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Guatemala: Congress must prioritize human rights

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The Guatemalan Congress has a responsibility to ensure that all domestic legislation complies with Guatemala's human rights commitments, Amnesty International said today in regard to draft legislation currently being debated.

The proposed legislation include a bill concerning the establishment of a Registro de Información Catastral (RIC), Land Registry, and another amending the provisions of the Penal Code relating to demonstrations and unlawful assembly.

"Guatemala has had serious agrarian problems for many years. The new Land Registry must be independent and help to solve fundamental problems such as the lack of security of tenure regarding land ownership in rural areas," Amnesty International said.

According to information provided by MINUGUA (former UN Office in Guatemala), 31 forced evictions took place in the first six months of 2004, over half of them violent and involving human rights violations. Many occupations are still ongoing and uncertainty about the legal ownership of land is a reality for many rural communities.

"Establishing a land register which from the outset is called into question because of its lack or perceived lack of independence will not only fail to solve agrarian problems but may make the situation worse."

In a letter sent to the Guatemalan Congress, Amnesty International also expressed concern about the bill that seeks to amend the provisions of the Penal Code relating to demonstrations and unlawful assembly.

Amnesty International believes that the bill is in breach of the "principle of legality" in that it contains many ambiguities which could result in arbitrary actions on the part of authorities.

"It is the right and duty of the Guatemalan authorities to protect public safety. However, the way these matters are regulated in law must always comply with international standards relating to how criminal offences are defined. Otherwise, the rights of assembly and expression may come under threat."

Amnesty International is also calling on members of parliament to approve the agreement between the Guatemalan Government and the United Nations concerning establishment of an Office of the High Commissioner for Human Rights in the country.

"International monitoring of the human rights situation is essential if the Parliament is committed to improving respect for human rights in Guatemala," Amnesty International said in conclusion.

General background

Draft laws No 3074 on the Registro de Información Catastral, land registry, and No 3232 amending Decree No 17-73, Penal Code (Unlawful assembly and demonstration) and draft Decree 3218 proposing approval of the agreement to establish an Office of the United Nations High Commissioner for Human Rights are at different stages of debate in the Guatemalan Congress.

In a Memorandum sent to the Guatemalan Government on 20 April 2005, Amnesty International called on it to implement agrarian and legal policies that would help to solve the land problem, including the establishment of a land register. The organization also urged it to allow international monitoring of the human rights situation as a contribution towards improving respect of human rights.

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