

CENTRE ON
HOUSING RIGHTS
AND EVICTIONS



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Oral Statement: Guatemala Universal Periodical Review
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The Centre on Housing Rights and Evictions (COHRE) has been active in Guatemala since 2003. First of all, we are pleased by Guatemala's progressive efforts in the implementation of stronger housing infrastructure as indicated in the Working Group report. However, we echo the concerns of other countries in asking Guatemala to address the issue of land and property rights of indigenous peoples.

Second, we appreciate Guatemala's efforts to create a number of new human rights institutions to tackle impunity and to democratize access to justice. However, as pointed out by Switzerland in the interactive dialogue, crimes committed during the conflict such as genocide, torture and enforced disappearances have still not been fully investigated.

The resettlement of the displaced following armed conflict and other land-related issues are only partially implemented. As a result, an estimated 250,000 people are still unable to reintegrate and return to their homes. We take this opportunity to urge Guatemala to provide full reparations, including just and fair compensation, and to bring to justice all those responsible for human rights violations during the Río Negro Massacres and to other indigenous communities.

COHRE is especially concerned with threats of forced evictions and displacements still faced by more than 30 indigenous communities as a result of the impact of planned or implemented development projects – all without legal due process of consultation, participation and information of the affected communities.

In this regard, CERD and UNHCR have already expressed concern about indigenous peoples' rights including their lack of access to land, the lack of respect for their traditional lands and obstructions to the use of their traditional sacred sites. COHRE endorses the recommendations made by Slovenia for Guatemala to follow up on the

relevant recommendations made by CERD and other human rights bodies and mechanisms towards enhancing de jure and de facto equal protection of indigenous peoples. This must include the recognition of the competence of the Committee on the Elimination of Racial Discrimination, Article 14.

We regret that Guatemala did not approve legislation to regulate Article 70 of the National Constitution, which refers to indigenous rights. The inexistence of an Agrarian Law specifically addressing the demarcation and titling of indigenous lands has resulted in the application of the Civil Code to solve land conflicts, which does not recognize communal and cultural rights of indigenous peoples over their territories.

Finally COHRE is still concerned about measures taken to ensure investigation of violence against human rights defenders and recommends that the coordination between the police and the Office of the Attorney General in the investigations of violence against human rights defenders be increased.

Thank you, Mr. President.