

United Nations High Commissioner for Refugees

Guatemala

We would like to bring your attention to the following excerpts from a Special Procedure report relating to issues of interest and concern to UNHCR with regards to Guatemala.

Treaty Body Concluding Observations and Recommendations:

**E/C.12/1/Add.93
12 December 2003**

19. The Committee also takes note of the efforts made by the State party towards the implementation of the National Reparation Programme for victims of war. However, the Committee expresses concern at the lack of effective measures to reunite families separated by the conflict, to establish the whereabouts of children who have disappeared and to safeguard the rights of children orphaned by the war.

37. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons

**CERD/C/GTM/CO/11
15 May 2006**

17. The Committee is highly concerned at indigenous peoples' lack of access to land, the lack of respect shown for their traditional lands, such as community forests, and the problems in relation to the restitution of lands to indigenous peoples displaced as a result of armed conflict or economic development plans.

**CRC/C/15/Add.154
9 July 2001**

17. The Committee recommends that the State party continue to develop a system to collect data and indicators reflecting the provisions of the Convention, disaggregated by gender, age, indigenous and minority groups, urban or rural area. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children belonging to indigenous groups; child victims of abuse, neglect, or ill-treatment; children with disabilities; children who are displaced; children in conflict with the law; children who work; children who are sexually exploited for commercial purposes; adopted children and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention.

48. The Committee notes that the State party launched an action plan for the psychological rehabilitation of children affected by the armed conflict based on a

preventive programme with community participation, as previously recommended by the Committee. However, it expresses its concern at the lack of professional staff prepared to work in these communities and at the insufficient number of services to meet demand. It also notes with concern that a large number of children were internally displaced or forcibly disappeared during the armed conflict and that the State party did not investigate these disappearances effectively.

49. In light of article 39 of the Convention, the Committee recommends that the State party consider complying with the recommendations of the Truth Commission regarding a national reparation programme that would also include children affected by the internal armed conflict, and that it effectively investigate all cases of children who were forcibly disappeared by allocating human and financial resources to and cooperating with the National Commission for Searching for Disappeared Children. Further, the Committee recommends that the State party strengthen its efforts to implement the Programme to Support Resettlement of Displaced Groups and to ensure adequate protection to internally displaced children, paying special attention to the problem of lack of identification papers. The Committee encourages the State party to continue its international cooperation programmes with, among others, UNDP, UNHCR and UNCHS (Habitat).

CRC/C/OPSC/GTM/CO/1

6 July 2007

30. The Committee recommends that the State party review its legislation and improve its practice in relation to the deportation of foreign children who have been victims of cross-border trafficking, and suspend the implementation of such measures pending investigations. Furthermore, the Committee urges the State party, if in doubt, always to presume that young victims of trafficking are children, guarantee that the best interest of the child is taken into account and ensure that they receive adequate physical and psychological assistance and care. In this regard, the Committee urges the State party to take into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Special Procedure Reports

**SR on the Situation of Human Rights and Fundamental Freedoms of
Indigenous People**

E/CN.4/2003/90/Add.2

24 February 2003

Armed conflict

23. During the three decades of armed conflict in Guatemala the fragmentation of peasant plots into *minifundios* increased, leading to growing conflict, largely due to the displacement and resettlement of the indigenous population and the misappropriation of communal and public land in various regions. This phenomenon was reported to be particularly acute in the area known as the Northern Transversal Strip, one of the main areas of confrontation during the armed conflict, from which many indigenous communities were displaced and where large estates were formed which are currently owned by former members of the armed forces. The Special Rapporteur has received many complaints on this matter.

Voting

42. The exclusion of the indigenous peoples from their role as citizens has been a characteristic feature of the political structure of Guatemala since colonial times and throughout the life of the Republic. Mention must be made of the high proportion of persons of voting age who are not registered in the voters' lists and the non-documentation of women, refugees and internally displaced persons, which contributes to low levels of voter participation in rural areas. These conditions worsened during the years of domestic armed conflict, inter alia as a result of the implementation of a strategy to destroy the rural social fabric, harass the traditional authorities, induce inter-community and inter-ethnic confrontations, and train and maintain paramilitary control groups (Civil Self-Defence Patrols and Comisionados Militares); and other associated effects of the displacement and subsequent resettlement of the indigenous population.

Land

73. The Special Rapporteur recognizes the fundamental importance of land for the indigenous peoples, and appeals for land of appropriate quality to be provided to returning refugees, indigenous women affected by the conflict and the communities which were illegally dispossessed of their lands during the war.

- End of excerpts -

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
28 December 2007**