

United Nations Human Rights Council
22nd Regular Session, 25 February to 22 March 2013
Agenda Item 6

ICJ Oral Statement in the Interactive Dialogue on the adoption of the UPR Outcome Document on Guatemala

GUATEMALA'S NEED FOR EFFECTIVE IMPLEMENTATION OF RECOMMENDATIONS AND UNDERTAKINGS CONCERNING CONSULTATIONS WITH INDIGENOUS PEOPLES, IMPUNITY AND THE PROTECTION OF HUMAN RIGHTS DEFENDERS

14 March 2013

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Mr. President,

The International Commission of Jurists (ICJ) welcomes the engagement of Guatemala in the Universal Periodic Review (UPR), but expresses concern over the contradiction between stated policy versus practice on the question of consultation with indigenous peoples.

The ICJ is encouraged by the Government's statement that it sees no problem for compliance with recommendations concerning consultations with indigenous peoples (A/HRC/22/8/Add.1 paras 4 and 5 – see UPR Recommendations 101.9, 101.24, 101.25, 101.26 and 101.27). We nevertheless note that there has thus far been a lack of meaningful consultations in the case of 'megaprojects' and that indigenous peoples have been forcefully evicted from places where these projects are put in place. It is also of great concern that where consultations have taken place, authorities have not respected the outcome of those consultations. The Government has so far failed to establish procedures for the implementation of agreements reached during consultations.

Noting that Guatemala has ratified ILO Convention 169 on Indigenous and Tribal Peoples, the ICJ calls on Guatemala to take steps to ensure that its legislation and practice conform with article 6.2 of the Convention, which provides that "The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures". The same forms an international standard under article 32(b) of the UN Declaration on the Rights of Indigenous Peoples.

The ICJ again calls on the Government to reinforce the right against impunity in cases of gross human rights violations, ensuring that amnesties and clemency are not applied to such cases. We are encouraged by steps being put in place for the protection of human rights defenders (A/HRC/22/8/Add.1 paras 13 and 14) but regret that these steps are not effective and abuses perpetrated against human rights defenders continue without prompt, independent and impartial investigations.

I thank you.

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