



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr.: General  
6 November 2020  
English  
Original: Spanish  
English, French and Spanish only

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**Committee on the Elimination of Racial Discrimination**

**Information received from Guatemala on follow-up to the  
concluding observations on its combined sixteenth and  
seventeenth periodic reports<sup>\*, \*\*</sup>**

[Date received: 4 May 2020]

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\* The present document is being issued without formal editing.  
\*\* The annexes may be consulted in the files of the secretariat.



## I. Introduction

1. The Committee on the Elimination of Racial Discrimination considered the combined sixteenth and seventeenth periodic reports of Guatemala, submitted as a single document (CERD/C/GTM/16-17), at its 2715th and 2716th meetings (CERD/C/SR.2715 and CERD/C/SR.2716), held on 25 and 26 April 2019. At its 2731st and 2732nd meetings, held on 7 and 8 May 2019, the Committee adopted concluding observations (CERD/C/GTM/CO/16-17) on the report.
2. In paragraph 47 of the concluding observations, the Committee requested the State party to provide, by 10 May 2020, information on its implementation of the recommendations contained in paragraphs 10 (legislation) and 16 (a), (c) and (d) (armed conflict and the Peace Agreements).
3. On receiving the concluding observations, the Government immediately transmitted them to State agencies and public institutions for the purposes of information, review, implementation and follow-up.
4. This report was prepared in accordance with the general guidelines on the form and content of reports to be submitted by States parties under article 9 (1) of the Convention.
5. The process presented an opportunity to review the implementation of the Committee's recommendations, to identify challenges in the struggle against racial discrimination and to reaffirm the Government's commitment to respect, protect and develop the rights enshrined in the Convention.
6. The National Institute of Statistics, the Congress, the Public Prosecution Service, the judiciary and the National Reparations Programme participated in the preparation of the follow-up report.

## II. Follow-up information

### A. Follow-up information relating to paragraph 8 of the concluding observations

7. As was reported during the interactive dialogue, the Government planned and implemented the twelfth national population census and the seventh housing census, including pre-census and census activities,<sup>1</sup> in 2017 and 2018. The census methodology adopted gave high priority to the gender perspective in all operational processes, while promoting and giving effect to the human right to self-identification, in terms of belonging to a particular population group or linguistic community. For the first time, respondents were able to self-identify as belonging to the "Afrodescendant/Creole/Fromestizo" population group, the aim being to determine the number of people of African descent living in the country.
8. Thus, the 2018 census surveyed the population groups to which respondents belonged. The exact question asked was: "Based on your origin or history, do you consider yourself or self-identify as ..."; and the response options provided were Maya, Garifuna, Xinka, Afrodescendant/Creole/Fromestizo, Ladino or foreign. It was the first time that the "Afrodescendant/Creole/Fromestizo" and "foreign" categories had been included in the census.
9. The census questions were designed through thematic round-table discussions and dialogue, this particular question being agreed during the "Population Groups" round-table discussion, in which the following State institutions, international cooperation agencies and civil society organizations took part: the Planning and Programming Secretariat of the Office of the President, the National Institute of Statistics, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Ministry of Economic Affairs, the Ministry of Labour and Social Welfare, the Ministry of Social Development, the

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<sup>1</sup> The census was taken between 23 July and 10 August 2018.

Ministry of Culture and Sports, the Ministry of Agriculture, Livestock and Food, the Ministry of the Interior, the Ministry of Education, the Academy of Mayan Languages of Guatemala, the Office for the Defence of Indigenous Women's Rights, Rafael Landívar University, Tz'ununija' (a non-governmental organization supporting indigenous women), Consejo Coordinador del Pueblo Xinka (Coordinating Council of the Xinka People of Guatemala), Organización Negra Guatemalteca (Black Guatemalans' Organization), Asociación Política de Mujeres Mayas MOLOJ (Political Association of Mayan Women), Coordinación y Convergencia Nacional Maya Waqib' Kej (Maya Waqib' Kej Platform for Coordination and Convergence), the Economic and Social Council of Guatemala, Grupo de Análisis Estratégico para el Desarrollo (Strategic Analysis for Development Group), Alianza Nacional de Organizaciones de Mujeres Indígenas por la Salud Reproductiva, la Nutrición y la Educación (National Alliance of Indigenous Women's Organizations supporting Reproductive Health, Nutrition and Education) and United Nations agencies. This process was supported by the Latin American and Caribbean Demographic Centre.

10. The questions on belonging to a particular population group can be found in chapter VII of the 2018 census questionnaire, entitled "Personal characteristics", and correspond to the codes PCP12, PCP13, PCP14, PCP15, PCP23, PCP24 and PCP25, as shown below.<sup>2</sup>

<p><b>PCP12</b> Según su origen o historia, ¿cómo se considera o auto identifica:</p> <p>Maya? ..... 1 <input type="radio"/></p> <p><i>Si responde opción 1, pase a PCP13</i></p> <p>Garifuna? ..... 2 <input type="radio"/></p> <p>Xinka? ..... 3 <input type="radio"/></p> <p>Afrodescendiente/Creole/ Afro mestizo? ..... 4 <input type="radio"/></p> <p><i>Si responde opción 2 a 4, pase a PCP14</i></p> <p>Ladina(o)? ..... 5 <input type="radio"/></p> <p>Extranjera(o)? ..... 6 <input type="radio"/></p> <p><i>Si responde opción 5 ó 6, pase a PCP15</i></p>	<p><b>PCP13</b> ¿A qué comunidad lingüística pertenece? (<i>anote el código</i>) .....</p> <table border="1"> <thead> <tr> <th colspan="4">Códigos de comunidades lingüísticas Mayas</th> </tr> </thead> <tbody> <tr> <td>Achi .....</td> <td>1</td> <td>Mam .....</td> <td>12</td> </tr> <tr> <td>Akateka .....</td> <td>2</td> <td>Mopan .....</td> <td>13</td> </tr> <tr> <td>Awakateka .....</td> <td>3</td> <td>Poqomam .....</td> <td>14</td> </tr> <tr> <td>Ch'orti' .....</td> <td>4</td> <td>Poqomchi' .....</td> <td>15</td> </tr> <tr> <td>Chalchiteka .....</td> <td>5</td> <td>Q'anjob'al .....</td> <td>16</td> </tr> <tr> <td>Chuj .....</td> <td>6</td> <td>Q'eqchi' .....</td> <td>17</td> </tr> <tr> <td>Itza' .....</td> <td>7</td> <td>Sakapulteka .....</td> <td>18</td> </tr> <tr> <td>Ixil .....</td> <td>8</td> <td>Sipakapense .....</td> <td>19</td> </tr> <tr> <td>Jakalteko/Popti' .....</td> <td>9</td> <td>Tektiteka .....</td> <td>20</td> </tr> <tr> <td>K'iche' .....</td> <td>10</td> <td>Tz'utujil .....</td> <td>21</td> </tr> <tr> <td>Kaqchikel .....</td> <td>11</td> <td>Uspanteka .....</td> <td>22</td> </tr> </tbody> </table>	Códigos de comunidades lingüísticas Mayas				Achi .....	1	Mam .....	12	Akateka .....	2	Mopan .....	13	Awakateka .....	3	Poqomam .....	14	Ch'orti' .....	4	Poqomchi' .....	15	Chalchiteka .....	5	Q'anjob'al .....	16	Chuj .....	6	Q'eqchi' .....	17	Itza' .....	7	Sakapulteka .....	18	Ixil .....	8	Sipakapense .....	19	Jakalteko/Popti' .....	9	Tektiteka .....	20	K'iche' .....	10	Tz'utujil .....	21	Kaqchikel .....	11	Uspanteka .....	22	<p><b>PCP14</b> ¿Utiliza regularmente ropa o traje maya, garifuna, afrodescendiente o xinka?</p> <p>Sí ... 1 <input type="radio"/></p> <p>No .. 2 <input type="radio"/></p>
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The main findings of the twelfth national population census and the seventh housing census are as follows:

Table 1  
**Guatemala: total population by population group**

Population group	Number	Percentage
<b>Total</b>	<b>14 901 286</b>	<b>100.0</b>
Maya	6 207 503	41.7
Garifuna	19 529	0.1
Xinka	264 167	1.8
Afrodescendant/Creole/Afro mestizo	27 647	0.2
Ladino	8 346 120	56.0
Foreign	36 320	0.2

Source: National Institute of Statistics, twelfth national population census and seventh housing census, 2018.

<sup>2</sup> See annex 1: Questionnaire of the twelfth national population census and seventh housing census.

Table 2  
**Guatemala: Mayan population by linguistic community**

<i>Linguistic community</i>	<i>Number</i>	<i>Percentage</i>
<b>Total</b>	<b>6 207 503</b>	<b>100.0</b>
Achi'	160 858	2.6
Akatek	65 965	1.1
Awakatek	12 541	0.2
Ch'orti'	112 432	1.8
Chalchitek	33 641	0.5
Chuj	91 391	1.5
Itza'	2 926	0.0
Ixil	133 329	2.1
Jakaltek/Popti'	54 237	0.9
K'iche'	1 680 551	27.1
Kaqchikel	1 068 356	17.2
Mam	842 252	13.6
Mopán	3 360	0.1
Poqomam	46 478	0.7
Poqomchí	176 622	2.8
Q'aañjob'al	208 008	3.4
Q'eqchi'	1 370 007	22.1
Sakapultek	12 938	0.2
Sipakapense	17 373	0.3
Tektitek	3 317	0.1
Tz'utujil	106 012	1.7
Uspantek	4 909	0.1

*Source:* National Institute of Statistics, twelfth national population census and seventh housing census, 2018.

Table 3  
**Guatemala: Population using Mayan, Garifuna, Xinka or Afrodescendent clothing or costume**

<i>Population</i>	<i>Number</i>	<i>Percentage</i>
<b>Total</b>	<b>6 518 846</b>	<b>100.0</b>
Yes	2 418 836	37.1
No	3 728 591	57.2
Not stated	371 419	5.7

*Source:* National Institute of Statistics, twelfth national population census and seventh housing census, 2018.

11. Results, graphs, indicators, projections and a database and documents relating to the census are available at <https://www.censopoblacion.gt/>.

## **B. Follow-up information relating to paragraph 10 of the concluding observations**

12. On 14 January 2020, the 160 deputies of the ninth legislature (2020–2024) of the Congress took office, representing the following 19 political parties: Unidad Nacional de la Esperanza; Vamos; Unión del Cambio Nacional; Valor; Frente de Convergencia Nacional;

Bienestar Nacional; Movimiento Semilla; Visión con Valores; Todos; Partido Humanista de Guatemala; Compromiso, Renovación y Orden; Movimiento Político Winaq; Victoria; Participación Ciudadana; Unionista; Unidad Revolucionaria Nacional Guatemalteca; Partido de Avanzada Nacional; Movimiento para la Liberación de los Pueblos and Podemos Guatemala.

13. With regard to the repetition of the Committee's previous recommendation (CERD/C/GTM/CO/14-15, para. 9) referring to legislation, the legislature has reported on the current status of the bills in question, as detailed below.

<i>No.</i>	<i>Name</i>	<i>Received by the Legislation Directorate</i>	<i>Date of consideration in plenary</i>	<i>Committee handling the bill</i>	<i>Opinion</i>	<i>Status</i>
4051	Bill on consultation with indigenous peoples	29 April 2009	18 August 2009	Indigenous Peoples	Favourable opinion received on 14 October 2009	Pending discussion in first and second debates, discussion and approval in third debate, article-by-article adoption and final drafting
3946	Bill on indigenous jurisdiction	21 May 2008	22 October 2008	Indigenous Peoples	Favourable opinion received on 24 May 2013	Pending discussion and approval in third debate, article-by-article adoption and final drafting
4084	Bill on the national system for rural development	27 July 2009	11 August 2009	Agriculture, Livestock and Fisheries	Favourable opinion received on 21 October 2009	The Committee issued a new favourable opinion on 19 July 2016  Pending discussion in first and second debates, discussion and approval in third debate, article-by-article adoption and final drafting
3835	Bill on the sacred sites of the indigenous peoples	17 June 2008	17 June 2008	Indigenous Peoples Peace and Demining Legislation and Constitutional Matters	Joint favourable opinion issued by the Committee on Indigenous Peoples and the Committee on Peace and Demining  Pending opinion of the Committee on Legislation and Constitutional Matters	Pending opinion of the Committee on Legislation and Constitutional Matters  Pending discussion in first and second debates, discussion and approval in third debate, article-by-article adoption and final drafting
3515	Bill on the recognition of electronic communications and signatures	24 June 2006	22 August 2006	Economy and Foreign Trade	Favourable opinion received on 4 March 2007	On 19 August 2008, the Congress adopted Decree No. 47-2008, the Act on the Recognition of Electronic Communications and Signatures (a copy of the Decree is attached)

<i>No.</i>	<i>Name</i>	<i>Received by the Legislation Directorate</i>	<i>Date of consideration in plenary</i>	<i>Committee handling the bill</i>	<i>Opinion</i>	<i>Status</i>
4087	Bill on community media	August 2009	August 2009	Communications, Transport and Public Works Indigenous Peoples	The Committee on Indigenous Peoples issued a favourable opinion on 14 January 2010	Pending opinion of the Committee on Communications, Transport and Public Works Pending discussion and approval in third debate, article-by-article adoption and final drafting
3551	Bill on the National Reparations Programme	21 September 2006	9 November 2006	Peace and Demining Public Finance and Currency	The Committee on Peace and Demining issued a favourable opinion on 5 December 2008.	Pending opinion of the Committee on Public Finance and Currency Pending discussion in first and second debates, discussion and approval in third debate, article-by-article adoption and final drafting
4783	Amendments to National Constituent Assembly Decree No. 1-85, the Elections and Political Parties Act	24 October 2013	24 October 2013	Not referred for an opinion	Not referred for an opinion	On 31 October 2013, the Congress discussed the amendments in third debate and, considering that they had been sufficiently discussed, adopted Resolution No. 5-2013 whereby they were referred to the Constitutional Court for study and an opinion
4945	Amendment of Congressional Decree No. 48-97, the Mining Act	24 February 2015	4 February 2016	Energy and Mining	Unfavourable opinion received on 10 August 2016	Pending discussion in first and second debates, discussion and approval in third debate, article-by-article adoption and final drafting
5357	Bill declaring 19 May of each year as Day of Dignity of Traditional Midwives of Guatemala	28 September 2017	26 October 2017	Transparency and Probity	Favourable opinion received on 13 November 2017	Pending article-by-article adoption and final drafting

<i>No.</i>	<i>Name</i>	<i>Received by the Legislation Directorate</i>	<i>Date of consideration in plenary</i>	<i>Committee handling the bill</i>	<i>Opinion</i>	<i>Status</i>
5337	Bill on the Kohataneke Mayan Language. Amendment of Congressional Decree No. 65-90, the Act on the Academy of Mayan Languages of Guatemala	24 August 2017	31 August 2017	Indigenous Peoples Legislation and Constitutional Matters	The Committee on Legislation and Constitutional Matters issued a favourable opinion on 26 September 2017  An unfavourable opinion was received	Pending first debate
5546	Bill declaring the Day of the Xinka People	4 February 2019	14 August 2019	Indigenous Peoples Legislation and Constitutional Matters	The Committee on Indigenous Peoples issued a favourable opinion on 10 December 2019	Pending opinion of the Committee on Legislation and Constitutional Matters  Pending discussion in first and second debates, discussion and approval in third debate, article-by-article adoption and final drafting

The plenary of the Congress also adopted Decree No. 3-2020, the Guatemalan Sign Language Act.<sup>3</sup>

<sup>3</sup> See annex 2.

### C. Follow-up information relating to paragraph 16 (a), (c) and (d) of the concluding observations

14. The following information concerns effective investigations conducted with the aim of prosecuting and punishing those responsible for violations committed during the armed conflict.

15. The Public Prosecution Service has a dedicated office that deals with special cases related to the internal armed conflict. In 2011, the applicable laws were supplemented by the General Instruction for the Criminal Investigation and Prosecution of Grave Human Rights Violations during the Internal Armed Conflict, which was issued to support investigations into such cases.

16. At present, municipal and district prosecutors' offices in the country's interior are investigating 2,848 cases, while, according to the digitalization project under way, a total of 8,646 files related to the internal armed conflict are under investigation.

17. During the first quarter of 2020, preparatory criminal proceedings were instituted in three cases, in which four defendants were brought to trial for genocide, crimes against humanity and enforced disappearance and one defendant for crimes against humanity.

18. To address the concerns of the Committee on the Elimination of Racial Discrimination, the judiciary has provided information, in the table below, on judgments handed down in transitional justice cases during the period 2011–2018.

<i>Year of judgment</i>	<i>Date of judgment</i>	<i>Case</i>	<i>Offence</i>
2011	2 August 2011	Dos Erres	Murder, crimes against humanity
2012	20 March 2012	Plan de Sánchez	Murder, crimes against humanity
2012	21 August 2012	Pedro Arredondo	Enforced disappearance, crimes against humanity
2013	26 March 2013	Edgar Leonel Paredes	Enforced disappearance, crimes against humanity
2013	10 May 2013	Rios Mont	Genocide, crimes against humanity
2014	20 September 2014	Fernando García	Enforced disappearance
2015	19 January 2015	Spanish Embassy	Murder, attempted murder, crimes against humanity
2016	26 February 2016	Sepur Zarco	Crimes against humanity
2018	1 May 2018	Molina Theissen	Unlawful arrest, torture, sexual violence, enforced disappearance

19. The following measures have been taken under the National Reparations Programme to provide appropriate support for victims:

- Services provided in the language of the user. Each regional office has staff conversant in Mayan languages
- Provision of psychosocial care, especially for victims of sexual violence and torture. The Programme currently has five psychology professionals – four at its regional offices and one at its central office – who carry out this work
- Legal advice on the preparation of files for reparation claims

20. Immediate challenges for the National Reparation Programme include:

- (i) The provision of psychosocial care in more than 8,000 cases;

(ii) The legal resolution of cases of human rights violations documented in more than 29,000 files;

(iii) The strengthening of its regional offices, especially those of Ixcán and Petén, which are currently staffed by only one person.

21. With regard to bill No. 5377 on the amendment of the National Reconciliation Act, the Congress reports that on 18 July 2019 the Constitutional Court, in its judgment with file number 682-2019, granted a provisional remedy of amparo, having the positive effect of providing temporary constitutional protection, thereby suspending the formulation, adoption and promulgation of the law.

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