Input submitted by **Peace Brigades International (PBI)** and **Due Process of Law Foundation (DPLF)** on **resettlement as a human rights issue in Guatemala** to the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

**Introduction**

Peace Brigades International (PBI) is an international organization that has been promoting non-violence and protecting human rights since 1981. In Guatemala, PBI volunteers carry out accompaniment activities for people and organizations that promote human rights, whose work is affected by threats or harassment, including indigenous and peasant communities affected by forced evictions and displacement.

The Due Process of Law Foundation (DPLF) is a regional organization dedicated to promoting the rule of law and human rights in Latin America through research, strategic alliances with regional actors, lobbying and communication activities. In Guatemala, through its Human Rights and Natural Resources Program, DPLF has monitored, through the application of international law and international standards, the practice of forced evictions and displacement of indigenous and peasant communities.

This contribution presents the observations of PBI and DPLF on forced evictions and displacement, based on the questionnaire prepared by the Rapporteurship, answering in particular to questions 5, 9, 10, and 11.

***Resettlement as a human rights issue***

1. Has your country, organization or company established any agency or other mechanism specifically mandated to deal with resettlement? If so, please provide details of its mandate, budget and work, including copy of any relevant policies, regulations and legislation and an assessment of their impact on the rights of affected individuals and communities.

Guatemala does not have a state mechanism with a specific mandate to deal with the resettlement of persons and communities displaced as a result of forced evictions. Therefore, displaced communities find themselves in contexts of forced resettlement, having to relocate to lands where there are no minimum guarantees for the respect and guarantee of rights such as the right to health, security, education and adequate housing.

Such is the case of the Laguna Larga community evicted in 2017. This community was settled in an area catalogued as a protected area by the National Council of Protected Areas. The eviction caused this community, composed of Q'eqchi' and Chuj indigenous people, to be forcibly resettled between the border of Guatemala and Mexico, who settled in a makeshift camp, without access to the most basic services. Derived from the situation of this community, the [Inter-American Commission on Human Rights issued precautionary measures in September 2017](https://www.oas.org/es/cidh/decisiones/pdf/2017/36-17mc412-17gu.pdf), ordering the State of Guatemala to adopt measures to protect the rights to life and integrity of the members of the community, as well as to improve sanitary conditions, health, ensure access to adequate food and accommodation in adequate conditions of habitability and sanitation, among others. To date, the Guatemalan State has not responded to the needs for an adequate resettlement of the community.

Often, the resettlement needs of evicted communities are covered by international or local organizations, in the absence of a mechanism to guarantee this right to the evicted people. Such is the case of the communities of Las Pilas Sellamch, Jobente, San Juan Los Tres Ríos in Alta Verapaz, which have been received in temporary collective shelters set up by the [Comité Campesino del Altiplano (CCDA) [[1]](#footnote-1)](https://www.ccdagt.org/) since May 2022, without the State providing any attention, not even of a humanitarian nature, to these families, despite the fact that their situation has been raised at dialogue tables with the State.

Another example of the absence of these mechanisms and the way in which they affect the communities is the case of the Kumatz community, snake in the Q'anjob'al language, in Santa Cruz Barillas, department of Huehuetenango. This community was evicted on July 19, 2023. The eviction was carried out by more than five thousand Police agents and left at least 130 families in a humanitarian crisis[[2]](#footnote-2). The eviction was carried out without a prior hearing or notice, and the evicted persons were not guaranteed shelter or food. The evicted families also suffered the destruction and burning of their homes and do not receive any type of assistance from state authorities.

1. Does your country, organization or company collect data or otherwise track the situation of persons who have been subject to resettlement, which would allow to monitor over time whether the affected community survives as such and is able to thrive in the resettlement site, for example by enjoying adequate housing, access to essential services, livelihoods, etc.? If so, please provide information on what indicators are used to make such an assessment.

There is no official documentation on the fate of the evicted people in Guatemala. PBI and DPLF have been able to meet in person with many members of evicted communities who, due to the abandonment of the State, survive in extremely precarious conditions, dispersed in neighboring communities, with family members in other places, displaced to cities, and/or in temporary shelters set up by social organizations. In order to provide useful information, see in annex a document where we have gathered information on the number of evictions carried out, concrete cases of evictions, contextual data that make visible the impact on poverty, lack of the right to food, as well as the situation of defenders of the evicted communities or those at risk of eviction.

1. What legal, institutional and/or practical arrangements have been put in place or would in your view need to be put in place to ensure that international human rights standards and national regulations are upheld before, during and after resettlement; that adequate compensation is provided to all affected, regardless of the level of security of tenure they enjoyed prior to proposed resettlement; and that living conditions after resettlement comply in practice with international human rights law, national law and regulations or relevant court rulings?

Guatemalan legislation lacks legal mechanisms in accordance with international human rights standards to resolve disputes arising from land tenure certainty. The only mechanism available to resolve these conflicts is regulated in the Penal Code, through the crimes of trespass and aggravated trespass, which have been used to carry out forced and violent evictions against indigenous people.

Therefore, it is necessary to adapt these criminal offenses, contained in articles 256 and 257 of the Penal Code, to international standards. These crimes favor the use of criminal proceedings in cases of uncertainty over the ownership of land rights and allow State security forces to carry out evictions immediately, depriving the evicted persons of the exercise of minimum judicial guarantees, such as prior notification or the possibility of exercising their right of defense to demonstrate ownership over the territories that historically and ancestrally belong to them.

Evicted communities are not offered resettlement alternatives, and they have no complaint mechanisms. The use of this criminal law, in addition to immediate forced eviction, entails the criminalization of community members, mostly indigenous, which forces them to remain in hiding. The use of criminal law forces resettlement in conditions incompatible with respect for human rights, as mentioned above.

1. Is there any group particularly at risk of resettlement or particularly vulnerable to the negative resettlement outcomes in your country or in the experience of your organization or company?

In Guatemala, indigenous peoples are particularly vulnerable to the negative results of forced resettlement caused by forced evictions.

As indicated, the means used to settle disputes over land tenure in Guatemala is the use of criminal law, which criminalize the members of the communities and massively evicts entire indigenous communities from their territories.

During criminal proceedings judges usually ask indigenous communities to present property titles issued by the Land Registry to prove the ownership of their own territories and to prove the innocence of the criminalized persons. In many cases, this is incompatible with the way in which the land of the indigenous peoples is historically transmitted, which means that many times the communities do not have these property titles. In addition to the above, there are cases in which anomalous registrations have been made in the Property Registry by third parties, in order to wrongfully appropriate the territories of indigenous communities[[3]](#footnote-3) , and then evict them from their own territories.

In this context, entire communities are evicted, displaced and forced to resettle in other territories. Forced resettlements of entire communities directly affect indigenous peoples, due to the special relationship they have with their territories, which transcends mere possession or ownership, since their territory is essential for the preservation of their culture and survival[[4]](#footnote-4) . Evictions and forced relocations uproot them from the territories they have ancestrally occupied and which, generally, in addition to being the places where they live, are also the places where they carry out their religious and cultural practices.

Resettlement can result in the removal of communities from their sacred sites, burial grounds and natural resources, which are difficult to replace on other lands, even if these are of similar characteristics and quality to those they originally occupied, causing a loss of their cultural practices.

An example of this affectation of indigenous peoples is the case of 26 Q'eqchi' families evicted at the end of 2023 in the municipality of Tactic, department of Alta Verapaz, where the community was dispossessed of its territory, which included a cemetery more than 200 years old and a ceremonial center where the community congregated for their spiritual practices.

1. The Comité Campesino del Altiplano (CCDA) is an indigenous and peasant organization founded on March 2, 1982 in the highlands of Guatemala. It is currently present in twenty departments of the country, representing more than 100,000 families. Its objective is to promote integral human development of the rural population, with gender equity, through social, cultural, economic and political actions that improve the quality of life in all aspects of the indigenous and peasant peoples of Guatemala, respecting and coexisting with the different cultures of the country. [↑](#footnote-ref-1)
2. See, <https://prensacomunitaria.org/2023/07/huehuetenango-queman-viviendas-y-animales-de-familiasindigenas-de-kumatz/> [↑](#footnote-ref-2)
3. See, I am 502, Corte de Constitucionalidad resuelve a favor de comunidades de la Sierra Santa Cruz en Izabal, December 7, 2015, available online at: https://www.soy502.com/articulo/cc-resuelve-favor-comunidades-sierra-santa-cruz-izabal. [↑](#footnote-ref-3)
4. Case of the Xákmok Kásek Indigenous Community. Vs. Paraguay. Merits, Reparations and Costs. Judgment of August 24, 2010, para. 284. [↑](#footnote-ref-4)