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Summary record of the 3171st meeting

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Chair: Mr. Balcerzak

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States Parties under article 9 of the Convention (continued)

Combined eighteenth to twentieth periodic reports of Guatemala (CERD/C/GTM/18-20; CERD/C/GTM/Q/18-20)

1. *At the invitation of the Chair, the delegation of Guatemala joined the meeting.*
2. **A representative of Guatemala**, introducing his country's combined eighteenth to twentieth periodic reports (CERD/C/GTM/18-20), said that the Government had established a national assembly for dialogue with Indigenous and ancestral authorities, which addressed issues such as environmental protection, investment in local economies, healthcare coverage in Indigenous communities and bilingual and intercultural education. To support bilingual education, educational materials were being developed in all Indigenous languages and local curricula were being prepared with culture and language as a starting point. The State was also taking steps to promote Indigenous Peoples' access to higher education. An agreement had been signed in 2024 with organizations of campesinos, most of whom were Indigenous persons, on key issues such as access to land and rural development. A policy for the protection of human rights defenders, which also provided for the development of mechanisms for the protection of the rights of Indigenous persons and of the organizations, communities and authorities of Indigenous Peoples, had recently been adopted. Culturally relevant services had been developed for migrants, and the "Returning Home" plan had been rolled out for the reintegration of returning Guatemalan migrants.
3. Within the judicial system, the Policy on Access to Justice for Indigenous Peoples provided for culturally and linguistically relevant access to justice, and interpreters were available to assist at hearings in the 22 Mayan languages recognized in the country. An increasing number of courts culturally relevant to Indigenous Peoples were being established. The judicial authorities communicated effectively with Indigenous authorities and organizations and sought to promote coordination between the ordinary justice system and Indigenous justice systems, including through the establishment of mediation and dispute resolution centres.
4. The legislature had adopted Decrees No. 3-2024, on National Indigenous Languages Day, No. 4-2025, recognizing midwives and addressing their annual stipend, and No. 13-2025, amending the Organic Act on the Budget to allow public investment on Indigenous Peoples' communal lands. It had also held a round table with Maya, Garifuna, and Xinka communities to hear their demands. A feasibility study on the establishment of a department for Indigenous Peoples' affairs was pending approval. Bill No. 6130, on the dignity of Indigenous women, was in third reading, and bills No. 5938, on the dignity of Garifuna women and women of African descent, and No. 5546, on a day of the Xinka people, were in first reading. The members of the delegation, representing the three branches of Government, acknowledged that the country faced challenges in fulfilling the rights of Indigenous Peoples and people of African descent and reaffirmed their commitment to the realization of the rights of all Guatemalans, without distinction.
5. **A representative of the Office of the Human Rights Advocate** said that, according to the 2018 population and housing census, 42 per cent of Guatemalans identified as Maya, Garifuna or Xinka. The departments of the country with the largest Indigenous populations also had the highest rates of poverty, exceeding 80 per cent. The fact that there was no legal provision for the self-identification of people of African descent limited their inclusion in public policies and official statistics. Despite the existing institutional guidelines, the Prosecution Unit for Discrimination Offences registered cases of discrimination without recording the grounds. The Cabinet Committee for Social Development and the State Inter-Agency Coordinating Council for Indigenous Affairs had had limited results, as disparities with respect to poverty, malnutrition and access to services persisted in Indigenous areas. The elimination of the Secretariat for Agrarian Affairs and weaknesses in the Land Fund had limited the attention given to agrarian conflicts and the regularization of land tenure. According to the National Civil Police, there had been 88 collective or communal evictions between 2019 and 2024. The State had taken only limited steps to grant the reparations

ordered by the Inter-American Court of Human Rights in its 2021 judgment in *Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*, including with respect to the free operation and legal recognition of Indigenous community radio stations. The Ministry of Energy and Mining still lacked a clear, participatory consultations procedure.

6. In 2024, there had been 378 deaths from acute malnutrition among children under 5. The rate of chronic malnutrition in rural areas, where the population was largely Indigenous, was 34.8 per cent, compared to 18.3 per cent in urban areas. Only 62 per cent of the rural population had access to basic health services. The National Policy on Midwives Belonging to the Four Peoples of Guatemala and the associated action plan for the period 2021–2025 remained at the implementation stage. Water supply systems in rural Indigenous communities failed to meet chlorination and microbiological standards. The Ministry of Education had not complied with rulings ordering the full implementation of intercultural bilingual education in certain municipalities. Another ruling involving 22 schools in various municipalities had yet to be implemented, seven years after it had been issued.

7. Between 2020 and September 2025, over 376,000 Guatemalan migrants – mostly from Huehuetenango, San Marcos, and Quiché, departments with high rates of poverty and large Indigenous populations – had been returned from the United States of America and Mexico. The elimination of the institutions established to implement the Peace Agreements – the Peace Secretariat, the Presidential Commission for the Coordination of Human Rights Policy and the Secretariat for Agrarian Affairs – had weakened transitional justice and reparations policies. The Presidential Commission for Peace and Human Rights, created to replace the three institutions, needed to be strengthened before it could fully implement its mandate. The justice system lacked sufficient interpreters in the Mayan, Garifuna and Xinka languages. Despite Constitutional Court rulings recognizing legal pluralism, no new community justices of the peace had been created since 1998.

8. **Mr. Tlemçani** (Country Rapporteur) said that he would be grateful for updated information on the socioeconomic situation of Indigenous Peoples, Garifuna communities, people of African descent, migrants, refugees and asylum-seekers, and updated data on the country's demographic composition. He wished to know what steps the State Party had taken to improve data collection; ensure the sharing of data among ministries and the use of the data in formulating, monitoring and evaluating public policies, programmes and projects; incorporate variables on ethnic and racial origin and ancestry in data collection; train census-takers on the application of the self-identification criterion; and ensure that members of marginalized groups could freely and safely self-identify. He wondered whether the State Party had assessed the quality and completeness of the data collected through self-identification.

9. Information on cases where the Convention had been invoked before or directly applied by domestic courts would be helpful. He would like to know how the courts interpreted and applied article 46 of the Constitution, on the primacy of international law, in the context of combating racial discrimination; what training law enforcement officials, public defenders, lawyers, judges, justice system officials and public officials received on the Convention and the fight against racial discrimination; what steps the State Party had taken to raise awareness among members of the public of their rights under the Convention and of available complaint mechanisms and remedies; and whether the impact of the training and awareness-raising measures had been assessed.

10. He would appreciate an update on the status of legislative initiatives intended to protect the rights of Maya, Garifuna and Xinka communities and people of African descent. He would like to know what steps the State Party had taken to adopt comprehensive anti-discrimination legislation; fully implement the Peace Agreements, in particular the Agreement on Identity and Rights of Indigenous Peoples, and the legislature's Indigenous Peoples policy; criminalize acts of racial discrimination and the conduct described in article 4 of the Convention; and include racist motivation as an aggravating circumstance under the Criminal Code. If racist motivation was already recognized as an aggravating circumstance, he wished to know how it was defined and had been applied by the courts. He would be grateful for information on measures taken to prevent and combat racist hate speech, hate crimes and incitement to racial hatred and xenophobia, especially in the media and on the Internet and social media platforms; recent statistics on complaints, investigations,

prosecutions, and penalties related to racist hate speech, incitement to discrimination and racially motivated violence; examples of such cases and the reparations granted to victims; and measures taken to facilitate the reporting and investigation of and collection of data on hate crimes.

11. He would welcome information on the measures being taken to improve access to justice for Indigenous Peoples, people of African descent, migrants, asylum-seekers and refugees; the number of interpreters, bilingual public defenders and specialists on the traditional justice systems of Indigenous Peoples; any measures to promote recognition of and respect for the traditional justice systems of Indigenous Peoples; the status of the bill on the Indigenous justice system; training on Indigenous customary law for law enforcement officials, public defenders, lawyers, judges and justice system officials; complaints regarding acts of racial discrimination and related offences brought before the courts or other national institutions; and measures to facilitate the filing of complaints, including through the reversal of the burden of proof in favour of the victims.

12. He would be grateful for updated information on investigations and prosecutions relating to human rights violations committed during the armed conflict. He wished to know whether steps had been taken to develop a national plan for dignity and reparations for victims of the internal armed conflict and a national plan to search for missing persons. Additional information on the status of the institutions created pursuant to the Peace Agreements would also be useful.

13. **A representative of Guatemala** said that the country's Migration Code had been adopted in 2016. The Guatemalan Migration Institute had been established five years earlier, and it, together with the Office of the Vice-President, the Ministry of Labour and Social Security, the Ministry of Foreign Affairs and the Ministry of Social Development, made up the national migration authority. A department for refugee recognition had been created within the Institute's subdirectorate for the provision of assistance to and the protection of the fundamental rights of migrants. The Institute had run campaigns to prevent racist hate speech, discrimination and xenophobia, and to address trafficking in persons, the rights of refugees and perceptions of returned Guatemalan migrants.

14. Between 2020 and 2025, 6,847 applications for refugee status had been received and, during that period, 1,293 persons had been recognized as refugees, 607 applications had been denied, 110 persons had withdrawn their applications, 1,273 had abandoned the process and 3 applicants had died. Of the total number of applications received, 1,786 were awaiting an opinion from the National Refugee Commission, 807 had resulted in a decision, to be signed by the National Migration Authority, and 960 were in the process of being decided. Among the 6,847 applicants, there had been 2,042 Hondurans, 1,390 Salvadorans, 1,248 Venezuelans, 1,201 Nicaraguans, 271 Colombians, 246 Cubans and 159 Mexicans. Persons whose applications were denied could file appeals, and 386 such appeals had been filed between 2020 and 2025. During that same period, 788 persons recognized as refugees had applied for permanent residency, and 696 such applications had been approved, with the individuals also having been granted work permits.

15. **A representative of Guatemala** said that, of the 6.5 million persons identified as members of Indigenous Peoples in the 2018 population and housing census, 95 per cent had been Maya and 4.1 per cent Xinka. The statistics showed that 42.9 per cent of the population was between 0 and 17 years old, 19.3 per cent between 18 and 29, and 30 per cent between 30 and 59. In addition, 61.8 per cent of the population lived in rural areas and 38.2 per cent in urban areas.

16. **A representative of Guatemala** said that the Foreign Nationals Work Permits Department took steps to make work permits accessible to refugees and applicants for refugee status. Between 2020 and 2025, 2,200 work permits had been issued to persons with refugee status and 1,191 had been issued to applicants for that status. The General Labour Inspectorate verified the enjoyment by refugees and applicants for refugee status of their labour rights. Complaints had been received from migrant workers from 11 countries, of whom 28 had been men and 27 women, resulting in the imposition of 53 penalties, amounting to 18,465 quetzales.

17. **A representative of Guatemala** said that the National Institute of Statistics had made steady progress in disaggregating data by gender and ethnicity. Respondents' membership in a particular people or linguistic community had been addressed in all household surveys since the 2018 census, allowing for disaggregated data on Indigenous Peoples, people of African descent, Garifuna communities, and women and girls to be produced annually. In addition, the Office for the Coordination of Statistics on Gender and Population Groups had updated manuals and technical guides to harmonize the use of variables across institutions. Between 2023 and 2025, more than 1,000 people in the National Statistical System had received training on self-identification, cultural relevance and non-discrimination, which had been coordinated by the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Office of the Ombudsman for Indigenous Women's Rights, and the Presidential Secretariat for Women. At the National Institute of Statistics, people who spoke Indigenous languages were given preference in hiring so as to improve the quality of data collection in multilingual areas.

18. The Government had carried out participatory community assessments to identify the main issues related to sexual violence and other forms of gender-based violence in Xinka and Garifuna communities. In addition, a campaign had been launched to prevent sexual violence, exploitation and trafficking in persons in contexts of human mobility, with a focus on inter-institutional coordination, capacity-building for public officials and community leaders, and the development of coordination plans and training programmes in departments with large Indigenous populations.

19. **A representative of Guatemala**, speaking as the only Indigenous woman member of Congress, said that the adoption of three decrees relating to Indigenous Peoples – the aforementioned Decrees No. 3-2024, No. 4-2025 and No. 13-2025 – had been an important step but was insufficient to redress the State's historical debt to Indigenous Peoples. A broad dialogue held in 2024 with Maya, Garifuna and Xinka communities had led to the adoption of a legislative policy for Indigenous Peoples under Congressional Resolution No. 14-2024, with the intention that Congress would begin work on a legislative agenda on collective rights. The debate on bills No. 5494 and No. 4539, which would increase the penalties under the Criminal Code for offences involving racial discrimination, was ongoing.

20. **A representative of Guatemala** said that the Secretariat for Indigenous Peoples established by the judiciary was intended to increase Indigenous Peoples' access to justice, in part by improving coordination between the judicial system and Indigenous justice systems. A directorate for alternative methods of dispute resolution had also been established. Of the 762 courts established in the country, half were located in the northern and western regions, the areas with the largest Indigenous populations. There had been 8,557 recorded cases of discrimination between 2022 and 2025. Mediation centres had been set up to address issues before they reached judicial or State bodies.

21. **Mr. Tlemçani** said that he would be grateful for more detailed information on the measures being taken to combat hate speech, including on the Internet and social media, particularly in terms of training and capacity-building. The delegation might also wish to comment on the issue of Indigenous community radio stations. He would appreciate an update on the status of bills No. 3835, on sacred sites of Indigenous Peoples, and No. 3946, on Indigenous courts.

22. **Ms. Shepherd** (Country Task Force) said that, in the light of reports received by the Committee of the inconsistent application of the principle of self-identification in the 2018 census, she would be curious to know how the State Party could be certain of the data regarding the size of the various ethnic groups in the country. She also wished to know whether the State Party used history education to promote human rights education, in particular by addressing the legacy of the transatlantic trafficking of enslaved Africans and colonialism.

23. **Ms. Esseneme** said that she would be curious to know how many members of Congress were women, to what extent members of Congress who were not themselves Indigenous persons were involved in the promotion of laws affecting Indigenous Peoples and how such laws were generally introduced. She would be grateful for a response from the delegation to allegations received by the Committee regarding the near impossibility for

Indigenous persons to bring cases to court because of the lack of interpretation services and regarding the frequent prosecutions of defenders of Indigenous Peoples' rights and the harsh sentences imposed on them.

24. **Ms. Stavrinaki** said that she wished to know how many Indigenous persons had been candidates in the most recent legislative elections, what efforts were being made to expand the interpretation services in the justice system and whether any workshops were conducted to break down prejudice and stereotypes, with the participation of members of the affected groups.

25. **Mr. Diaby** said that he would appreciate the delegation's comments on reports that Indigenous leaders, particularly Xinka leaders, continued to face prosecution, assassination and exile for protecting their communities and lands. He wished to know whether the Indigenous persons who had been forcibly evicted from their lands had had access to any legal remedies to recover those lands.

26. **Ms. Tlakula** (Follow-up Rapporteur) said that she wished to recall the Committee's letter dated 20 November 2020, in which it stated that the recommendations identified for follow-up in paragraph 47 of its concluding observations on the State Party's combined sixteenth and seventeenth periodic reports ([CERD/C/GTM/CO/16-17](#)) were considered to have been partially implemented. The Committee noted, with respect to the recommendation contained in paragraph 10 of the concluding observations, the information provided in annex 6 to the State Party's combined eighteenth to twentieth periodic reports ([CERD/C/GTM/18-20](#)), but it would appreciate an update on the status of the bills mentioned in that annex, some of which had been pending adoption for 10 years. With respect to the recommendations contained in paragraph 16, the Committee noted the information provided in paragraphs 130 to 146 of the State Party's combined eighteenth to twentieth periodic reports, but would appreciate more information on the measures that had been taken to enforce the Agreement on Identity and Rights of Indigenous Peoples.

27. **Mr. Diaby** said that he would welcome clarification of the follow-up given to the recent visit to Guatemala by the Inter-American Commission on Human Rights, which had observed that repression targeting defenders of Indigenous Peoples in the country reflected shortcomings in judicial independence.

28. **A representative of Guatemala** said that the Presidential Commission on Discrimination and Racism against Indigenous Peoples had introduced a digital reporting platform to facilitate the submission of complaints of racial discrimination, in accordance with Decree No. 5/2021 on simplifying administrative requirements and procedures. In addition, steps had been taken to promote inter-institutional communication and thematic exchanges on strategic litigation. Those efforts aimed to strengthen familiarity with evidentiary methods used at various stages of proceedings, particularly through improved documentation and the use of anthropological, linguistic and sociocultural expert reports. A bill was being developed, on the basis of consultations with justice-sector officials and Indigenous leaders, to establish a legal framework for preventing, sanctioning and eradicating racism and racial discrimination through affirmative measures, recognizing the country's ethnic and cultural diversity and thereby guaranteeing individual and collective rights before the law.

29. Moreover, measures had been adopted to prevent, investigate and sanction discrimination through the media. The Commission's "Respect for Cultural Identity for Harmonious Coexistence" campaign, aimed at promoting the eradication of structural, historical and systemic racism, included a radio component in Mayan, Garifuna and Xinka languages. The Commission had provided assistance in seven cases and conducted 10 advisory sessions in 2020; four cases and 15 advisory sessions in 2021; 15 cases and 38 advisory sessions in 2022; 21 cases and 33 advisory sessions in 2023; and 4 cases and 21 advisory sessions in 2024. In the first three quarters of 2025, it had provided assistance in a total of 222 cases, including 57 cases undergoing formal legal proceedings. Those figures demonstrated the growing interest in reporting acts of discrimination against Indigenous peoples in Guatemala, while also signalling heightened vigilance and a stronger commitment to defending their rights and eradicating racial discrimination.

30. **A representative of Guatemala** said that the State bore a historical debt to the victims of the internal armed conflict; however, since 2020, various key peace-related institutions had been dismantled, including the Peace Secretariat, the Presidential Commission for the Coordination of Human Rights Policy, various dialogue mechanisms and the Secretariat for Agrarian Affairs. Those closures had constituted a setback, and transitional justice cases had come to a standstill in recent years. Only one case was currently moving forward, primarily owing to the mandate of the Inter-American Court of Human Rights and ongoing proceedings before that tribunal. The current Administration had sought to reinforce the role of the Presidential Commission for Peace and Human Rights within the institutional framework for peace so that it could coordinate reparation processes. The National Reparations Programme had been resumed in coordination with victims' organizations. A validated plan had been prepared together with victims and submitted to the Attorney General's Office and the General Secretariat of the Office of the President for review by the President and the Council of Ministers.

31. Follow-up was being given to transitional justice cases in relation to reparation measures and guarantees of non-repetition ordered in more than 15 judgments of the Inter-American Court. Several measures had not previously been implemented and were now being addressed by the Presidential Commission for Peace and Human Rights. One such measure concerned the preparation of a plan for the search for disappeared persons. More than 11 judgments of the Court required the State to fulfil its obligation to search for persons who had disappeared during the internal armed conflict. Work on that plan had resumed and was in a consultation phase with representatives of the cases before the inter-American system, prior to its consolidation and subsequent submission for presidential approval. The Commission sought to follow up on all reparation measures arising from international justice, particularly decisions of the Inter-American Court, as well as from national rulings. Regarding the *Sepur Zarco* case and the *Achi' Women* case, inter-institutional working groups had been established to ensure implementation of the reparation measures ordered.

32. **A representative of Guatemala** said that coordinated efforts led by the Presidential Commission on Discrimination and Racism against Indigenous Peoples, including prevention work on social media platforms and training and awareness-raising initiatives, had been undertaken to ensure that individuals could freely express and affirm their Indigenous identity. Campaigns had been developed to explain, for example, the significance of traditional dress and Indigenous languages, with a view to helping young people and children to realize their right to self-identification and to affirm their Indigenous or Afrodescendent identity. Efforts were being made within the Ministry of Education to support the incorporation of Indigenous languages into the education system; one example was the signing of a letter of understanding with the Guatemalan Academy of Mayan Languages to promote the use of Indigenous languages.

33. **A representative of Guatemala** said that there were 32 women members of Congress, representing 20 per cent of the legislature. The situation reflected the persistence of structural racism and a political party system that continued to exclude women and Indigenous Peoples. Another worrying figure was that only 12 of the country's 340 mayors were women, and just one was an Indigenous woman. However, civil society, in particular women's and Indigenous organizations, had made efforts to propose amendments to the Elections and Political Parties Act with a view to promoting the participation of Indigenous Peoples. Bill No. 3835, concerning sacred sites, had received a favourable opinion from the Indigenous Peoples Committee in 2009 but had not otherwise advanced. Efforts had been made to resume discussions in that regard with spiritual guides under the Indigenous Peoples Policy adopted in 2024, and work continued on other initiatives, including bill No. 3946 on Indigenous jurisdiction.

34. **A representative of Guatemala** said that the judiciary had 120 staff interpreters and 50 contractual interpreters, covering a total of 22 Mayan languages. In the first half of 2025, 12,886 hearings had been conducted in Mayan languages, including in-person, virtual and telephone hearings. By comparison, 17,351 such hearings had been held in 2024. The training of new judges included instruction on arranging for interpretation in Mayan languages. Concrete measures had been taken to address racial discrimination in the justice system, including courses for judicial staff on the identities and human rights of Garifuna and

Afrodescendent peoples, as well as similar training for staff of the Secretariat for Indigenous Peoples. Virtual courses were available, and a comprehensive judicial policy on access to justice for Indigenous Peoples was in place. The Secretariat for Indigenous Peoples and alternative dispute resolution mechanisms had adopted approaches allowing certain conflicts to be resolved without recourse to the ordinary justice system.

35. **A representative of Guatemala** said that the Government had taken affirmative measures with regard to parity and the inclusion of Indigenous Peoples, as evidenced by increased Indigenous representation in ministerial and ambassadorial positions. Those developments reflected the commitment of the Administration to closing long-standing equality gaps in the country.

36. **A representative of Guatemala** said the Ministry of Education maintained a rigorous system of records that allowed it to identify students' languages and Indigenous affiliations, and to assign qualified teachers accordingly. That approach ensured equity, fairness and cultural responsiveness in efforts to prevent discrimination and racism. For the current school year, the Ministry had developed various protocols, including under the Discrimination and Violence Prevention Programme, which provided for an inclusive approach, taking cultural and linguistic factors into account, for students affected by physical, sexual or emotional abuse, neglect or other forms of mistreatment. The Ministry also operated a complaints system, under which 65 cases had been registered to date. The Ministry's internal code of ethics provided for sanctions in cases of discrimination and racism.

37. **A representative of Guatemala** said that the State did not tolerate any form of discrimination or criminalization directed at civil society actors, journalists, human rights defenders or public officials by anti-democratic actors. Various institutions had proposed restitution mechanisms aimed at further strengthening the democratic State.

The meeting was suspended at 4.50 p.m. and resumed at 5 p.m.

38. **Mr. Tlemçani** said that he wished to know what measures had been adopted to reinforce the mandate of the Office of the Human Rights Advocate in combating racial discrimination, racism and xenophobia, including detailed information on the evolution of the financial, human and technical resources allocated to it, specifying the share dedicated to combating racial discrimination and xenophobia, as well as efforts to strengthen its local presence, especially in areas with large Indigenous or Afrodescendent populations. He also wished to know how the Office worked with civil society organizations, Indigenous authorities and human rights defenders on the issue of racial discrimination, whether formal coordination mechanisms existed for that purpose and to what extent the Office's recommendations in that area were implemented by the competent authorities.

39. He would also be grateful for updated and detailed information on measures taken to strengthen the institutions specifically responsible for combating racial discrimination, the evolution of their resources and geographical coverage and the coordination of their activities with other relevant bodies. He wondered what measures had been adopted to reinforce the mandates and capacities of those institutions and would appreciate current data on the financial, human and technical resources allocated to them, including the proportion devoted to actions benefiting Indigenous Peoples, Garifuna communities, people of African descent and migrants, refugees and asylum-seekers. He also wished to know more about the ethnic diversity of their staff, disaggregated by sex and languages spoken, and about specific measures taken to ensure an effective presence of services in rural areas. It would also be useful to learn how specialized institutions and other competent bodies worked together to combat racial discrimination, racism and xenophobia.

40. He would be grateful for detailed information on the concrete results achieved under the Policy for Coexistence and the Elimination of Racism and Racial Discrimination, particularly with respect to reducing discriminatory practices and improving access to rights for Indigenous Peoples, Garifuna communities, people of African descent and other groups especially exposed to racial discrimination. He would also welcome updated information on the draft policy on Indigenous Peoples and intercultural affairs, including details on consultation with Indigenous communities during its drafting and adoption and an explanation of how their views had been incorporated into the text and how they participated in monitoring its implementation. It would be useful to receive information on the outcomes

of activities carried out under the International Decade for People of African Descent, progress in planning measures and activities for the Second International Decade for People of African Descent and the participation of people of African descent in the design, implementation and monitoring of those initiatives.

41. With regard to human rights education and the fight against racial discrimination, he wondered to what extent Indigenous Peoples, Garifuna communities, people of African descent and migrants were represented in school textbooks and curricula in the subjects of history, civic education, literature and the social sciences, and what mechanisms existed to review such content to eliminate racial stereotypes and prejudice. He would welcome information on specific measures taken to raise awareness among the educational community and the wider public of the cultural heritage, histories and contributions to Guatemalan society of those groups and of non-nationals.

42. He wondered what specific measures had been adopted to protect migrants, asylum-seekers and refugees, particularly women, children and unaccompanied minors, from violence, including sexual violence, labour exploitation, trafficking in persons and discrimination. In that regard, he would appreciate information on relevant investigations undertaken, sanctions imposed on perpetrators and forms of reparation granted. He also wished to know about the impact of the July 2019 bilateral cooperation agreement on asylum signed with the United States on the rights of migrants and asylum-seekers, and about measures taken to protect their rights in accordance with international obligations, and would welcome information on other relevant bilateral or multilateral agreements or readmission arrangements. Lastly, he wondered what measures had been put in place to facilitate access to asylum procedures and ensure that applications were examined individually, with due process guarantees and the possibility of effective appeal, in order to ensure full respect for the principles of non-refoulement and non-discrimination and to prohibit pushbacks at the border and indirect refoulement.

43. **A representative of Guatemala** said that the budget of the Office of the Human Rights Advocate had increased by 204 per cent between 2022 and 2025. However, from the perspective of the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the institution she represented, the Office's presence in matters relating to racism and discrimination had been very limited. There had been little action and insufficient support in concrete cases of racism and discrimination, including cases in which its legal assistance had been requested. In such instances, the Office had issued notifications indicating that its mandate did not permit it to act beyond certain limits, which created a degree of inconsistency with the scope of its actual mandate. Despite requests, no further information had been obtained regarding the Office's activities. The Commission had participated in technical working groups on violence, discrimination and racism affecting Indigenous populations and, although the Office had taken part, its engagement had not met expectations. Its autonomous status could affect its responsiveness, as it limited the executive branch's ability to demand fuller compliance with its mandate.

44. **A representative of Guatemala** said that the Indigenous Development Fund of Guatemala had recorded an increase of 12.46 per cent in its budget allocation from 2022 to 2024, followed by a further increase of 5.32 per cent in 2025. In the current fiscal year, an additional 2 million quetzales had been secured for the Presidential Commission on Discrimination and Racism against Indigenous Peoples through a budget extension. Budget allocations set aside for programmes benefiting Indigenous Peoples had risen from just under 4.5 billion quetzales in 2020 to around 7 billion quetzales in 2024; to date in 2025, just under 4 billion quetzales had been allocated in that area.

45. With regard to the Policy for Coexistence and the Elimination of Racism and Racial Discrimination, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, as the lead institution in that area, had undertaken outreach activities and had determined that, 10 years after its adoption, the Policy had not been implemented in the manner envisaged by Indigenous Peoples. Consequently, in 2025, consultations had been held at the local and national levels to gather input from various stakeholders, including Indigenous authorities. Those consultations had identified areas for improvement and highlighted challenges related to the Policy, which would be reformed accordingly.

46. **A representative of Guatemala** said that, in 2024, the Guatemalan Institute for Migration had created the Gender, Indigenous Peoples and Intercultural Affairs Unit, through which efforts were being made not only to register persons of other nationalities but also to enable individuals to self-identify, where applicable, as belonging to Indigenous Peoples. The Institute remained a largely centralized institution, operating mainly at the departmental level and in Guatemala City, but work was under way to decentralize services. While staff had been recruited to provide culturally appropriate services, only approximately 6 per cent of employees currently identified as belonging to Indigenous Peoples.

47. Efforts were also under way to strengthen the National Commission for Refugees through inter-institutional collaboration. The Commission made recommendations to the Guatemalan Institute for Migration on whether to grant refugee status or asylum, in accordance with the principle of non-refoulement. With regard to training, more than 400 front-line staff of the Institute had received training on combating hatred, racism and xenophobia. Additional training was being provided on combating violence, trafficking in persons and exploitation, enabling staff to identify such cases and refer them to the competent authorities.

48. **A representative of Guatemala** said that, in the context of the ratification by Guatemala of the Global Compact for Safe, Orderly and Regular Migration, the National Council for Assistance to Guatemalan Migrants had established 35 offices at the departmental and municipal levels in areas with Indigenous communities, with a view to providing culturally relevant services, including in the Mam and Quiche languages. Awareness-raising campaigns had also been launched to promote safe, orderly and regular migration and to highlight the risks and vulnerabilities associated with irregular migration.

49. **A representative of Guatemala** said that after 10 years without a budget increase, the budget of the Office of the Ombudsman for Indigenous Women's Rights had risen from 19 million quetzales to 28.6 million quetzales, enabling it to expand its work. Following the adoption of Agreement No. 127/2024, which reformed the founding agreement, the Office's mandate had been broadened to include cases relating to collective rights and preventive work on violence, in addition to the provision of assistance. The broadening of the mandate and the increase in the budget had enabled the Office to expand from 14 to 19 service centres, thereby improving coverage in areas such as Quiche, Alta Verapaz and Huehuetenango, which had the highest rates of malnutrition, poverty and adolescent pregnancy. The strengthening of institutional capacity had also made it possible to recruit additional staff in order to provide more accessible services in regional offices. The Office now employed more than 200 staff members, including Maya, Xinka and Garifuna personnel.

50. **A representative of Guatemala** said that the Ministry of Education had trained 5,029 public servants on human rights; cultural diversity; the contributions of Indigenous Peoples and people of African descent to Guatemalan society; the culture of peace; respect, equity and justice; non-discrimination; and the rights of women and children to a life free from violence. A strategy entitled "Towards Interculturality" had been rolled out for students and, in the current year, had benefited 2,000 students at the secondary level. In addition, all educational materials were under review. For the current school year, the Ministry had distributed 11 million textbooks, ensuring that all published materials had been reviewed to eliminate stereotypes that promoted discrimination, including those related to roles, clothing, activities and the portrayal of characters from different peoples.

51. **A representative of Guatemala** said that the Ministry of Labour was conducting training, capacity-building and empowerment campaigns on the rights of Indigenous Peoples, encompassing individual and collective rights. Those affirmative measures aimed to empower not only workers but, in a reciprocal manner, employers as well. Awareness-raising formed a central element of that approach and was regarded as an important measure for combating racial discrimination in the workplace.

52. **A representative of Guatemala** said that the current legislature had begun to revive an initiative to declare a national day of Garifuna and Afrodescendent women. The initiative was currently at the first-reading stage, having remained stagnant for many years. Efforts were under way to ensure that it was adopted during the current legislative period.

53. **A representative of Guatemala** said that the Government had recently resumed dialogue on the draft policy on Indigenous Peoples and intercultural affairs. Consultations with Indigenous Peoples and all sectors and institutions with mandates relating to Indigenous Peoples were being carried out. The Ministry of Culture and Sports had, since 2020, been convening coordination meetings to develop a strategic plan for the International Decade for People of African Descent. In 2021, training sessions and seminars on cultural rights had been conducted, together with the signing of memorandums of understanding with other institutions. In 2022, various activities had been organized to promote Afrodescendant culture, including a meeting with the National Garifuna and Afrodescendant Council and, in 2023, a road map had been issued for the implementation of recognition measures. A total of 682 persons had benefited from that process between 2020 and 2025.

54. **Mr. Tlemçani** said that he wished to know whether there was an action plan for people of African descent in Guatemala. He would also be interested to learn about measures to remove barriers to access to basic services for migrants, in particular with regard to the acceptance of special personal identity documents by some public authorities and private-sector establishments. He would also welcome an update on the high-level dialogue with Indigenous Peoples chaired by President Arévalo de León.

55. **Ms. Shepherd** said that she wished to know whether, under the International Decade for People of African Descent, activities had been carried out across the State Party as a whole, including for the benefit of persons from other ethnic groups. She also wondered to what extent the activities carried out had contributed to raising awareness of the situation of people of African descent and to fostering mutual understanding among different ethnic groups.

56. **Ms. Essene** said that she would be interested to learn more about the policy for the protection of human rights defenders previously mentioned by the delegation.

57. **Mr. Yeung Sik Yuen** said that he would be grateful for an explanation of how the system of judicial appointments was currently organized and whether any reforms were envisaged, in the light of reports that a number of candidates recently nominated for judicial posts in the Supreme Court and the courts of appeal were under criminal investigation for alleged influence peddling in previous judicial selection processes, allegations compounded by a recent report of the Organization of American States on the judicial appointment system noting conflicts of interest, the nomination of candidates allegedly implicated in corruption and human rights violations and shortcomings in vetting procedures. He would also appreciate the delegation's comments on reports that, following the election of President Arévalo de León, the incumbent Attorney General had taken steps aimed at preventing him from assuming office.

58. **Mr. Diaby** said that he would appreciate a response to his earlier question regarding the repression faced by leaders of Indigenous communities and the recent visit report of the Inter-American Commission on Human Rights. He wondered whether the delegation could provide more detailed information on reported cases of expropriation, in which Indigenous Peoples had been displaced from their lands for agricultural or mining activities and, in some instances, for infrastructure projects such as bridge construction, without prior consultations. Lastly, he wished to know whether the State intended to promote the adoption of a law specifically guaranteeing individual and collective land and property rights for Indigenous Peoples.

59. **A representative of Guatemala** said that the policy for the protection of human rights defenders stemmed from the State's obligations under the judgment of the Inter-American Court of Human Rights in the case of *Human Rights Defender et al. v. Guatemala*. Among the guarantees of non-repetition ordered by the Court was the requirement for the State to establish a public policy in consultation with the community of human rights defenders. Under the current Administration, dialogue with the victims and representatives in that case had been resumed after a previous interruption, and the process had been updated and expanded through regional consultations and broad-based discussions with human rights organizations at the local and community levels. The Policy had recently been approved and had been published on the websites of the Ministry of the Interior and other relevant institutions.

60. The policy was structured around three strategic objectives. The first was the development of an institutional framework for risk analysis and the prevention of attacks against human rights defenders, using the standard definition applied by the United Nations system. During that process, the country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala had provided technical support. The second objective was to ensure that, if an attack or threat occurred, the State would guarantee protection and assistance to the human rights defender concerned. The third, and most complex, objective was to ensure access to justice for human rights defenders and to establish prompt mechanisms for reparation.

61. The next phase would focus on implementation, to be led by the Ministry of the Interior, with the participation of other institutions and specialized technical teams. The Ministry of the Interior had restructured its Human Rights Directorate and, through a ministerial agreement, had already established several working groups. Three of those groups were of particular importance: one focusing on journalists, who were considered human rights defenders; another addressing local and territorial defenders, with a specific emphasis on Indigenous Peoples and ancestral authorities; and a third dedicated to responding to attacks against, and conducting risk analysis for, defenders identified as ancestral authorities. Those working groups had already been established, and work was under way to develop the corresponding methodologies.

62. **A representative of Guatemala** said that the judges of courts of first instance received training at the School of Judicial Studies and, upon completion of that process, were appointed by the Supreme Court. The appointment of judges to the courts of appeal and the Supreme Court was governed by the Act on Nominating Commissions. Such commissions were composed of 12 deans of law faculties, 12 sitting judges of the courts of appeal or Supreme Court and 12 lawyers elected by the Assembly of the Guatemalan Bar Association, for a total of 36 members. In the case of appointments to the courts of appeal, the commission involved judges of the Supreme Court, while, in the case of appointments to the Supreme Court, the process involved judges from the courts of appeal. The commission was chaired by a rector elected from among the rectors of universities with law faculties. Once the lists of candidates were prepared by the nomination commission, they were submitted to Congress, which made the final appointments.

63. **A representative of Guatemala** said that the State was required to respect the independence of the judiciary and the principle of the separation of powers. However, there had been risks to democracy prior to the current Government taking office, including attempts to reform the Constitution in relation to the election of Supreme Court judges. While the nomination commission mechanism existed, the principles of meritocracy and integrity had been undermined in practice. The challenge facing the country was therefore to undertake profound reforms of both the justice system and the electoral system. Reforms were also pending in Congress concerning the composition of the Public Prosecution Service. Despite the limited political will in Congress to advance those proposals, such reforms were essential in order to guarantee judicial independence and the rule of law in Guatemala.

64. **A representative of Guatemala** said that the Ministry of the Interior applied an eviction protocol developed in cooperation with the country office of OHCHR in Guatemala, based on international standards governing the use of force by the police and intended to protect the human rights of individuals and families in situations of vulnerability. Judicial independence was respected and eviction orders issued by judges were implemented in accordance with international standards. Depending on the level of conflict, the Office of the Human Rights Advocate was invited to observe the process in order to ensure respect for human rights. In addition, mechanisms had been established to guarantee compliance with international standards during evictions and displacements, including a crisis-response mechanism. That mechanism consisted of an inter-institutional coordination framework within the executive branch to address eviction cases in a comprehensive manner, in particular those affecting Indigenous and rural communities. The Office of the President had issued a direct instruction to comply with national and international standards, specifically general comment No. 4 (1991) on the right to adequate housing of the Committee on Economic, Social and Cultural Rights, and to ensure assistance before, during and after evictions.

65. The Presidential Commission for Peace and Human Rights was implementing a humanitarian response mechanism to support families affected by evictions and forced displacement, with the aim of mitigating the immediate human rights impact and ensuring minimum conditions of dignity during crisis situations, notwithstanding significant institutional and budgetary constraints. In June 2025, Guatemala had hosted a visit by the Special Rapporteur on the right to adequate housing, during which the roles of institutions such as the National Civil Police, the judiciary and humanitarian assistance bodies had been presented. The Government was making sustained efforts to ensure that evictions were carried out in line with international standards, with minimal police deployment and under appropriate conditions. Dialogue mechanisms, together with humanitarian and development plans, were being strengthened with the participation of the National Civil Police, departmental governors and the Presidential Commission for Conflict Management, in order to support displaced populations. Assistance measures included food aid programmes, health campaigns, the provision of medicines and work-related supplies.

The meeting rose at 6 p.m.