



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
5 March 2025
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Racial Discrimination 116th session

Geneva, 11–29 August 2025

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

List of themes in relation to the combined eighteenth to twentieth periodic reports of Guatemala

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send to the State Party concerned a short list of themes with a view to guiding and focusing the dialogue between the State Party's delegation and the Committee during the consideration of the State Party's report.¹ The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Demographic composition of the population

2. Updated and disaggregated information on the demographic composition and indicators relating to the socioeconomic situation of the population, in particular Indigenous Peoples, Garifuna communities, people of African descent, migrants, refugees and asylum-seekers. Additional information on the measures taken to systematically incorporate variables on ethnic and racial origin and ancestry in the data collection and administrative records of public institutions and subnational governments, as well as to train the population and census-takers on the application of the self-identification criterion.²

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 5)

3. Information on cases in which the provisions of the Convention have been invoked before the courts of the State Party or directly applied by them, pursuant to article 46 of the Constitution. Additional information on any training on the Convention provided to law enforcement officials, public defenders, lawyers, judges, justice system officials and other public officials and details of the measures taken to raise awareness among the State Party's population, including non-citizens, of the rights enshrined in the Convention and the complaint mechanisms and judicial and non-judicial remedies available to them.³

4. Measures taken to adopt comprehensive anti-discrimination legislation containing a clear definition of racial discrimination, including direct, indirect, multiple and intersecting forms of such discrimination, covering all fields of law and public life and all grounds of

¹ A/65/18, para. 85.

² CERD/C/GTM/CO/16-17, paras. 7 and 8; CERD/C/GTM/FCO/16-17, paras. 7–9; and CERD/C/GTM/18-20, paras. 9, 10, 12, 13, 16 and 153–155.

³ CERD/C/GTM/18-20, paras. 45, 151, 202, 203, 271, 301 and 318.



discrimination referred to in article 1 (1) of the Convention.⁴ Updated information on legislative initiatives designed to strengthen the fight against racial discrimination and the promotion and protection of the rights of Indigenous Peoples, Garifuna communities and people of African descent, including those aimed at implementing the Peace Agreements, in particular the Agreement on Identity and Rights of Indigenous Peoples.⁵

5. Updated information on measures taken to criminalize acts of racial discrimination and the conduct described in article 4 of the Convention and to include racist motivation as an aggravating circumstance for offences covered by the Criminal Code.⁶

6. Additional information on measures taken to prevent, investigate and punish racist hate speech, hate crimes and incitement to racial hatred and xenophobia, especially in the media and on the Internet and social media platforms, including when committed or instigated by public authorities, in particular against Indigenous Peoples, Garifuna communities, people of African descent, migrants, asylum-seekers and refugees.⁷ Statistical data on, and examples of, complaints lodged, investigations carried out and penalties imposed in relation to individuals and groups that have incited discrimination or racist hate speech or violence, and the reparations granted to the victims. Measures taken to facilitate the reporting and investigation of hate crimes, including the establishment of a collection and storage system for disaggregated data.

7. Measures taken or planned to strengthen the mandate of the Office of the Human Rights Ombudsman, including in the area of preventing and combating racial discrimination and xenophobia. Information on the evolution of the financial, human and technical resources allocated to the Office in recent years and the measures taken to increase its presence at the national level and strengthen its cooperation with civil society organizations and human rights defenders.⁸

8. Actions taken to strengthen institutions to combat racial discrimination, including the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Office of the Ombudsman for Indigenous Women's Rights and the Development Fund for Indigenous Peoples. Updated information on the evolution of the financial, human and technical resources allocated to these institutions, as well as on the ethnic diversity of their personnel, their presence in remote areas of the State Party's territory and the measures taken to ensure effective coordination between these and other institutions to combat racial discrimination and xenophobia affecting Indigenous Peoples, Garifuna communities, people of African descent, migrants, refugees and asylum-seekers.⁹

9. Information on the progress and results of the State Policy for Coexistence and the Elimination of Racism and Racial Discrimination, the human, financial and technical resources allocated for its implementation and the participation of Indigenous Peoples, Garifuna communities, people of African descent and other groups particularly exposed to racial discrimination in the evaluation of its implementation and results.¹⁰ Actions taken for the adoption of the national policy on Indigenous Peoples and intercultural affairs and information on consultations carried out with Indigenous Peoples regarding its drafting and adoption.¹¹ Measures taken or planned to adopt a national plan of action to combat racism, racial discrimination, xenophobia and related intolerance, as well as a national plan on people of African descent. Results of activities organized in the State Party within the framework of the first International Decade for People of African Descent, progress in planning actions and activities for the second International Decade for People of African Descent and details of

⁴ CERD/C/GTM/CO/16-17, paras. 9 and 10; CERD/C/GTM/FCO/16-17, para. 13; Committee's follow-up letter dated 24 November 2020, p. 1; and CERD/C/GTM/18-20, para. 21.

⁵ CERD/C/GTM/CO/16-17, paras. 9 and 10; CERD/C/GTM/FCO/16-17, para. 13; Committee's follow-up letter dated 24 November 2020, p. 1; and CERD/C/GTM/18-20, paras. 8, 21 and 22.

⁶ CERD/C/GTM/CO/16-17, paras. 17 and 18; and CERD/C/GTM/18-20, paras. 8, 22 and 147.

⁷ CERD/C/GTM/CO/16-17, paras. 17 and 18; and CERD/C/GTM/18-20, paras. 147–151.

⁸ CERD/C/GTM/18-20, para. 31.

⁹ CERD/C/GTM/CO/16-17, paras. 11 and 12; and CERD/C/GTM/18-20, paras. 23–49.

¹⁰ CERD/C/GTM/18-20, para. 52.

¹¹ Ibid., para. 53.

the participation of people of African descent in the design, implementation and follow-up of these initiatives.¹²

Situation of Indigenous Peoples and people of African descent (arts. 2 and 5)

10. The implementation of measures, including special measures and affirmative action, to combat the structural and multiple forms of discrimination and inequality in various public and private settings that affect Indigenous Peoples, Garifuna communities and people of African descent and to ensure the effective enjoyment of their rights throughout the territory of the State Party.¹³ Specific information about the impact of such measures and the participation of the aforementioned groups in their design, implementation and evaluation.

11. Measures taken to increase the participation of persons belonging to Indigenous Peoples or Garifuna communities and of people of African descent, in particular women belonging to these groups, in political and public affairs at all levels of government and to improve the representation of such people in decision-making positions in both the public and private sectors.¹⁴ Results of such measures, together with supporting statistical data, since the submission of the previous periodic report.

12. Measures to guarantee the exercise of the right to freedom of association and peaceful assembly, and to prevent, investigate and punish excessive use of force by law enforcement officials and violence by private security companies and other non-State actors, particularly against persons belonging to Indigenous Peoples who organize or participate in peaceful demonstrations for the protection of their rights, and information on reparations granted to victims, including in the case of the Alaska summit massacre.¹⁵ Information on the use of states of emergency in areas populated by Indigenous Peoples, particularly in response to protests in defence of their rights, and on how the authorities ensure that the use of states of emergency is in full compliance with international norms and standards. Information on measures taken and planned, including at the legislative level, to prevent, combat and explicitly prohibit racial profiling by law enforcement officials, and on disciplinary or criminal penalties imposed in the context of investigating cases of racial profiling and punishing the perpetrators.

13. Updated information on measures to guarantee the exercise of the right to freedom of expression by persons belonging to Indigenous Peoples and people of African descent, including the adoption of a legal framework on community media, in accordance with the judgment dated 6 October 2021 of the Inter-American Court of Human Rights in *Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*.¹⁶ Additional information on the action taken to effectively protect journalists and human rights defenders and the leaders and members of Indigenous Peoples and Afrodescendent communities from acts of retaliation, intimidation, threats, violence and the criminalization they endure because of their efforts to defend human rights.¹⁷

14. Measures taken to guarantee the exercise of the right to freedom of religion by Indigenous Peoples and people of African descent, as well as to protect their sacred sites and access thereto, particularly in the face of the impact of extractive activities or development projects, and to ensure that they can access and transport their ceremonial materials without undue restrictions. Actions taken to prevent, investigate and punish cases of discrimination and violence, including murder, against Indigenous spiritual guides, and information on reparations granted to the victims or their families, including in the cases of Adela Choc Cuz and Domingo Choc Ché.

15. Complementary information on the measures taken to reduce the levels of poverty and extreme poverty affecting Indigenous Peoples, Garifuna communities and people of African descent. Actions taken to ensure effective access to basic services (food, housing, water and

¹² Ibid., paras. 315–319.

¹³ CERD/C/GTM/CO/16-17, paras. 13 and 14; and CERD/C/GTM/18-20, paras. 50–129.

¹⁴ CERD/C/GTM/CO/16-17, paras. 29 and 30; and CERD/C/GTM/18-20, paras. 218–225.

¹⁵ CERD/C/GTM/18-20, paras. 202 and 203.

¹⁶ CERD/C/GTM/CO/16-17, paras. 25 and 26; and CERD/C/GTM/18-20, paras. 208–210.

¹⁷ CERD/C/GTM/CO/16-17, paras. 27 and 28; and CERD/C/GTM/18-20, paras. 211–217.

sanitation, electricity, healthcare, social security and education) for persons belonging to these groups, including during the coronavirus disease (COVID-19) pandemic. Details of the impact of such actions on the evolution of the socioeconomic situation of these groups in recent years.¹⁸

16. Updated information on the steps taken to facilitate the adoption of specific regulations governing consultation procedures for obtaining the free, prior and informed consent of Indigenous Peoples, in accordance with the ruling issued on 16 May 2023 by the Inter-American Court of Human Rights in the *Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala*, and the establishment of adequate mechanisms to carry out such consultations, particularly in relation to legislative or administrative measures and infrastructure or natural-resource exploitation projects that may affect the rights of Indigenous Peoples, including Xinka and Garifuna communities.¹⁹ Information on investigations and sanctions and on reparations granted to Indigenous Peoples affected by the implementation of infrastructure projects and the exploitation of natural and mining resources and the ensuing pollution and damage, as well as on the progress made in complying with the rulings issued by the Constitutional Court in relation to prior consultation and the rights of Indigenous Peoples in respect of lands, territories and natural resources.

17. Legislative and other measures to ensure the protection of community ownership of traditional lands of Indigenous Peoples and Garifuna communities, including the establishment of a clear, efficient and accessible adjudication procedure and mechanism and registration system, in accordance with the ruling issued on 16 May 2023 by the Inter-American Court of Human Rights in the *Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala*. Additional information on the impact of the Land Fund and the State Land Regularization and Adjudication Programme and other measures taken to guarantee the titling, delimitation, demarcation and restitution of lands and ancestral territories of Indigenous Peoples, and on progress in the implementation of the Agreement on Social and Economic Aspects and the Agrarian Situation and the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict.²⁰

18. Additional information on measures taken to prevent the forcible eviction of Indigenous Peoples from their traditional territories and to address the impacts of such evictions, including forced displacement. Measures taken to prevent, investigate and punish excessive use of force and violence against Indigenous individuals and Peoples by law enforcement officials, private security companies and non-State actors in the context of evictions and land disputes.²¹ Information on the investigations carried out and the sanctions imposed on those responsible, and on the reparations granted to the victims, their families and affected communities.

19. Updated information on the implementation and results of the measures taken to address food insecurity and obstacles to access to water and sanitation, which mainly affect Indigenous Peoples and people of African descent. Impact of the action taken to address acute and chronic undernutrition in children, which particularly affects the Indigenous population.²² Measures taken to address the disproportionate impact of the effects of climate change, natural disasters and environmental degradation on Indigenous Peoples and people of African descent.

20. Measures taken to ensure the availability, accessibility and quality of education for Indigenous children and children of African descent, including in the context of the impact of the COVID-19 pandemic, and progress made in improving literacy rates and access to primary, secondary and university education among these communities. Updated information on the impact of measures taken to guarantee the right to intercultural bilingual education,

¹⁸ CERD/C/GTM/CO/16-17, paras. 13 and 14; and CERD/C/GTM/18-20, paras. 50–53, 57, 58 and 127.

¹⁹ CERD/C/GTM/CO/16-17, paras. 19, 20, 23 and 24. and CERD/C/GTM/18-20, paras. 156–186 and 204–207.

²⁰ CERD/C/GTM/CO/16-17, paras. 21 and 22; and CERD/C/GTM/18-20, paras. 187–199.

²¹ CERD/C/GTM/CO/16-17, paras. 21 and 22; and CERD/C/GTM/18-20, paras. 200–203.

²² CERD/C/GTM/CO/16-17, paras. 13 and 14; and CERD/C/GTM/18-20, paras. 59–83.

including the results achieved with regard to access to such education for Indigenous and Garifuna children.²³

21. Measures taken to combat racial discrimination in the workplace, which mainly affects Indigenous Peoples and people of African descent, including in respect of traditional attire and Indigenous languages. Actions undertaken to improve access to the formal sector of the economy, in equitable and satisfactory working conditions, for Indigenous Peoples, Garifuna communities and people of African descent, particularly women belonging to these groups, as well as to prevent and combat abuse, labour exploitation, forced labour and trafficking in persons, particularly in agriculture, domestic work and the textile maquila industry.²⁴

22. Measures taken to ensure equal access to high-quality and culturally appropriate health services for Indigenous Peoples and people of African descent, in particular for women and girls belonging to these groups, and the progress made.²⁵ Implementation and impact of measures taken to reduce maternal and infant mortality rates in Indigenous communities. Steps taken to facilitate universal access to sexual and reproductive healthcare services for Indigenous Peoples and people of African descent.²⁶

23. Additional information on the measures taken to combat the multiple and intersecting forms of discrimination faced by women and girls from Indigenous, African or Garifuna backgrounds, particularly with respect to access to education, employment and healthcare services.²⁷ Information on measures taken to protect the collective intellectual property pertaining to textiles and clothing made by Indigenous women, including on the status of bill No. 6136. Additional information on actions taken to combat gender-based violence, including sexual violence, against these groups of women, and information on cases of violence investigated, prosecuted and punished, as well as protection and reparation measures granted to victims, including the establishment of shelters in rural areas and comprehensive support services.²⁸

Situation of migrants, asylum-seekers and refugees (arts. 2 and 5)

24. Impact of policies and programmes to facilitate the regularization and integration of non-citizens, including the reforms and measures to remove administrative and other barriers, at all levels of government, that hinder access by migrants, asylum-seekers and refugees to health, education and the labour market. Measures taken to protect migrants, asylum-seekers and refugees, in particular women and children belonging to these groups, from violence, including sexual violence, labour and sexual exploitation, trafficking in persons and other human rights violations, and information on investigations and sanctions imposed, as well as reparations granted to victims and their families. Actions taken to ensure that the State Party's bilateral and multilateral agreements on migration are in full compliance with the Convention and relevant international obligations and standards.

25. Actions taken to ensure efficient refugee status determination procedures and to reduce delays, including measures to increase the human, technical and financial resources allocated to the National Commission for Refugees. Measures taken to facilitate access to asylum procedures and to ensure that asylum applications are assessed individually, accompanied by due process guarantees, and that access to effective remedies is facilitated, as well as to ensure full respect for the principles of non-refoulement and non-discrimination, in accordance with international obligations and standards in this area.

²³ CERD/C/GTM/CO/16-17, paras. 13, 14, 33 and 34; and CERD/C/GTM/18-20, paras. 28, 45, 51, 55, 56, 58, 94–104, 112, 114–124 and 261.

²⁴ CERD/C/GTM/CO/16-17, paras. 31 and 32; and CERD/C/GTM/18-20, paras. 226–247.

²⁵ CERD/C/GTM/CO/16-17, paras. 13 and 14; and CERD/C/GTM/18-20, paras. 84–90.

²⁶ CERD/C/GTM/CO/16-17, paras. 33 and 34; and CERD/C/GTM/18-20, paras. 263–280.

²⁷ CERD/C/GTM/CO/16-17, paras. 33 and 34; and CERD/C/GTM/18-20, paras. 248–283.

²⁸ CERD/C/GTM/CO/16-17, paras. 33 and 34; and CERD/C/GTM/18-20, paras. 281–283.

Access to justice (arts. 5 and 6)

26. Additional information on actions taken to improve access to justice for Indigenous Peoples, people of African descent, migrants, asylum-seekers and refugees, including measures to eliminate racist attitudes and racial discrimination in the judicial system and to increase the number of interpreters, bilingual public defenders and specialists on the traditional justice systems of Indigenous Peoples and on the rights of people of African descent and non-nationals. Recognition of and respect for the traditional justice systems of Indigenous Peoples in keeping with international human rights standards, including the adoption of the bill on the Indigenous justice system and steps to organize training on Indigenous customary law for law enforcement officials, public defenders, lawyers, judges and justice system officials.²⁹ Complaints regarding acts of racial discrimination and related offences brought before the courts or other national institutions, the results of the investigations conducted in those cases, the penalties imposed on the perpetrators and the reparations granted to the victims.³⁰ Information on measures taken to facilitate the reporting of cases of racial discrimination, including the reversal of the burden of proof in favour of the victims.

27. Updated information on investigations into, and sanctions imposed on the perpetrators of, human rights violations committed during the armed conflict, as well as measures taken and planned to ensure that victims, including those belonging to Indigenous Peoples, have access to comprehensive reparations.³¹ Progress in the implementation of the Peace Agreements, in particular the Agreement on Identity and Rights of Indigenous People, and information on initiatives to establish a national plan for dignity and reparations for victims of the internal armed conflict and a national plan to search for missing persons. Information on the status of the institutions created pursuant to the Peace Agreements, especially those related to transitional justice and those designed to promote and protect human rights, particularly the rights of Indigenous Peoples and people of African descent.

Training, education and other measures to combat prejudice and intolerance (arts. 5 and 7)

28. Additional information on measures taken to strengthen human rights education, in particular education on the Convention and the fight against racial discrimination and xenophobia, in school curricula and training programmes for teachers and other education professionals in the public and private sectors. Information on the representation of Indigenous Peoples, Garifuna communities, people of African descent and migrants in textbooks and curricula at all levels and on measures taken to promote knowledge and awareness of the cultural heritage and history of these groups and their contribution to the State Party's society and culture.³²

²⁹ CERD/C/GTM/CO/16-17, paras. 37 and 38; and CERD/C/GTM/18-20, paras. 35–40, 140–143, 207 and 287–302.

³⁰ CERD/C/GTM/18-20, paras. 37–40.

³¹ CERD/C/GTM/CO/16-17, paras. 15 and 16; CERD/C/GTM/FCO/16-17, paras. 14–21; Committee's follow-up letter dated 24 November 2020, p. 2; and CERD/C/GTM/18-20, paras. 130–146.

³² CERD/C/GTM/18-20, paras. 99–111, 313 and 314.