



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CERD/102nd session/FU/MK/ks

24 November 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 102nd session, considered the follow-up report submitted by the Government of Guatemala, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 10 and 16 (a), (c) and (d) of the Concluding Observations (CERD/C/GTM/CO/16-17), adopted following the consideration of the State party's combined 16th and 17th periodic reports, at its 98th session, held in April-May 2019.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 18th to 20th periodic reports, to be submitted in a single document by 17 February 2022.

Paragraph 10 of the Concluding Observations

The Committee thanks the State party for providing an overview of the status of the draft legislation that is intended to strengthen the fight against racial discrimination and to promote and protect the rights of indigenous peoples and persons of African descent. However, the Committee reiterates its recommendation for the State party to accelerate the adoption of this legislation, in consultation with indigenous peoples and persons of African descent. The Committee considers the response to this recommendation unsatisfactory and requests the State party to provide information, in its next periodic report, on measures taken to give priority to the adoption of these bills in its legislative agenda.

Her Excellency Ms. Carla María Rodríguez Mancia
Permanent Representative of Guatemala
to the United Nations Office
Geneva
onusuiza@minex.gob.gt

Paragraph 16 (a), (c) and (d) of the Concluding Observations

The Committee welcomes the information provided by the State party on its efforts to conduct effective investigations with the aim of prosecuting and punishing those responsible for violations committed during the armed conflict, and for the information on related convictions. The Committee also welcomes the information provided by the State party on the measures taken to implement the National Reparations Programme. However, the Committee requests that the State party provide, in its next periodic report, information on measures taken to enforce the Agreement on Identity and Rights of Indigenous Peoples, as well as further information on measures taken to ensure that the National Reparations Programme is implemented on the basis of a human rights approach, which incorporates a gender perspective, and is allocated with sufficient human, financial and technical resources. It also requests information on measures taken to address the challenges outlined on paragraph 20 of the follow-up report (CERD/C/GTM/FCO/16-17). The Committee welcomes the information that the procedure of formation, sanction and promulgation of Bill No. 5377 on the amendment of the National Reconciliation Act has been suspended. The Committee considers the response to this recommendation partially satisfactory and requests the State party to provide updated information on this in its next periodic report.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Guatemala, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention. Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination