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Visit to Guatemala

Report of 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, Balakrishnan Rajagopal*, **

Summary

The Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, submits, in accordance with Human Rights Council resolution 52/10, his report on his visit to Guatemala, from 14 to 25 July 2025. The present report presents an analysis of the state of protection of the right to adequate housing in Guatemala, focusing in particular on the historic legacy of land conflict, legal uncertainty and land inequality, including with regard to gender, which in turn has led to the widespread practice of violent forced evictions and criminalization of Indigenous Peoples and peasant communities and those seeking to defend their rights. It also explores challenges experienced by other marginalized groups such as Garifuna, fishing communities, urban poor living in informal settlements, communities living on polluted or degraded land, migrants, refugees and asylum-seekers. It concludes with a set of recommendations, including on how to strengthen business and human rights practices.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and Spanish only.

** The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

Annex

Report of 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, on his visit to Guatemala

I. Introduction

1. 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, Balakrishnan Rajagopal, visited Guatemala from 14 to 25 July 2025. The Special Rapporteur is grateful to the Government for the invitation, as well as for the welcome and cooperation in preparation for and during the visit. He was warmly welcomed by the President of Guatemala and was received by various government officials at the central and departmental levels. He also met with representatives of Congress, the judiciary, the Attorney General's Office, the Constitutional Court, the business sector, lawyers, journalists, affected communities, human rights defenders, civil society and the international community.

2. The Special Rapporteur received an overwhelming number of requests to visit various communities across the country. Regrettably, due to limited time and resources, he was unable to visit them all. He opted for travel to Guatemala, Alta Verapaz, Izabal and Zacapa Departments. Altogether, the Special Rapporteur conducted 13 site visits, engaged directly with 22 communities and held 23 meetings, including with Indigenous authorities, women and LGBTQI+ representatives.

3. The Special Rapporteur commends the Government for its commitment to human rights and democracy. One of the first acts of the current President has been to renew the agreement with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to maintain a country office. The Special Rapporteur hopes that the recommendations contained in the present report will assist the current and future Governments in addressing the huge challenges related to the right to adequate housing and stands ready to assist Guatemala in their implementation.

II. Legacies having an impact on the right to adequate housing

A. Overview of relevant history

4. The main barrier to the enjoyment of the right to adequate housing in Guatemala is the precarious access to land. Secure access to land is essential, as documented in the most recent report of the Special Rapporteur to the General Assembly.[1] It is therefore necessary to revisit some key historic developments in Guatemala, which continue to have profound impacts on the enjoyment of the right to adequate housing today.

5. By the time that Spain colonized the region now known as Guatemala, many of the great Maya urban centres had already fallen into decline; nonetheless, large Indigenous populations continued to inhabit the land. During colonial rule, Indigenous communal land tenure systems were systematically undermined: under the colonial authorities, communal lands were often confiscated and reassigned to colonists, while Indigenous Peoples were subjected to forced labour. Some were able to "buy back" their own lands from the Crown, although without enjoying security of tenure as a result. After independence and particularly following the liberal reforms of the 1870s, communal lands were formally expropriated under Decree No. 170 of 1877,[2] which abolished collective landholding and made land available,

[1] A/80/351.

[2] See Elaine Elliot, "A history of land tenure in the Ixil region", *Maya America*, vol. 3, No. 3 (2021) pp. 111–116 and 119.

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for free or at nominal prices, for private ownership by foreigners or elite landowners to establish large plantations. The expansion of large-scale coffee estates transformed land use and subjected many Indigenous and peasant families to labour exploitation.[3] Over the decades, the collective and customary lands of numerous Indigenous Peoples lost legal recognition, and many were left without formal title, making them vulnerable to dispossession. Today, Indigenous Peoples and peasants continue to struggle for recognition of ancestral land rights, which is – a problem that stems in large part from the colonial legacy and the liberal reforms that followed.

6. Starting in 1945, Governments attempted to engage in agrarian reform, which culminated in the Congress passing a measure providing for the expropriation of unused land and its distribution among landless peasants. The reform, which affected, inter alia, land of the Unites States of America-owned United Fruit Company, eventually led to interference by the Central Intelligence Agency of the United States[4] to destabilize democracy, resulting in the installation of a military dictatorship in 1954. A 1954 decree permitted landowners to re-establish the "semi-feudal" *mozos colonos* system,[5] under which they could avail themselves of cheap labour by providing subsistence plots on their plantations in exchange for labour during the harvest season. Guatemala eventually descended into an internal armed conflict, which lasted from 1960 to 1996.

7. A darker phase, which has since been termed a genocide against the Maya people,[6] started with the massacre of Panzós in 1978, in which Q'eqchi' men and women demonstrating for their land rights were killed. The Special Rapporteur visited the memorial site and notes that the community is still awaiting an apology.

8. The army perpetrated 626 massacres and carried out scorched-earth operations, which resulted in the complete extermination of many Mayan communities, along with their homes, cattle, crops and other materials essential to survival. Survivors spent lengthy periods of time hiding in forests, where they experienced starvation and health and other hazards. Between 0.5 and 1.5 million people were displaced during the most intense period of the conflict. From 1983 onward, the army offered "amnesties" to the displaced population, and those who accepted were resettled in highly militarized communities. Many of those who had not been displaced accused displaced persons of being responsible for the conflict, leading to their marginalization and obstructions to their return. People who found refuge in Guatemala City sought anonymity as a survival strategy due to fear of being identified as a target of repression. No reliable estimates appear to exist at present, but the number of persons who remain displaced and their descendants appears to be considerable.[7]

9. The conflict ended with the signing of peace accords[8] at the end of 1996, which incorporated a number of separate agreements.

10. Under the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, the Government committed to ensuring conditions to allow displaced persons to voluntarily return or resettle to a place of their choosing. Among the challenges to ensuring the legal security of land holding were problems with registration, the disappearance of the files of the National Institute for Agrarian Transformation, institutional weakness, the existence of rights based on customary systems for the holding and surveying of land, secondary occupation and the annulment of rights on the basis of the improper application of provisions concerning voluntary abandonment.

[3] See David McCreery, "Coffee and Indigenous labor in Guatemala, 1871–1980", in *The Global Coffee Economy in Africa, Asia, and Latin America, 1500–1989*, William Gervase Clarence-Smith and Steven Topik, eds. (Cambridge, United Kingdom of Great Britain and Northern Ireland, Cambridge University Press, 2009).

[4] See, for example, Tim Weiner, *Legacy of Ashes: the History of the CIA* (New York, Anchor Books, 2008), chap. 10.

[5] See Roger Plant, "Rebuilding civil society: rural workers' organizations in Guatemala", Issues in Development Discussion Paper No. 5 (Geneva, International Labour Office, 1995).

[6] See Commission for Historical Clarification, *Guatemala: Memory of Silence* (1999).

[7] Ibid.

[8] See A/51/796.

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11. Under the Agreement on Identity and Rights of Indigenous Peoples, the Government committed to promoting regularization of the land tenure of Indigenous Peoples, guaranteeing land-use rights, restoring communal lands, compensating any lost communal lands, acquiring "land for the development of Indigenous communities" and promoting the legal protection of Indigenous land rights. Much of this remains to be realized.

B. Present-day effects of historic legacies

1. Racially coded and gender-coded land inequality

12. Land distribution in Guatemala is highly unequal, with around 2 per cent of the largest farms that grow cash crops occupying almost two thirds of the arable land, whereas the majority of all holdings (82 per cent) are utilized by smallholder farmers, who utilize only one sixth of the total arable land.[9] In Alta Verapaz, almost 60 per cent of the land is owned by one family. Many Indigenous Peoples and peasant communities rent or search for unclaimed land to occupy to build homes and for subsistence farming. Such land is often less productive, located in remote areas, difficult to access, precarious or in degraded environments. Only 3 per cent of the population owns their home.

13. The concentration of land in the hands of a few is buttressed by an overvalorization of private property rights. Private property is indeed protected in the Constitution as an individual right, but so is the right of communities to collectively own land. However, most Indigenous Peoples and peasant communities lack adequate recognition of their property rights. Moreover, the right to property, which is recognized in some international and regional human rights treaties, is not unlimited.[10] This is also acknowledged in the Constitution of Guatemala, which recognizes that private property rights must be exercised in the interest of national development and for the benefit of all (art. 39) and requires the State to prevent the excessive concentration of assets (art. 119 (h)).

14. Land is also mostly in the hands of men, with women experiencing disproportionate denial of access to land and housing through the discriminatory operation of inheritance laws and a variety of structural barriers rooted in patriarchy and colonialism. Only 7.8 per cent of landowners in rural areas are women. Of all households, 25 per cent are female-headed,[11] but this does not correspond to the homeownership ratio. The lack of control over land and housing has been linked to the vulnerability of women to domestic violence, which is widespread and remains underreported. Lacking sustainable medium- and long-term solutions, women fleeing domestic violence often face homelessness.

2. Practices akin to indentured servitude

15. The Special Rapporteur was aggrieved to find in Guatemala remnants of indentured servitude. Although the practice was legally abolished decades ago, some communities appear to still live under such land-dependent relationships. When communities try to assert their labour rights, such as in the case of the La Soledad farm, in Patulul municipality,[12] or try to claim accrued land rights, they risk reprisals in the form of forced evictions and other human rights violations.

3. Lack of legal certainty over land

16. Guatemala has, due to its colonial legacy, embraced the Roman law system whereby individual ownership of land is seen as the main form of dominium over land, yet this does not reflect Indigenous views of land ownership, possession and use rights.

[9] See https://openknowledge.fao.org/server/api/core/bitstreams/1fae548a-5a22-41fd-a576-fe2aa1f77d34/content.

[10] See Christophe Golay and Ioana Cismas, "Legal opinion: the right to property from a human rights perspective" (2010), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1635359.

[11] See https://genderdata.worldbank.org/en/indicator/sp-hou-fema-zs.

[12] See communication GTM 6/2021. All communications mentioned in the present report are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

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17. According to Indigenous experts, 70 to 80 per cent of land in Guatemala is Indigenous ancestral land. While article 67 of the Constitution recognizes communal possession or agrarian ownership, only 60 communal lands have been registered so far with the cadastral registry. Indeed, plural land tenure systems, such as cooperative landownership, are not in evidence, which makes it very hard to fully ensure adequate housing. While Indigenous Peoples maintain their own records, including land purchase records issued by the Spanish Crown, as shown to the Special Rapporteur, too many lack recognition of their ancestral land rights today. Communities who live on land that they have occupied for decades also experience lack of legal certainty. Allegedly duplicated and falsified cadastral records further erode legal certainty.

18. Communities that lack legal certainty not only are at risk of evictions, but also have not been able to benefit from public infrastructure support such as the building of roads, medical centres or schools. The Special Rapporteur welcomes the adoption of Decree No. 13-2025, which amends article 30 bis of the Organic Act on the Budget and authorizes public investment in Indigenous Peoples' lands.

4. Lack of adequate representation and participation

19. The Maya people, the Garifuna people and the Xinca people are all recognized as Indigenous Peoples in Guatemala,[13] but often lack adequate representation and participation in decisions concerning them, at both the central and the local levels. The Special Rapporteur was informed that around 117,000 Indigenous authorities exist, with great responsibilities in the areas of peace, justice, water management and land control. Although the Constitution (arts. 66–70) recognizes the existence and legitimacy of Indigenous authorities, it does not grant them specific powers or allocate them any budgets. Therefore, in practice, this constitutional recognition remains symbolic, as no secondary legislation has established binding competencies or financial autonomy for Indigenous authorities.

20. On 7 February 2024, the President signed an agrarian agreement with four Indigenous and campesino organizations, under which the Government committed, within 100 days, to address the agrarian conflict, to improve access to land and to strengthen and restructure the Land Fund. While appreciating the established dialogue with the Government in the form of monthly round tables, many organizations and communities expressed dissatisfaction with the slow pace of progress on their demands.

5. Housing deficit

21. Under the 1996 peace accords, which recognized the size and urgency of the housing problem, the Government agreed to promote a policy to increase the housing stock, in an effort to enable low-income households to rent or own homes. According to the Government, the housing deficit currently stands at 1.6 to 1.8 million homes. At the current pace, it is projected that it would take 20 years to house everyone, assuming that the structural issues concerning land are addressed.

III. General legal, policy and programmatic measures

A. Legal recognition of the right to adequate housing

22. Guatemala has ratified the International Covenant on Economic, Social and Cultural Rights. However, it has not yet ratified the Optional Protocol thereto, which would allow individuals to submit complaints concerning violations of Covenant rights.

23. At the regional level, Guatemala has ratified the American Convention on Human Rights. Although not explicitly referring to a right to adequate housing, the Convention prohibits arbitrary or abusive interference with private life, family or home and the right to property. In its jurisprudence, the Inter-American Court on Human Rights has reaffirmed the

[13] According to the Agreement on Identity and Rights of Indigenous Peoples, while the Constitution only recognizes the Maya people.

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right to housing by holding that the right to life (art. 4 (1)) encompasses the right to enjoy a life with dignity, which includes housing along with nutrition, water, healthcare, education and ancestral lands.

24. Article 46 of the Constitution recognizes the superiority of international human rights treaties over domestic law. While the Constitution recognizes other economic, social and cultural rights such as the right to education, it does not explicitly recognize the right to adequate housing. The Housing Act (Decree No. 9-2012) does, however, recognize the "right to decent, adequate and healthy housing" (art. 2).

B. Relevant legal, policy and programmatic measures

25. Organizations and communities informed the Special Rapporteur that programmes such as Mi Primera Casa, which is aimed at supporting first-time homebuyers, are far removed from the realities of communities living in poverty. The 2012 Housing Act recognizes the "self-production of social housing", defined as "the process of land management, and construction and distribution of housing, under the direct control of the users, individually or collectively, which can be carried out through the hiring of third parties" (art. 7). While so far this option has not been operationalized, the Government informed the Special Rapporteur that it will incorporate provisions to ensure that it is operationalized in a new national policy on housing and urban development. The Special Rapporteur recommends that civil society and various marginalized groups be consulted in its elaboration, as well as in that of the building code under preparation.

26. The Government explained that a key policy approach is to support families and individuals in replacing earthen floors with cement floors, with the goal of improving housing quality and making housing more resilient to natural disasters. While this approach may enhance housing quality, by itself it fails to meet the goal of achieving adequate housing for low-income households and may overlook other valuable policy interventions. On the other hand, there is no State support to construct traditional mud-brick (adobe) houses, which some see as more vulnerable to natural disasters, which have become more frequent and severe due to climate change, but there is a lack of dialogue with communities in determining culturally adequate options for housing materials.

27. The Special Rapporteur commends efforts to improve access to mortgages, including for those working in the informal sector, through a guarantee fund. However, mortgage loans requiring monthly payments as high as 50 per cent of salary, as well as "teaser" mortgages with 5 per cent down payments and variable interest rates, can trap people in mortgages that they cannot afford. He also received information that transgender persons experience barriers to access to credit due to identification issues.

C. Institutional framework and resource allocation

28. There is a fragmentation of the State evident in overlaps of institutional roles. No single institution has overall responsibility in the area of housing and land governance, which renders coordination very difficult. While the Ministry of Communications, Infrastructure and Housing takes the lead in housing matters, it appears to focus its policies and programme interventions primarily on urban areas and, principally, on infrastructure. For the 2025 budget, the allocation to housing was only 647.7 million quetzales (US$ 84.3 million), which represents only 7.63 per cent of the total budget of the Ministry. The Housing Fund, which is under the Ministry, was established with the aim of granting direct subsidies and facilitating access to credit for families in situations of poverty and extreme poverty who lack adequate housing. The Government informed the Special Rapporteur of plans to raise subsidies from 35,000 quetzales (US$ 4,569) to 65,000 quetzales (US$ 8,486) to better reflect market prices. However, several interlocutors alleged that discrimination, corruption and non-spending affect its effectiveness. The Special Rapporteur did not receive information on the allocation of its budget, its expenditure and the number and profile of families/persons who received assistance.

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29. The Land Fund, established as a decentralized entity with functional autonomy, grants highly subsidized loans for the purchase and also renting of land (including State land) for various purposes. Over 10 years, 70 per cent of the expenditure of the Land Fund has been allocated to staff salaries and only 30 per cent to investment in land. Members of the opposition and civil society say that, in 2024, almost nothing was spent from an allocated budget of US$ 20 billion. The Special Rapporteur regrets that he did not receive concrete information on the assets, including real estate, allocated budget, expenditure and number and profile of families/persons who received assistance and the amount of that assistance.

30. When it comes to land conflicts, several entities have been assigned responsibility in quick succession. Communities and human rights defenders lament the dissolution in July 2020 of the Secretariat of Agrarian Affairs. Between 2020 and January 2024, its functions were partially assumed by the Presidential Commission for Peace and Human Rights, created in 2020. However, civil society members report that the body was marked by institutional weakness, the rotation of directors and slow internal processes. With Government Agreement No. 32-2024, Guatemala affirmed that the Private Secretariat of the Presidency is mandated to develop and monitor political dialogue, to analyse scenarios and institutional actors and to promote mechanisms for resolving political and social conflicts. In June 2025, a new presidential commission for the prevention and management of conflict was created in accordance with Government Agreement No. 100-2025 as a temporary entity with a mandate to develop and implement a comprehensive and strategic approach to the prevention and management of conflicts. At the time of the visit, the body was not yet functioning and, therefore, the Special Rapporteur unfortunately was not able to discuss with it strategies for resolving land conflicts without resorting to forced evictions. The body came into existence in August 2025. Civil society informed the Special Rapporteur that the body has no executive powers, has no budget and has not resolved any land conflicts so far.

31. While the State is fragmented, at the same time it is overcentralized. In many rural areas, institutions are barely present, with communities reporting that their only contact with the State is when police arrive to evict them. This vacuum of State authority allows for a climate of violence and impunity, with non-State armed groups taking over some areas, presenting a challenge to the realization of the right to adequate housing.

32. According to civil society and the opposition, the Government has not been able to significantly curb corruption, which has affected institutions at every level of government for decades.

IV. Widespread practice of violent forced evictions and the criminalization of Indigenous Peoples and peasant communities

A. Judicial evictions

33. In 1996, Decree No. 33-96 amending the Criminal Code established the crime of usurpation (*usurpación*) (art. 256), which is akin to trespass, illegal occupation or seizure, and is punishable with one to three years' imprisonment, and the crime of aggravated usurpation (art. 257), punishable with two to six years' imprisonment. This legal reform paved the way for property owners, or anybody else claiming to own land, to pursue criminal complaints against any presumed trespasser and seek eviction without the need to have exhausted the civil procedure.

34. In 2021, the Attorney General created a special prosecutor's office for usurpation and issued General Instruction No. 04-2021 for the implementation of the protocol for the investigation of usurpation crimes, which provided for a fast-track procedure for handling complaints. The latter instructs the prosecutor to seek a judicial order requesting that the police designate the staff necessary for the execution of the eviction, under penalty of law. The prosecution of the crime of usurpation was further facilitated by a cooperation agreement between the special prosecutor's office for usurpation and the Property Rights Observatory, an organization created by the Coordinating Committee of Agricultural, Commercial,

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Industrial and Financial Associations, representing large-scale landowners. This has created a structural bias in the implementation of the law.

35. Multiple sources claim that courts frequently fail to investigate ownership, even though many communities may have valid claims to their land. Evictions are authorized by judges usually in ex parte (in absentia) proceedings, without notifying the people living on the land, who often discover only when police arrive that they are about to be evicted. Among affected communities, there is a perception of widespread corruption and collusion between landowners, police, the Attorney General and the judiciary, whom they accuse of granting eviction requests of landowners too easily. The Special Rapporteur regrets that he was unable to discuss this problem with judges of the Supreme Court. Some judges with whom the Special Rapporteur was able to speak informed him about pressure, intimidation or even prosecution if they seek to protect the rights of communities against landowners.

36. The Attorney General's Office provided data that shows an exponential increase in the number of usurpation complaints received, from 108 in 2021 to 791 in 2024 and 420 in the first half of 2025 alone. The number of evictions launched by the Attorney General's Office jumped from 18 in 2023 to 130 in 2024, when the current Government took over.

B. Extrajudicial evictions

37. Many evictions do not follow the formal judicial process, but, rather, are executed by hired security guards, gangs and private paramilitary groups recruited by private persons to forcibly remove communities from the land on which they live. Such private extrajudicial evictions are per se illegal under both Guatemalan law and international human rights law. Communities complain that law enforcement does not provide protection even when they are informed that such illegal evictions may be imminent. The Special Rapporteur was also not informed about a single case in which the perpetrators of extrajudicial illegal evictions had been investigated and prosecuted under the law.

38. The Special Rapporteur visited the Q'eqchi' community Lajeb Kej in Tucurú municipality, Alta Verapaz, consisting of 48 families, which were living on their ancestral land of disputed ownership. They were evicted in January 2025 by private security forces who burned their homes, their possessions and crops. As a result, the community has been displaced and has become fragmented.

C. Multiple evictions

39. With nowhere to go and having no support in the form of shelter and land, evicted communities are forced either to return or to seek other land that they can occupy, exposing themselves to further risk of eviction. Many communities report experiencing a mix of judicial and extrajudicial evictions.

40. In 2015, a displaced Maya Q'eqchi' community that had settled in Sierra Santa Cruz, El Estor municipality, experienced an adverse impact from heavy rains and ensuing landslides. Unable to continue living on the land, the community split up. Twenty-nine of the families went to settle on the original lands from the time before displacement during the conflict, thus establishing the Buena Vista community. The group, however, experienced 16 instances of judicial and extrajudicial eviction, and its members were wrongfully accused of crimes. After a particularly brutal eviction in 2024, during which members of the community once again lost their homes, crops and domestic animals, they rejoined the remaining 30 families, who had formed the Santa Rosita community. Between 2016 and 2024, the latter community also experienced 12 attempts at judicial and extrajudicial evictions. The community leader of Santa Rosita was apprehended and imprisoned for the crime of "aggravated usurpation" on 18 July 2025.

41. The Special Rapporteur visited the Q'eqchi' community of La Cumbre Sa'kuxhá in Tactic municipality, Alta Verapaz. He learned that the ancestors of members of the community had had their lands expropriated and had experienced labour exploitation from 1903 to 1997 at the hands of the landowners. When members of the community started

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organizing to claim their labour rights, the landowner accused the leaders of "illegal logging" and "aggravated usurpation". Several evictions took place in 1996, 2011 and 2017, the last one carried out on a public holiday during the rainy season. Threatened with a show of police force and private security, families were given 15 minutes to salvage their belongings. Their homes were destroyed. Their corn and beans ended up in the mud. The families spent 26 days living in shacks and tents made of canvas. After their displacement, they settled on an unused, difficult-to-access part of the estate, where they live in isolation. Unfortunately, they recently heard through their lawyers that another eviction request has been submitted.

42. In his end-of-mission statement,[14] the Special Rapporteur called for a moratorium on evictions. Unfortunately, he has received information that four new evictions took place between the end of his visit and the time of the sharing of the present report in its draft form with the Government.

D. Violence and excessive use of force

43. Judicial evictions are often as violent as extrajudicial evictions, reminiscent of scorched-earth tactics practised during the internal armed conflict. Homes are often burned during evictions, along with private possessions. Shows of enormous force by police using military tactics are a common occurrence during forced evictions. Evictions may happen at night or in bad weather, in direct contravention of United Nations human rights standards on evictions. Local officials and police say that they have to comply with judicial decisions to avoid being held in contempt of court. Police officers, army and private security show up with weapons such as machetes, sticks, truncheons and riot equipment.

44. Some communities report sexual violence by private actors during evictions. Worryingly, in one case, a woman who was able to identify the perpetrator reported a rape, but no investigation and prosecution followed. The Attorney General's Office was unable to confirm the number of complaints related to sexual violence, since, according to the Office, its data-collection system cannot filter reports of crimes linked to an eviction.

E. Evictions due to conservation

45. The National Council for Protected Areas claims that the majority of protected areas did not have any human presence at the time of their establishment. However, numerous communities report that their presence was ignored when conservation areas were declared.

46. The Act on Protected Areas (Decree No. 4-89 of 1989, amended in 1996) safeguards private property in declared protected areas and allows industrial activities by public or private companies, so long as they are deemed compatible with the permitted uses set out in the conservation master plan. There is no similar protection, however, for communally owned land or property. No consultation with, participation of or free, prior and informed consent of Indigenous or resident communities is required. The law establishes the crime of "usurpation of protected areas" for anyone who enters protected areas for the purpose of seizure, exploitation or illicit enrichment, punishable with imprisonment of four to eight years and a fine of 3,000 to 6,000 quetzales (US$ 391 to 783).

47. Decree No. 5-90 of 1990 declared the Maya Biosphere Reserve, covering the municipalities of Melchor de Mencos, Flores, San José, San Andrés and La Libertad, in Petén Department. The reserve was established without the free, prior and informed consent of the Indigenous Peoples who traditionally owned those lands, and without consultations with the peasant communities who had settled lands there for several decades, either during or in the immediate aftermath of the armed conflict. According to article 7 of Decree No. 5-90, "no human settlements are to be allowed, except those that are necessary for the research and administration" of the core areas. However, there were already more than 150 communities there when the protected area was established.

[14] See https://www.ohchr.org/sites/default/files/documents/issues/housing/2025-07-25-eom-guatemala-sr-housing-en.pdf.

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48. Evictions in the national parks Laguna del Tigre and Sierra de Lacandón, both part of the Maya Biosphere Reserve, have allegedly affected approximately 6,000 people in eight communities. Reportedly, they were conducted without prior notification and with violence and the burning of homes and farm animals. Communities have been displaced, charged with various crimes and live in inhumane conditions. Currently, more than 60 communities, or around 60,000 persons, live in both national parks under threat of eviction.

49. Since 2002, the national park of Sierra del Lacandón has been on the Tentative List of Sites, described by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as an inventory of sites that each State considers suitable for nomination to the World Heritage List. The Special Rapporteur was informed that, similarly, 90 communities are under threat of eviction in Sierra de las Minas, which is also on the Tentative List of Guatemala.[15]

50. During the time of the visit, 12 military detachments were reportedly present in the area, operating checkpoints and restricting freedom of movement, creating a climate of intimidation. The Special Rapporteur received reports of murders and the use of lethal ammunition against community members, carried out by members of the Division for the Protection of Nature of the National Civil Police, and was informed that these serious allegations have not been investigated in an impartial and effective manner. The State has, in addition, imposed severe restrictions on the entry of construction materials, agricultural tools, water-harvesting systems and essential goods. These measures are preventing housing improvements, maintenance and repairs. They compound inadequate housing conditions, exacerbate poverty and encourage the further migration and displacement of affected communities.

F. Impact of evictions

51. Evictions have led to homelessness, further displacement, food insecurity, extreme poverty and, in many cases, ultimately to the dissolution of communities. While emergency shelters exist across the country, they are not usually available to communities displaced by evictions. Children end up far away from schools, requiring them to walk long distances and exposing them to more dangers. There are allegations that schools are sometimes purposefully closed by the authorities before an eviction is executed to make families leave the community concerned. Many communities believe that evictions are carried out on purpose during harvest period. Scorched-earth practices and the violence that accompanies many evictions have revictimized communities, as they are conducted in a manner closely resembling the atrocities that Indigenous Peoples experienced during the time of colonial rule and, recently, during the armed conflict. Corn and crop are sacred, as are traditional women's clothes, which are very expensive. When these are burned during evictions, and when Indigenous Peoples are called "usurpers" on their ancestral territory, communities experience extreme bereavement due to the loss of their heritage, as well as psychological suffering, which the Special Rapporteur witnessed. The manner in which many evictions are carried out meets not only the threshold of the grave human rights violation of forced eviction, but also that of cruel and inhuman treatment or punishment under international law.

G. Strategies to protect land rights and to prevent evictions

52. The Special Rapporteur learned about the struggle of the Xinka people against the El Escobal silver mine, which was granted a mining licence without any consultation and or the free, prior and informed consent of the communities living in the area. The mine, which began operating in 2014, has produced vibrations and explosions that have caused earthquakes responsible for damaging and destroying homes, including an entire community. Following a 2018 order by the Constitutional Court requiring the State to engage in consultations with the affected Xinka people, on 8 May 2025, the Xinka Parliament denied consent for the mine,

[15] See https://whc.unesco.org/en/tentativelists/action=listtentative&order=states&state=gt. See also United Nations Educational, Scientific and Cultural Organization (UNESCO), *Operational Guidelines for the Implementation of the World Heritage Convention* (Paris, 2025).

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citing the incapacity of the State to guarantee the Xinka people's rights to health, life, a healthy environment, water, housing, freedom of expression, identity, language, culture and territory.[16]

53. Laguna Larga is a mixed community, with around 450 members, which has lived for decades on land that is now part of the Maya Biosphere Reserve. In 2017, the community was evicted and its residents' homes, belongings and harvest were destroyed. Displaced to an area bordering Mexico, the community has been living in dire conditions in makeshift shelters, with inadequate protection from the elements, wild animals and various health hazards and without any access to safe drinking water.[17] On 29 January 2021, the Constitutional Court granted, on appeal, an *amparo* protection to the community, ordering the State to provide, as soon as possible, adequate housing at the most suitable location, to be agreed with the community, and to develop plans for a health centre, a school, access to work opportunities and the possibility of conducting agricultural activities. In an innovative ruling, the Court designated the President and the Council of Ministers as responsible for the execution of the ruling and established a compliance monitoring mechanism. Unfortunately, the situation of the community has yet to be resolved.

54. In the Guatemalan legal system, the Constitutional Court can issue preventive *amparo* decisions, which provide a remedy for irreparable harm caused by potential violations of rights such as the right to adequate housing. However, legal professionals believe that such recourse to prevent human rights violations related to housing and land conflicts is no longer a viable option before the current Constitutional Court. For example, on 14 November 2023, in a case brought by the Xinka-Mestizo Marino Cestero people of the Pacific, the Constitutional Court ruled that *amparo* was not the way for Indigenous Peoples to have direct recourse to the right of ownership over communal lands based on ancestral possessory rights, since this is the competency of other judicial and administrative authorities. However, the Constitutional Court judges who met with the Special Rapporteur maintained that *amparo* remedies for vindication of rights were still available as a legal instrument. This state of uncertainty has in effect made this important remedy unavailable.

55. As communities are not able to obtain protection and justice through domestic remedies, they are turning for protection to the Inter-American Commission on Human Rights, which can issue precautionary measures requesting the State to protect persons who are at serious and urgent risk of suffering irreparable harm. The Commission has requested Guatemala to take precautionary measures in relation to a number of communities threatened with evictions, including for the communities of Laguna Larga, La Cumbre Sa'kuxhá, Panzós, Chaab'il Ch'och', Nueva Semuy and Dos Fuentes.

56. The Special Rapporteur believes that land conflicts can also be successfully settled by non-judicial mechanisms if there is the political will to do so. For example, in Izabal Department, many of the 135 agrarian conflicts were resolved until 2021 through locally held round tables for dialogue and negotiation, demonstrating the advantages of interinstitutional coordination, which helped in finding solutions and achieving peaceful settlements despite limited resources.

H. Persecution and criminalization

1. Human rights defenders and legal and media professionals

57. The Special Rapporteur is deeply concerned about a clear pattern of intimidation, persecution and criminalization of journalists, representatives of Indigenous Peoples, human rights defenders, lawyers and judges defending land and housing rights in Guatemala.

[16] See https://www.miningwatch.ca/sites/default/files/2025-05_parlamentoxinka_comunicado_escobal.pdf (in Spanish).

[17] See the amicus curiae brief presented by Leilani Farha, former 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, to the Constitutional Court of Guatemala. Available from https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/AmicusBriefConstitutionalCourtGuatemala_EN.pdf.

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Although instigated usually by private parties and armed groups, these acts are regrettably also facilitated by the Attorney General's Office and some members of the judiciary. The Special Rapporteur heard multiple testimonies from persons who had been wrongfully accused, and in many instances convicted, of crimes, including for alleged obstruction of justice. Human rights defenders, lawyers and judges were penalized for documenting, litigating or issuing judicial decisions protecting land and housing rights. This has produced a chilling effect, forcing many legal professionals to engage in litigation in less dangerous fields. A significant number of journalists, Indigenous leaders, human rights defenders, judges and lawyers are currently in prison. Others have fled abroad to avoid persecution.

58. While the Attorney General's Office claimed that hardly anyone is currently in prison for the crime of usurpation, there are thousands of arrest warrants for this crime or related offences. People are convicted of such crimes often in the absence of the accused, without due process and legal representation, in particular if the accused person is a peasant or is Indigenous. In 2024, OHCHR reported 145 cases of attacks against human rights defenders, journalists and justice officials, citing criminalization, intimidation and threats as the main aggressions against human rights defenders.[18]

59. On 13 November 2025, Guatemala presented a new policy for the protection of human rights defenders for 2025–2035, focused on prevention, protection, access to justice and reparations, which is a welcome step and must be fully implemented.

2. Criminalization of entire communities

60. The Special Rapporteur learned that sometimes entire communities are the subject of arrest warrants in cases of usurpation, including usurpation of protected areas. People are unable to work, freely move around, grow food or sell produce, for fear of being arrested. If some of their members are in detention, communities have to collect money to pay protection bribes (*talacha*), where the amount can vary depending on the perceived ability to pay. In addition to being grossly illegal instances of collective punishment, such measures plunge communities into extreme poverty and vulnerability.

61. The Special Rapporteur visited the Indigenous Q'eqchi' community of Las Pilas, consisting of 15 families with 60 children. In 2022, the community was forcefully evicted in a violent manner by private individuals, instigated by a landowner who himself allegedly lacked proof of ownership of the land that he claimed. Their homes and crops were burned, and they were fired upon while fleeing their village. The families remained in hiding for 15 days in the mountains, where a baby was born who still lacks birth registration. Since then, the community has lived in hiding in Alta Verapaz Department. Women and men of the displaced community are facing arrest warrants for alleged usurpation and are therefore afraid to leave their hideout for fear of being arrested and separated from their children and family members. Families cannot seek healthcare, go to the market or plant crops. Children cannot go to school. At the time of the visit, seven members of the community were in prison.

V. Other groups at risk of marginalization

A. Garifuna

62. In Guatemala, Garifuna people live mostly in Livingston and Puerto Barrios municipalities, Izabal Department, where their ancestors settled in 1802, deploying their traditional knowledge to settle on land that was considered uninhabitable. Suffering from discrimination, exclusion and loss of access to the sea due to the activities of fishing companies, the Garifuna have survived as a community mainly through remittances from the United States, which have allowed some members to construct or renovate their homes, some of them quite beautifully, in Livingston.

63. However, migration has also fragmented the community. Abandoned homes and lands are left in decay or taken over, exposing them to indiscriminate gentrification. Ancestral

[18] See A/HRC/58/22.

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lands, especially in rural areas, have been taken over by others. Those who cannot adapt their traditionally built homes to the increasing rains in a changing climate may see them collapse. Services in Garifuna neighbourhoods remain underdeveloped, without access to piped drinking water, sanitation and waste management. Residents say that they are overcharged for electricity and that power can be cut for several days at a time. There is increased awareness within the community about how their ancestors were subjected to inhumane exploitation during slavery and how they suffered during the armed conflict. For these reasons, Garifuna are now demanding their full inclusion, participation in public affairs, an end to discrimination and reparations.

64. Garifuna used to use traditional thatched roofing made from a plant locally called *manaca*, which is ideal for keeping the home cool. However, this thatched roof material, which needs to be replaced every six months, has increasingly become unavailable or expensive.

B. Fishing communities

65. The Special Rapporteur was also briefed by fishing communities that have lost their livelihoods as industrial activities have reduced fish populations. As they lack recognized land titles or ownership of land, they are only able to rent small plots of land in very poor condition. Consequently, the fishing communities live in inadequate and substandard housing and are not in possession of sufficient revenues or land to transition to other forms of livelihood.

C. Urban poor living in informal settlements

66. Guatemala is experiencing rapid rates of untamed urbanization, affecting the affordability of housing and resulting in spatial segregation and gentrification. In cities, the population traditionally living in well-located areas is gradually being replaced by the rich and privileged. The Ministry of Communications, Infrastructure and Housing is working to register informal settlements in 10 main urban areas of the country with the aim of promoting regularization or voluntary relocation.

67. The Special Rapporteur visited the settlement of Santa Isabel II in Villa Nueva municipality, which started when 160 internally displaced families from various communities settled land intended for State employees. The community experienced evictions and criminalization in the past, forcing families who did not manage to obtain land titles to leave. Other families have, however, been able to receive financial support from the Land Fund in the amount of 12,000 quetzales (US$ 1,566), leaving them to cover with their own funds the remaining 36,000 to 40,000 quetzales for a land plot measuring 6 m by 12 m. The community has also unsuccessfully sought support from the Housing Fund. The current residents live in conditions of overcrowding, as families of several generations are sharing the same home.

68. The Special Rapporteur also visited the informal settlement of Nueva Esperanza, in San Miguel Petapa municipality, a community of around 220 families from various Indigenous Peoples, mostly female-headed households, living in extreme poverty. The residents occupied unused private land in 2019 after they had previously experienced discrimination, security concerns and unaffordable rents in Zone 21 of Guatemala City. The homes are mostly made of metal sheets. The community has pooled money and built a water drainage system. Water from the public water tap is only available from time to time and flows in trickles. Many residents are in a poor state of mental health, depression is widespread, and the community reported that four women had taken their own lives in the past few years. During the coronavirus disease (COVID-19) pandemic, the community was denied humanitarian assistance, as it was not officially registered, despite repeated requests for humanitarian assistance. Residents have not been successful in their quest to obtain legal certainty over their land and worry about losing their homes, as they believe that the land is about to be sold.

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D. Communities living on polluted or degraded land

69. Due to the lack of available and affordable land, many informal settlements and rural communities are built on the slopes of steep ravines, which can pose significant dangers and make them extremely vulnerable to disasters such as earthquakes or floods and other climate-related impacts. Just before the visit by the Special Rapporteur, a major volcano-induced earthquake struck parts of Guatemala, leaving around 1,000 families without a home. Many communities are also located in dangerous or unhealthy environments where they are exposed to pollution due to extractive industries or agribusiness activities.

70. The Special Rapporteur heard, for example, from communities with majority K'iche' identity of the Valle de Palajunoj in the municipality and department of Quetzaltenango who have been exposed for over 20 years to environmental pollution by a massive municipal dumpsite and to environmental degradation by various companies operating open-pit mining. In Chinautla,[19] the use of heavy machinery operating in nearby mines causes deforestation, pollution, vibrations and noise, including at night. Not only is damage caused to homes, but the mine operations also affect people's sleep and cause pollution, which has a serious impact on physical and mental health. Mining activities use up large quantities of water, leaving the communities with very little, if any, safe water for drinking, cooking, washing and other needs, forcing them to purchase water with their own means.

71. The climate crisis further exacerbates the risks to which communities are exposed. In some cases, the situation urgently requires adaptation and mitigation measures to reduce such risks through land stabilization, flood protection, resilient home building and so forth. In other instances, where it is impossible to ensure such protection, the resettlement of such communities in whole or in part may be necessary as a last resort. Any such resettlement should only be undertaken with the meaningful participation of affected communities and ensure protection of all relevant rights, including the right to adequate housing, as explained in recent thematic reports of the Special Rapporteur, and consistent with the Guiding Principles on Resettlement submitted by him to the Human Rights Council.[20]

72. The Special Rapporteur notes that the National Coordinator for Disaster Reduction can declare a particular zone to be uninhabitable. For example, in 2018, San Miguel Los Lotes residents had to be relocated due to the eruption of the Fuego Volcano. The Government assisted them in building new housing and recovering livelihoods and provided psychosocial support as well. While the Special Rapporteur did not have an opportunity to verify the measures taken, as he did not visit the affected community, these would seem to be the necessary steps towards a human rights-based resettlement. Overall, it appears, however, that people living on dangerous ravine slopes or in other risky areas, or who have been forcibly displaced for other reasons, do not benefit from any systematic governmental support.

73. In El Arenal, Cabañas municipality, Zacapa Department, the Special Rapporteur visited an impoverished community, which has been gradually displaced due to periodic flooding from the San Vicente River. Although located in the Central American Dry Corridor, upper parts of the riverbank have been destabilized by deforestation and, as a result, during periods of heavy rains, especially hurricanes, the river carries much sediment, which has raised the level of the riverbed, gradually covering the homes closest to the riverbank. During the last flood, 50 homes collapsed, and they are now buried under 25 m to 30 m of sediment. The victims of the flooding have not been able to benefit from any government support programme. Local families and private individuals are now renting land and lending money for construction materials to the displaced families, which burdens them with enormous debts and places them at risk of exploitation.[21]

[19] See communication GTM 7/2025.

[20] See A/79/317, A/HRC/52/28, A/HRC/55/53 and A/HRC/61/43.

[21] See also https://prensacomunitaria.org/2024/08/cuando-el-rio-suena-el-retrato-del-drama-de-dos-comunidades-en-el-corredor-seco/ (in Spanish).

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E. Migrants, refugees and asylum-seekers

74. Many Guatemalans migrate for work abroad, mainly to the United States, where over 3 million Guatemalans live, with the main purpose of improving their living standards, including with regard to housing, often by pawning their homes and lands to obtain loans for making the journey to the north. With hostile policy changes towards migrants in the United States, Guatemala may likely be facing an increasing number of returning migrants, many of whom may no longer have a home or land to which to return and no social network on which to rely. For those who are unable to pay back loans or bring any savings, returning home bears the burden of social stigma and economic marginalization. There is a significant risk that many of those returning will remain in informal settlements in larger cities or start living in the streets rather than return to their families and communities in rural areas.

75. At the time of the visit, Guatemala had one main shelter for migrants in the capital, where returning migrants can access shelter, food, and medical and psychological support, and be advised on job and education opportunities. While the vast majority of those returning are men, the numbers of returning families and unaccompanied minors were increasing. The latter are hosted in shelters maintained by the Secretariat of Social Welfare under the Office of the First Lady of Guatemala. Some of the returnees whom the Special Rapporteur met – such as women victims of domestic violence and others who lack any contacts in Guatemala and do not even speak Spanish, because they are long-term residents of the United States who have been arbitrarily returned to Guatemala – find themselves in an extremely precarious situation.

76. In January 2025, the Government unveiled its Retorno al Hogar plan, which seeks to provide humanitarian assistance to returned Guatemalan migrants by promoting mediation and referral to State programmes and fostering dialogue in their communities of origin. While this policy is certainly a step in the right direction, specific funding has not been allocated for its implementation, and the plan does not foresee direct assistance with immediate housing needs.

77. Authorities informed the Special Rapporteur that they do not have the capacity to support asylum-seekers with access to housing, while the capacity of temporary shelters available to asylum-seekers, mostly operated by civil society organizations and churches, is very low. The Special Rapporteur commends Guatemala for allowing asylum-seekers to access its labour market but calls for greater commitment and external support for improving the ability of Guatemala to enable those granted asylum to access adequate housing without discrimination.

VI. Business and human rights

78. Domestic businesses and multinationals operating in Guatemala, especially large monoculture agribusiness, and the extractive and energy sectors, have been implicated in violent forced evictions, both judicial and extrajudicial, arbitrary dispossession, pollution and land degradation caused by their operations. Industry groups assured the Special Rapporteur that they also find the lack of legal certainty over land problematic and lack knowledge of how to comply with the requirement of the free, prior and informed consent of Indigenous Peoples in relation to any measures affecting their lands. However, some businesses continue viewing Indigenous and peasant communities as land invaders.

79. The Ministry of the Interior undertakes public advocacy to ensure that persons and companies are hired as private security personnel within the framework of the law. While noting that the training manuals of the Ministry's Directorate General for Private Security Services advise that private security should not participate in evictions, the Special Rapporteur encourages incorporating this into law, as well as into the national policy on private security that was being elaborated at the time of his visit.

80. The Special Rapporteur appreciates information received about all the measures that the Ministry of Labour and Social Protection is taking to promote and protect labour rights. However, he is concerned that they may not be adequately addressing the legacy of

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indentured servitude, which may persist on some plantations, especially coffee plantations, and may still affect the supply chain of some companies.

81. Communities in proximity to mining operations complain that extraction licences have in the past been granted without their consent and without their being provided with information or consulted on lands traditionally owned or used by them. The Special Rapporteur welcomes the efforts of the Government to review previously granted licences for extractive or other industries by ascertaining whether Indigenous Peoples are present on the land and, if so, to require free, prior and informed consent before they are renewed. He received information that, in some cases, this review has resulted in the revocation of licences or establishment of compensatory mechanisms.

82. Businesses in the construction sector see much promise in housing and urban development but complained about cumbersome and lengthy procedures for obtaining construction permits, which slows down the construction of much-needed new housing stock.

83. While some companies assist communities in improving housing conditions by supporting flooring upgrades, for example, the Special Rapporteur did not learn of any examples of benefit-sharing with communities adversely affected by business operations and eviction and in need of resettlement.[22] The Special Rapporteur was encouraged that the Government is developing a national action plan on business and human rights.

84. He also notes information received that the development of the 2026–2036 Master Plan on Sustainable Tourism was undertaken in a participatory manner, involving Indigenous communities from all 22 departments. He welcomes efforts to build up community tourism, so long as such efforts provide additional revenues to marginalized communities.

VII. Conclusions and recommendations

85. **The Special Rapporteur is concerned about widespread forced evictions in Guatemala, which disproportionately affect Indigenous Peoples and peasant communities. These evictions, whether court-ordered or carried out extrajudicially by private actors, often occur without the provision of alternative housing, leaving families homeless, in violation of international standards. Procedural safeguards for evictions under international human rights law are rarely known or applied by prosecution authorities, courts, police or local officials. Excessive force during evictions is common, leading to violence, injuries, deaths and, in some cases, sexual violence. Scorched-earth tactics, such as burning homes and crops, create destitution and food insecurity. These are compounded by the criminalization of entire communities for usurpation and the targeting of land and housing rights defenders. Evictions in conservation areas have similar impacts. Weak domestic remedies push victims to seek protection regionally under the inter-American system for human rights. The forced evictions result from the lack of recognition and protection of collective land and tenure rights, rooted in historic injustices and inequalities linked to colonialism, unbridled capitalism and the past internal armed conflict, an over-valorization of private property rights and a weak and fragmented State.**

86. **The Special Rapporteur urges Guatemala:**

(a) **To urgently declare a moratorium on forced evictions, in particular forced evictions of multiple households or entire communities, to immediately prevent further human rights violations and abuses, until legal protections can be strengthened and questions about land certainty can be adequately addressed, including through a national dialogue on the land question;**

(b) **To adopt legislation on evictions to prevent and protect communities and individuals from evictions carried out by private persons or non-State actors, that outlines a lawful process for evictions by authorized public authorities, and that is**

[22] For more information and positive examples of benefit-sharing, see A/HRC/55/53, especially paras. 64–71.

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consistent with international human rights law and standards, including all procedural safeguards for lawful evictions;

(c) **To impose criminal responsibility on any public or private actors who carry out illegal evictions, including for the burning of homes or destruction of personal property;**

(d) **To review or establish protocols and organize training and sensitization for all responsible institutions involved in any eviction process, to operationalize procedural safeguards and put an end to excessive use of force, including the burning of homes.**

87. **Land is an essential component of adequate housing.**[23] **Addressing land inequality, landlessness and legal insecurity are key to ending forced evictions and removing barriers to enjoying the right to adequate housing, including the expansion of its supply as the Government intends. In this regard, the Special Rapporteur recommends that Guatemala:**

(a) **Streamline and simplify land regularization, restitution and the recognition of plural land tenure systems and firmly base such measures in appropriate legislation;**

(b) **Increase and rationalize the financial allocation for the Land Fund, prioritizing groups at risk of marginalization;**

(c) **Increase support for the cadastral agency (Registro de Información Catastral) to enable it to simplify, recognize and register communal land tenure claims of Indigenous Peoples and peasant communities and allow plural land titling;**

(d) **Consider empowering a single entity at the ministerial level to handle housing and land issues, including land conflicts, to ensure a comprehensive approach;**

(e) **Consider increasing the number of Indigenous mayors, including by reserving at least 50 per cent of mayoral positions for Indigenous candidates in municipalities with significant Indigenous populations;**

(f) **Consider decentralizing authority over land, housing and peace to elected mayors, including Indigenous mayors, and grant them clear competencies, financial autonomy and adequate resources to exercise their responsibilities;**

(g) **Provide just and fair compensation for displaced communities where land restitution is no longer viable, including but not only with productive land, and provide them with security of tenure and restoration of livelihoods;**

(h) **Ensure that all land records are stored in a transparent and accessible manner in the cadastral agency, including in digital format, and made accessible in a timely manner;**

(i) **Ensure that rural women have equal access to landownership and land use, and conduct awareness-raising campaigns to dismantle patriarchal attitudes, in line with the recommendations of the Committee on the Elimination of Discrimination against Women;**[24]

(j) **Establish an independent international commission on reparations for past land rights violations, to address the consequences of colonial rule, imperial business practices in the extractive sector, indentured servitude and the armed conflict.**

88. **The Special Rapporteur is gravely concerned about the widespread criminalization of human rights defenders, legal and media professionals and entire communities for the crimes of "usurpation", "aggravated usurpation", "usurpation of protected areas" and other alleged crimes such as terrorism or illegal logging, resulting in arbitrary detention prohibited under international human rights law. This has created a climate of fear, harassment and persecution. Courts rely on such alleged**

[23] See A/80/351.

[24] CEDAW/C/GTM/CO/10, para. 43.

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criminal conduct to initiate evictions, often in absentia and without the knowledge of the affected individual or community, bypassing civil law procedures to regulate land disputes and any thorough investigation of land rights. The Special Rapporteur recommends that Guatemala:

(a) **Repeal or amend criminal laws establishing the crimes of usurpation, aggravated usurpation and usurpation of protected areas to ensure that mediation and civil law procedures are used by property owners for addressing complaints of trespass or other property rights violations by individuals and communities;**

(b) **Amend legislation to ensure that civil procedures for evictions of entire communities cannot proceed unless appropriate resettlement of such communities has been planned and arranged according to a national policy and a law on resettlement consistent with the Guiding Principles on Resettlement contained in the report of the Special Rapporteur;**[25]

(c) **Ensure that victims of arbitrary detention for defending housing or land rights receive effective and affordable access to justice, are released from detention and receive full redress and compensation;**

(d) **Immediately stop referring cases of alleged "usurpation of protected areas" to the Attorney General and instead start rigorous dialogue, mediation, negotiation and consensus-building with communities living in protected areas, seeking the peaceful resolution of land disputes and a shared understanding of biodiversity and cultural heritage protection.**

89. **Guatemala needs to strengthen its laws, policies, programmes and resource allocation to improve the enjoyment of the right to adequate housing by strengthening institutional, monitoring and complaint mechanisms. The Special Rapporteur recommends that Guatemala:**

(a) **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to enable the submission of individual complaints concerning violations of the right to adequate housing at the international level;**

(b) **Establish controls to protect urban land and housing stock from commodification, gentrification and financialization, including by enacting more transparent measures for urban land use and governance, ensuring affordable rents and establishing a programme on urban land banks for housing construction;**

(c) **Increase spending on housing programmes prioritizing marginalized and impoverished communities, by supporting both individual and collective construction of housing. Housing projects should involve communities through consultations, to ensure that they respond to their particular needs and are culturally adequate;**

(d) **Inform communities about inexpensive, sustainable and resistant alternative building materials and technologies, such as, for example, superadobe or adobe reinforced with natural fibres;**[26]

(e) **Work with communities and the construction sector to develop affordable housing, both owner-occupied and rental, and ensure social and income-related diversity in neighbourhoods;**

(f) **Work with marginalized communities to identify suitable infrastructure projects on their lands with the aim of achieving adequate housing;**

(g) **Continue to facilitate access to subsidized mortgages, prioritizing women, single-parent households and households in poverty, decrease mortgage payments to a maximum limit of 30 per cent of incomes, avoid using "teaser" mortgages with variable**

[25] A/HRC/61/43.

[26] See Carlos Pinto-Almeida and others, "Experimental analysis of Ecuadorian adobe reinforced with natural fibers", *Frontiers in Built Environment*, vol. 11 (2025).

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interest rates and ensure long-term fixed interest rates. Women, men and transgender persons should have access on an equal footing with others to housing finance;

(h) **Develop homelessness prevention programmes and prioritize access to emergency shelters for persons left homeless, including due to evictions and domestic violence, while supporting them to ensure access to adequate housing in the medium to long term.**

90. **In consultation with the respective groups mentioned below, the Special Rapporteur recommends that Guatemala:**

(a) **Urgently adopt a national policy or legislation to protect all the human rights of internally displaced persons, including their right to adequate housing, consistent with the findings in the present report, with their full participation, and ensure sufficient resources for the implementation of such policy or legislation;**

(b) **Support the Garifuna to maintain the quality of life of their communities through support for returned migrants, and invest in adequate housing, essential infrastructure and job creation;**

(c) **Support former fishing communities to find alternative livelihoods and gain access to productive land, with security of tenure;**

(d) **Support communities living on polluted or degraded land to implement adaptation measures or resettle on productive land, with security of tenure, but avoid replicating existing models of dependency and exploitation;**

(e) **Strengthen custody and other family and inheritance laws to achieve gender parity in land and home occupation, use and ownership, with security of tenure;**

(f) **Provide the children of displaced or landless communities with access to schools and ensure that they can maintain a nutritious diet, including through the provision of sponsored school meals;**

(g) **Strengthen efforts to ensure adequate housing and shelter to returning Guatemalan migrants, prioritizing specific vulnerable groups such as victims of domestic violence, as well as people who lack any social support networks in Guatemala;**

(h) **Ensure that asylum-seekers and refugees enjoy access to adequate housing and employment on an equal footing with Guatemalan nationals.**

91. **In the area of business and human rights, the Special Rapporteur recommends that Guatemala:**

(a) **Ensure that bilateral and multilateral investment treaties contain a commitment to human rights due diligence, as required under international and, if relevant, national or regional law;**

(b) **Adopt a forward-looking legal and policy framework that ensures responsible business conduct, which requires the participation of and consultation with affected communities and, in the case of Indigenous Peoples, their free, prior and informed consent;**

(c) **Strongly encourage and incentivize any business or development project to include benefit-sharing with the affected people when their lands are utilized;**

(d) **Require a displacement impact assessment and resettlement plan before any business project is approved that results in displacement;**

(e) **Address the legacies and surviving remnants of indentured servitude, including by ensuring the investigation, prosecution and punishment of perpetrators, where relevant, as well as reparations and compensation for victims, including in the form of land;**

(f) **Continue to strengthen the regulation of private security actors and monitor their activities to ensure that they are never involved in evictions.**

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