



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
2 May 2019

Original: English

Committee on the Elimination of Racial Discrimination Ninety-eighth session

Summary record of the 2716th meeting

Held at the Palais des Nations, Geneva, on Friday, 26 April 2019, at 10 a.m.

Chair: Mr. Amir
later: Mr. Murillo Martínez (Vice-Chair)
later: Mr. Amir (Chair)

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The meeting was called to order at 10.10 a.m.

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

Combined sixteenth and seventeenth periodic reports of Guatemala (continued)
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1. *At the invitation of the Chair, the delegation of Guatemala took places at the Committee table.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **Mr. Borrayo Reyes** (Guatemala) said that evictions were only carried out pursuant to a court order and that the Government, through the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights, monitored eviction proceedings at the local level. Upon learning of eviction proceedings against a particular community, the Commission acted to ensure that the court took into account the fundamental human rights of the members of that community; that the process of issuing an eviction order respected national and international protocols; and that evicted persons received protection and support until they were resettled. The Commission also made observations and recommendations so that State institutions could act in defence of the human rights of the evicted persons and could witness and record the actions that were taken during the eviction process. A protocol for the handling of evictions was being drawn up and was the subject of ongoing inter-institutional consultations to determine whether it incorporated all human rights standards.
4. The draft public policy on the protection of human rights defenders would provide a strategic framework for prevention, protection and the administration of justice in relation to the exercise of human rights. In January 2019, the mandate of the Unit for the Analysis of Attacks against Human Rights Defenders – which had been established in 2008 and included representatives of security and justice institutions and civil society organizations – had been extended for four years.
5. The Presidential Human Rights Commission was also responsible for implementing the policy on compensation for the victims of human rights violations resulting from the Chixoy hydroelectric project. The policy provided for individual compensation for the families who had been forced to leave their homes, and it was expected that all families entitled to compensation would receive it by mid-2019. Over 2,200 beneficiary families – 96 per cent of those identified – had now received compensation totalling about 194 million quetzales (Q), or \$25.5 million. The policy also provided for collective compensation in the form of various development projects, with an estimated combined budget of Q1 billion, that the State would deliver for the 33 communities that had been evicted as a result of the dam construction.
6. The Presidential Human Rights Commission also administered the Guatemalan Recommendations Monitoring System for International Human Rights Protection, which consolidated all recommendations issued to Guatemala by the various human rights treaty bodies. A national effort to raise awareness of the System among government institutions and civil society organizations had begun in March 2019.
7. Regarding the mechanism provided for by the Immediate Search for Missing Women Act, a total of 1,092 alerts had been issued between 6 August 2018 and 22 April 2019, of which 665 had been deactivated. The alerts had been activated mainly owing to changes in the women's daily routine or arguments with their partners or family members; 42 per cent referred to women aged 21 to 30 years.
8. The policy on the human rights training of police officers was adapted to the reality of the country, its legal system, democratic principles and the international human rights instruments ratified by Guatemala. Human rights education was mainstreamed in officer training, promotion and specialization processes.

9. Lastly, with regard to bills Nos. 5179, 5272 and 5377, Guatemala, a founding Member State of the United Nations, had rigorously observed the principle of the sovereignty and independence of States, as enshrined in the Charter of the United Nations, and it required the international community to do the same in respect of itself. The Constitution established that legislative power belonged exclusively to the Guatemalan Congress and that its deputies had the exclusive power to propose bills and to amend and repeal laws. In accordance with that principle, no other State bodies, including those of the executive branch, were permitted to interfere in legislative functions and processes.

10. *Mr. Murillo Martínez, Vice-Chair, took the Chair.*

11. **Mr. Súchite Vargas** (Guatemala) said that the Ministry of Culture and Sports was responsible for preserving the cultural and natural heritage, promoting and disseminating the arts, strengthening and developing culture and increasing access to sport. Every year, it provided services to 4.5 million people of all ages and cultures, on an equal basis.

12. In accordance with the Urban and Rural Development Councils Act, the Government had organized assemblies for the election of representatives of indigenous peoples to the departmental development councils. The Maya, Xinka and Garifuna peoples had been invited through the relevant social media to participate in that process, and regional workshops had been held to learn about indigenous peoples' problems and hear their proposals for development.

13. A programme to promote and safeguard Garifuna and Afrodescendent culture was in place in the municipality of Livingston, Izabal department; it included the teaching of courses on gastronomy, museology and artistic expression and language, the organization of cultural events and the publication of research. The Ministry had published a situation analysis of Garifuna culture in 2016.

14. The Ministry, in conjunction with the National Council of Sport, Physical Education and Recreation and Livingston municipality, had launched a sports development programme for more than 1,200 young athletes, providing them with comprehensive instruction in principles and values, as well as sporting techniques. The initiative would be replicated in Nebaj municipality, Quiché department, where the majority of residents were Ixil speakers.

15. Between 2013 and 2018, over 5,000 indigenous women had taken part in training activities to promote the recovery of ancestral knowledge and economic empowerment through culture. To prevent the spread of racial stereotypes and prejudice, students regularly underwent training in recognition of and respect for cultural identities, while more than 15,000 young people from various linguistic communities had received bilingual training. Meetings and conferences had been organized in several departments to promote and raise awareness of the Education against Discrimination Act, while educational materials had been produced and distributed to encourage the study of the history, philosophy, medicine and identity of the Maya, Garifuna and Xinka peoples.

16. To contribute to the preservation of indigenous languages, the Ministry had launched the "This is My Song" programme, which took the form of a song festival in which hundreds of people participated; the best performances were recorded and the recordings released to the public. Songs in 17 indigenous languages had been recorded to date, and it was expected that in 2019 – International Year of Indigenous Languages – the programme would cover all 24 of the country's indigenous languages. The Ministry also had a Directorate of Public Spectacles that was responsible for authorizing all kinds of theatrical performances, cinema screenings and television shows, and checking them for any content that might be harmful to the various cultures that existed in the country.

17. *Mr. Amir resumed the Chair.*

18. **Ms. Núñez Allen** (Guatemala) said that, in respect of the country's demographic composition, a census had been carried out and the authorities aimed to publish the initial findings in September 2019. Census takers had been recruited from diverse backgrounds, taking into account the languages spoken in each region.

19. Concerning the situation of indigenous peoples and people of African descent, bills Nos. 5133, 4345 and 5398 were at different stages of enactment and aimed, respectively, to give legal recognition to people of African descent, to establish a Garifuna development institute and to create a national day of affirmative action for Garifuna and Afrodescendent women. Furthermore, the Government had begun to draft a national plan of action for the International Decade of People of African Descent and Garifuna people.

20. More than 8,000 candidates and 27 political parties were preparing to contest the forthcoming general election. A higher number of Garifuna and Afrodescendent men and women were running for congressional, mayoral and municipal office than in past elections, mostly in Izabal department. Training in political participation had been provided through the development councils system and through workshops and meetings involving men, women and young people from the Afrodescendent and Garifuna communities.

21. The Presidential Commission on Discrimination and Racism against Indigenous Peoples was working with UN-Women, the Presidential Secretariat for Women and the Livingston Municipal Directorate for Women to update the Political Agenda for Garifuna and Afrodescendent Women, a document that contained proposals for action to increase Afrodescendent women's visibility in all spheres and to enhance their access to culturally relevant education, employment and health services. The Commission also worked with the Ministry of Economic Affairs to train male and female Garifuna and Afrodescendent entrepreneurs in the implementation of productive projects.

22. In January 2019, the Ministry of Health and Public Welfare had reported that health authorities in areas where indigenous peoples were the majority recognized the importance of providing services in indigenous languages and for that reason had hired bilingual staff to provide comprehensive, culturally relevant health services, generating trust among the population.

23. **Mr. Noriega Salazar** (Guatemala) said that the Indigenous Peoples and Intercultural Affairs Office had been created in 2014, to strengthen the institutional framework for combating racial discrimination and improve coordination among State institutions. The Office was currently attached to the Social Development Office, whose purpose was to coordinate policies on development, social protection and violence prevention in order to reduce equity and equality gaps affecting vulnerable population groups. The Social Development Office had recently been tasked with assessing the impact of indigenous peoples' political participation and divergence from ancestral practices and forms of social organization, and with coordinating the design and management of a plan of action for indigenous peoples and intercultural affairs and supporting consultation processes in that regard. Over 400 representatives of civil society, including persons from the Maya, Garifuna, Xinka and Ladino communities, had participated in meetings to examine the draft plan of action.

24. With regard to consultations with the Ixil people in San Juan Cotzal, the Indigenous Peoples and Intercultural Affairs Office had provided ancestral authorities and representatives of 38 communities in the area with all relevant information concerning the project for the proposed installation of power lines. With respect to consultation with the Maya Q'eqchi on the Oxec and Oxec II hydroelectric projects, the Constitutional Court had ruled on agreements concerning peacebuilding, environmental considerations and sustainable development.

25. In the context of minimum guidelines to ensure fair working conditions for indigenous peoples, the General Labour Inspectorate had received nearly 2,000 complaints in 2017 and 2018, mostly concerning dismissals and reductions in wages. Measures to prevent the economic exploitation of children – particularly in domestic work and farming – included training provided to 30,000 15-year-old adolescent workers from 2015 to 2019.

26. To combat the multiple and intersectoral discrimination that could affect indigenous women, the National Office for Women's Affairs had provided training on women's rights, and the General Directorate of Employment had trained more than 6,000 people between 2016 and 2019, including persons from the Maya, Garifuna, Xinka and Ladino/mestizo communities.

27. The Ministry of Labour and Social Welfare and the National Council for Persons with Disabilities were working to ensure the inclusion of persons with disabilities in the labour market, by creating profiles of individuals and holding regional and local recruitment fairs to encourage their employment on the basis of their skills. In addition, memorandums of understanding had been signed on the employment of persons with disabilities at the Ministry of Labour and Social Welfare. A system had been established by the Public Prosecution Service and the Ministry of Labour and Social Welfare to receive complaints from persons with disabilities, and specialist officers were available at all times to support persons with disabilities seeking justice.

28. The Labour Code defined hazardous areas of work, and an adolescent protection unit of the General Labour Inspectorate performed spot checks of places of employment where children of 15 years of age might be working. Reform of the Labour Code, carried out with technical support from the International Labour Organization (ILO), had extended the powers of the Inspectorate, so that employers could be referred for prosecution where necessary. Inspectors were required to have legal expertise and speak the local language, and inspections were carried out in cooperation with the tax inspection office and Public Prosecution Service. The performance of labour inspectors was assessed and tripartite audits of their work were carried out, also with ILO assistance.

29. Indigenous peoples had been given access to the process of drafting the “K’atun, Nuestra Guatemala 2032” National Development Plan, in line with the guidelines on consultation with indigenous peoples.

30. The rights of indigenous persons working in the informal economy were safeguarded by the Labour Code and the Constitution and were not subject to any restrictions; any law that contradicted those legal instruments was null and void. The Constitution guaranteed those rights on a par with the right to life, which meant that equal access to employment was an inherent right of indigenous persons.

31. **Mr. Arana Castillo** (Guatemala) said that the Agrarian Affairs Secretariat of the Office of the President, in cooperation with other bodies in the agriculture sector, had drafted an implementation plan focused on the rural economy, which set out four axes of activity: access to land, land dispute settlement, legal security, and access to other productive assets. In 2015, the programme for the regularization of land registration had resulted, inter alia, in the handing over of land through individual and collective writs to the Sejobobob indigenous community. Other activities since 2013 had included a study by the Land Fund of mechanisms for access to land and other assets, particularly for women; a proposal to return land to indigenous peoples to help landless families; and action to regularize land rights and mediate in land disputes, which had resulted in the transfer of the deeds to five estates for the use of K’iche’ families. The Secretariat comprised more than 200 members of staff, of whom approximately 20 per cent were members of indigenous or minority communities.

32. The subunit of the Agrarian Affairs Secretariat responsible for dispute settlement focused on high-level dialogue and preventive measures, as well as follow-up on specific cases. An inter-institutional protocol had been established to protect displaced persons’ fundamental human rights and uphold their constitutional guarantees. In the period from 2013 to 2019, the Secretariat had received more than 3,200 cases, 60 per cent of which involved indigenous peoples. The Secretariat also addressed social conflict, such as the dispute over hydroelectric dams in northern Huehuetenango. In addition, analysis of the land register had led to the discovery of irregular land registrations that had subsequently been declared invalid by the Constitutional Court. Efforts were being made to improve the implementation of the Agreement on Identity and Rights of Indigenous People and to foster a culture of inclusion within the Agrarian Affairs Secretariat and in society at large.

33. **Ms. Lux Sachajá de Botzotz** (Guatemala) said that the Office for the Defence of Indigenous Women’s Rights had received multiple reports of the infringement of indigenous women’s rights and worked primarily on violence prevention, assistance for victims of violence and awareness-raising, as well as on promoting the representation of Maya, Xinka and Garifuna women in the Office. A five-step community-based approach had proven effective in violence prevention, and legal, psychological and social support

was provided to victims of violence in their local language. Between 2012 and 2018, more than 40,000 complaints of violence had been addressed. The Office worked with other bodies that received complaints, including the Public Prosecution Service, which had a strategic action plan to provide victims with culturally and linguistically relevant assistance, such as conducting forensic examinations in a way that respected victims' cultural identities. Workshops and individual support sessions were organized to improve family and mental health and provide general guidance. Violence prevention training had been organized for committees and community security groups that covered international and domestic legal provisions on women's rights. Children and adolescents were targeted by awareness-raising activities, and courses on violence against women tackled sexual violence and the effective exercise of citizenship rights by indigenous women.

34. A framework had been established to promote healthy maternity by boosting midwives' knowledge and strengthening their links with the national health-care system. Midwives provided culturally sensitive neonatal and maternal care and were considered to be positive agents for change. Implementation of national policy was followed up by the Office, in cooperation with staff of the Ministry of Health and Social Welfare and midwives' representatives. The Office had promoted institutional registers containing disaggregated data on peoples and linguistic communities, so that efforts could be tailored to meet the needs of indigenous women.

35. **Mr. Roquel Cali** (Guatemala) said that the Indigenous Development Fund of Guatemala, which had a Q400 million trust fund, supported institutional capacity-building and training and the development of culturally relevant information technologies, and promoted the management of technical assistance resources for indigenous peoples. The Development Fund and the bodies that comprised the Indigenous Peoples and Intercultural Affairs Office had reviewed national policy for indigenous peoples and had established inter-institutional coordination of the national policy on compensation of communities affected by construction of the Chixoy hydroelectric dam.

36. To eradicate social, economic, cultural and political discrimination, the Development Fund took action targeted at the 22 linguistic communities of the Maya, Garifuna and Xinka peoples. In 2019, a budget of Q36 million had been allocated to the Development Fund to assist more than 19,000 persons, more than half of them women, through three programmes: an information and communication technology (ICT) programme would provide 79 indigenous communities with access to ICT in 2019; a political advocacy programme aimed to foster the participation of indigenous and ancestral authorities and indigenous community, women's and youth groups in decision-making at different levels of government; and a programme that promoted good living ("*buen vivir*") focused on socioeconomic development in harmony with nature and included technical training and the provision of items to meet the basic needs of indigenous peoples.

37. **Ms. Ochoa Escribá** (Guatemala) said that article 46 of the Constitution set out the general principle of the precedence of ratified international instruments over domestic legislation. Furthermore, the Constitutional Court had established the principle of interpreting the Constitution as a harmonious body of law, with no provision to be considered individually. The validity of international law, based on the principle of *jus cogens*, was secured not only through the Constitution but also through domestic legislation.

38. The Constitutional Court ensured equal access to justice for indigenous persons with disabilities through a strategic plan, under which a unit had been established to provide assistance to vulnerable persons, and a constantly updated policy on access to justice for vulnerable persons. Agreements had been signed with the Maya communities to make information available in local languages, and the Constitution had been translated into indigenous languages, including Kaqchikel, Mam and Garifuna, and published in Braille. One example of a way of raising awareness of vulnerable groups could be seen in the image used on the front cover of the published Constitution.

39. Agreement had been reached with the Presidential Commission on Discrimination and Racism against Indigenous Peoples on ensuring compatibility of the law with indigenous customary laws and legal systems. The landmark ruling on the case concerning

Oxec I and Oxec II would have future implications for the legal system, since it established a role for an atypical actor in executing the ruling, and instructed parliamentarians to draft a bill on consultation.

40. With respect to the Constitutional Court, each mandate holder had an alternate or substitute and considered cases relating to unconstitutionality submitted by Congress, the President or Vice-President. The body's members were elected by ballot, and the annual presidency of the Court started on 14 April each year.

41. Violations of the rights of indigenous peoples were taken seriously since they implied a violation of article 3 of the Constitution, which guaranteed the right to life. A rapid response system had been introduced to provide justice to women and girls who were alleged victims of human rights violations, and special protocols were in place to provide special care and ensure that investigation of those violations did not amount to revictimization. The State acted on behalf of victims who needed particular support, such as children.

42. **Ms. Xitumul Piox** (Guatemala) said that the Guatemalan State continued to be racist and discriminatory, and such racism was deep-rooted. Tackling it required the political will of the Government and the commitment of society at large. The legislation on the 1996 Peace Agreements recognized that eliminating, inter alia, poverty, racism and inequality, and guaranteeing peace and non-repetition of internal armed conflict, required sustained efforts by the Government and all Guatemalans. The Peace Secretariat therefore appealed to government decision makers to use all necessary means to implement policies to that effect.

43. **Mr. Borrayo Reyes** (Guatemala) said that persons who committed the offence of illegal human trafficking to obtain economic gain could be punished under Act No. 10-2015. Paragraph 79 of the State party's combined periodic reports referred to work permits granted to foreign nationals with refugee status. Pursuant to the new Migration Code, all foreign nationals enjoyed the same rights and duties under the Constitution and human rights treaties to which Guatemala was party. That included not only the right to enter and leave the country freely but also the duty to respect the law. Guatemala was a hospitable country; thousands of people had passed through Central America in recent months, underscoring the State's responsibility not only to preserve freedom of movement but also to protect and ensure the safety and security of such persons. Guatemala gave primacy to the rule of law, the sovereignty of peoples and respect of independence. It also required the principle of non-interference in its domestic affairs to be respected.

44. **Mr. Avtonomov** (Country Rapporteur) said that the Committee was not a court of law and aimed simply to assist States parties in combating racism and racial discrimination, to which Guatemala was no more prone than other States. He would therefore be interested to hear how the Government was tackling structural and entrenched discrimination, which could be seen by the fact that most indigenous peoples lived in poverty, many in extreme poverty; that indigenous, Garifuna and Afrodescendent peoples faced multiple discrimination; and that many Afrodescendent women and children were illiterate.

45. He was pleased to note the development of public policy to protect human rights defenders and looked forward to its finalization. In light of that policy, he would like to draw the delegation's attention to reports that a number of human rights defenders had been imprisoned. For instance, Bernardo Caal Xól, who had defended Q'eqchi' peoples' land rights in legal actions against the Oxec hydroelectric plants, had been imprisoned in November 2018. Similarly, Abelino Chub Caal, a defender of the Q'eqchi' people, was facing legal action by a large company for charges, including arson and land grabbing, which even the prosecution deemed uncorroborated.

46. **Mr. Albuquerque e Silva** said that it was important to draw attention to what amounted, in his view, to a systematic campaign to defame human rights defenders in Guatemala. Such individuals faced growing stigmatization, which undermined their work and exposed them to assault. He would therefore like to hear more about how the Government's nascent policy to protect human rights defenders would work, and to what extent the Government had responded to attacks on human rights defenders. He would also like to find out what steps the Ministry of Culture and Sports had taken to protect five

mounds at the Escobal mine in Santa Rosa, which formed part of the cultural heritage of the Xinka people.

47. Lastly, he wished to emphasize to the delegation that international human rights protection systems were built on the principle that certain rights were inalienable. In addition, States Members of the United Nations recognized the universal right to monitoring of human rights situations by treaty body committees and the legitimacy of criticism of any such situation in any State. Such criticism did not violate a country's sovereignty and could not therefore be questioned on the basis of the principle of non-interference in domestic affairs.

48. **Mr. Borrayo Reyes** (Guatemala) said that no public policy aimed to victimize human rights defenders. The Constitution guaranteed the right to a trial and to legal defence, on the principle that all persons in Guatemala were equal in rights and dignity. The State could not therefore accept any allegations or suggestions that the Government supported any sort of discriminatory policy. A number of South American States had recently called for the international community to respect the sovereignty, integrity and dignity of States. As far as Guatemala was concerned, it had always respected international regulations, including the right to sovereignty. Expressing its support for that right did not imply that the Government could be accused of violating human rights. After the internal armed conflict, the Government had striven to strengthen the rule of law, and racial discrimination had recently been criminalized. Any insinuation that the Government pursued a policy of racist segregation, racism, and discrimination was mistaken.

49. Furthermore, the Government could not deny the judiciary its autonomy when legal proceedings were brought against an individual. The fact that some of those individuals were human rights defenders did not mean that the Government was implementing a policy aiming to victimize them. On the contrary, the Government was developing policy in favour of human rights defenders. The policy had not yet been finalized because civil society representatives had withdrawn from the process, although their involvement was still welcome. The Government would see through the process of approving the policy, to the benefit of all Guatemalans.

50. The peace process could not be achieved if part of the international community did not appreciate the context in which the Government developed its policies. The Government acknowledged the support it received from the international community and the Committee by submitting its periodic reports and responding to the Committee's questions and suggestions. The suffering of Guatemala had impelled it to overcome its situation; it was therefore a valuable member of the international community, as it had contributed tremendously towards securing peace.

51. **Mr. Súchite Vargas** (Guatemala) said that the Ministry of Culture and Sports had ensured that the mounds at the sacred site in Santa Rosa were protected during the mining operations and that local people could access them. The Ministry was currently examining a protection plan that it had requested from the mining company.

52. **Ms. Domínguez Sebastián** (Guatemala) said that, while the State still faced significant challenges in the fight against racism and racial discrimination, its commitment to take steps towards combating them, while promoting coexistence, testified to its goodwill. Similarly, its commitment had been demonstrated through the attendance at the meeting of representatives of a number of government bodies and ministries, as well as of the Constitutional Court.

53. **Mr. Murillo Martínez** said that he wished to know what budget had been allocated to the Presidential Commission on Discrimination and Racism against Indigenous Peoples and what proportion of the overall human rights budget it represented. It would be useful to know what goals the State party had set in relation to indigenous and Afrodescendent peoples within the framework of the Sustainable Development Goals and what progress had been made towards achieving those goals. He would be grateful for statistics on cases of racial discrimination handled by the State party, including cases handled specifically by the Office for the Defence of Indigenous Women's Rights. Lastly, it would be interesting to learn how many prior consultations had been organized by the State party.

54. **Mr. Diaby** said that he was interested to know why there were no representatives of the national human rights institution in the delegation. The Government should take exceptional measures and introduce financial incentives for businesses to promote the employment of persons with disabilities, especially indigenous and Afrodescendent persons with disabilities. He would appreciate further information regarding cases of indigenous and Afrodescendent persons who had been subjected to sexual violence in the context of the internal armed conflict.

55. It would be useful to have a full account of the measures taken to support or provide compensation to indigenous and Afrodescendent persons who had been forcibly evicted from their land, with particular regard to the Laguna Larga community, which, according to information received by the Committee, had been violently evicted from its land in the area of Petén on 2 June 2017. Moreover, he wished to know whether there were any irrevocable legal guarantees protecting the rights of indigenous peoples to their collective lands.

56. Additional information regarding the relationship between the ordinary justice system and the indigenous justice system would be useful. He was particularly interested to know what status decisions issued within the indigenous justice system held within the ordinary justice system, and what remedies were available to challenge such decisions. In addition, it would be useful to know whether the State party had plans to increase the availability of bilingual education throughout the country, particularly in rural areas with large indigenous and Afrodescendent populations.

57. **Ms. Shepherd** said that she wished to know whether the Garifuna communities of Guatemala were represented in regional coalitions of Garifuna peoples and, if so, whether their membership in such coalitions had strengthened their fight for collective rights. In relation to the Government's bilingual education programme, it would be interesting to learn whether the Strategic Plan 2016–2020 had been effective in increasing access to bilingual education for indigenous children. Moreover, she would be grateful for further information regarding any other plans to increase access to education for indigenous children and to offer bilingual education at more levels of schooling.

58. **Ms. Mohamed** said that she would be grateful if the State party could provide further clarification regarding the role of the substitute judges of the Constitutional Court. She would also appreciate further information on the number of complaints received by the State party concerning forced sterilization of women with disabilities, and the outcomes of those complaints.

59. **Ms. Izsák-Ndiaye** said that, although it was clear that the State party approached its obligations under the Convention in good faith, there was alarming evidence that Guatemalan society continued to face a great number of challenges. It was unclear what effect the activities described by the State party had had on remedying that situation. The Committee required further information regarding the State party's plans to strengthen its institutions and to better represent indigenous, Afrodescendent and other marginalized communities in those institutions. The State party should evaluate its current policies and make sure that the concerns of indigenous and Afrodescendent peoples were taken seriously.

60. **Ms. Lux Sacbajá de Botzotz** (Guatemala) said that the mandate of the Office for the Defence of Indigenous Women's Rights was to promote and defend the rights of Maya, Garifuna and Xinka women. The Office did not handle complaints of racism and racial discrimination. Rather, it offered support and legal guidance to women victims and referred them to the Presidential Commission on Discrimination and Racism against Indigenous Peoples. The Office had a manual on the strategic litigation of cases of racism and discrimination and was participating in a round table on strategic litigation. In 2019, it would conduct awareness-raising activities designed to encourage women to report acts of racism and discrimination.

61. **Ms. Ochoa Esribá** (Guatemala) said that the Constitutional Court held sessions all day, every day. Two substitute judges, selected at random, sat alongside the regular judges in each session.

62. **Mr. Borrayo Reyes** (Guatemala) said that Guatemala had made international commitments to preserve the environment. The natural environment in the area of Petén was among the best preserved in the world and contained Mayan archaeological relics. The National Public Administration Institute, which was responsible for preserving the forests of Guatemala, had a responsibility to report unlawful settlements to the Public Prosecution Service. Those reports were then investigated and the cases were brought before the courts. There were many evictions in the area of Petén, because the settlements there did not meet the national and international legal criteria for residence in protected areas. Such settlements were occupations, not pre-existing communities. In the case of Laguna Larga, eviction orders had been issued but had ultimately not been implemented, because the persons occupying the area had left and resettled near the Mexican border of their own accord. It was untrue that there had been a violent eviction. The movement had given rise to a humanitarian situation, which had caused the Inter-American Commission on Human Rights to order an interim measure with a view to protecting the families involved. On 4 February 2019, the President had ordered the Land Fund to acquire property in which the families could be safely resettled, but only 29 families had agreed to relocate. Of those who refused, some wished to return to the site of occupation, while others wished to remain near the Mexican border. The Guatemalan authorities could not force the families to move.

63. **Mr. Avtonomov** said that the constructive dialogue had demonstrated that the State party was committed to human rights and to complying with the Convention. The fact that the State party's delegation was composed of representatives of so many different branches of the Government had helped the Committee to obtain the information that it needed. The majority of conflicts involving indigenous and Afrodescendent groups were with large mining and agricultural companies. However, the indigenous and Afrodescendent peoples could count only on the State for protection. The Committee therefore hoped that the State party would pursue policies designed to help them and to protect those defending their rights. It should strengthen its protection mechanisms and ensure that they were respectful of cultural differences, improve its monitoring and evaluation mechanisms, increase the resources earmarked for protection and carry out prior consultations with the beneficiaries of protection measures. The State should also do more to recognize the validity of the indigenous justice system.

64. **Ms. Domínguez Sebastián** (Guatemala) said that although much progress had been made, many challenges were still to be overcome. Guatemala remained committed to human rights and the rights of its indigenous and Afrodescendent peoples. The Committee's concluding observations would serve as a guide for the State in its continued efforts to combat racial discrimination.

The meeting rose at 1 p.m.