Policy Brief:
Reparations for Gross Human Rights Violations in Guatemala

Introduction
International principles of human rights establish that all victims of human rights violations have a right to reparations. In accordance with international law, the State must guarantee victims of human rights violations three aspects: to restitute the rights that were breached, to investigate, judge and punish the perpetrators of the breach, and to compensate the victim for the damages caused. In the classical conceptualization it would be a restitituo in integrum, that is, restituting the victim his or her status or situation prior to the violation.

In case of systemic and mass violations of human rights, as occurs during dictatorships or armed conflicts, it is necessary to go beyond the classic conception of legal reparations, conceived for individual cases, and apply an integral policy of reparations. This policy should stem from the acknowledgement of the crimes and of the responsibility of the State for the violations; holistic reparations measures that cover all victims must be implemented; and changes necessary to guarantee non-repetition must made. This usually translates to measures of truth, justice, reparations, and guarantees of non-repetition, which are complementary, because very rarely will victims be repaired by way of an economic compensation or restitution of material goods; for victims, it is also important that the State acknowledge the events, that it judges and punishes the responsible parties, and that the conditions that made possible the violations change.

In 2003, the Government of Guatemala created the National Reparations Program (PNR for its initials in Spanish), to provide reparations to victims of gross violations to human rights perpetrated during the internal armed conflict (1960-1996). The
PNR emerged as a result of the recommendations in the Historical Clarification Commission’s (CEH for its initials in Spanish) report, and the strong pressure from victims’ and human rights organizations after the signing of the Peace Accords. The PNR’s reparations policy includes five measures: economic compensation, material restitution of land and property, dignification measures, psychosocial measures, and cultural restitution. However, the policy does not have a gender perspective, nor does it consider the point of view of indigenous communities, even though over 80% of victims in Guatemala are indigenous. Initially the PNR was created for a period of ten years, but in 2013 the Government extended its mandate for another ten years, again thanks to the pressure of victims and of human rights organizations.

After 15 years, the PNR’s results have been limited: only 33,094 have received reparations from a total of 200,000 victims who were killed or disappeared, as established in the CEH report. This represents barely 16%. Furthermore, over a million and a half individuals were forcibly displaced by the Military’s scorched earth policy; thousands of families fled their communities, abandoning their homes, lands, property, and domestic animals, and they have yet to recover them. Also, the PNR does not have specific programs for genocide victims, even though the CEH report established that acts of genocide were committed in four indigenous regions of the country, and that two Guatemalan courts have determined that the State committed genocide against the Ixil people.

In May of 2018, within the framework of the PNR’s 15th anniversary, Impunity Watch organized the Seminar Where are reparations in Guatemala going? to promote a critical debate over the scope, obstacles and challenges of reparations policy in Guatemala, and promote more participation of victims in reparations. The seminar took place in Guatemala City with the participation of the U.N. Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, Fabian Salvioli, and the Special Rapporteur on Indigenous Peoples, Victoria Tauli-Corpuz. More than 150 victims’ representatives from different regions of the country participated as well, and human rights defenders, public authorities and officials, members of international cooperation, and the general public.

In this policy brief we examine the policy of reparations for gross violations to human rights in Guatemala, based on international standards and the State’s duties on this matter. We present a brief analysis on the deep harm inflicted by Military repression upon indigenous communities and families of the forcibly disappeared; an assessment of the PNR’s work; and the political and economic obstacles faced by the victims, especially women, to access reparations. In the final section of the report, we present the main recommendations that emerged from the Reparations Seminar, with the purpose of re-assuming the Peace Accord’s commitments and reinvigorating the policy of reparations in Guatemala.
1. **International obligations to repair violations to human rights**

International Standards establish that reparations must be proportional to the gravity of the violations and harm caused to the victims, so that the State is obligated to provide adequate reparations to victims and their families for all the violations committed and for the omissions occurred when it failed to protect their rights. The standards establish that the reparation must be holistic, and not limited to providing economic compensation; moreover, it must be aimed at preventing that the victim suffer any further breach to human rights. The reparation must include restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence.

The victims and other civil society sectors must perform a key role in the creation and application of reparations programs. Efforts must be made to ensure that women, indigenous people, and other minority groups participate in public consultations aimed at creating, applying and evaluating reparations programs, such as established in the international standards.

In recent years, international interest has grown for the transformative perspective on reparations. According to this focus, reparations are not limited to the individual rights of the victims, but also, should contribute to transforming the structural conditions of oppression and marginalization that permit the violations to human rights of marginalized and vulnerable groups. This concept emerged from the Nairobi Declaration on the rights of women and girls to lodge complaints and obtain reparations, in which the notion of reparations for victims of sexual violence was re-defined. In this declaration, it was established that “reparations must promote, at the end of the conflict, the transformation of sociocultural injustice and political and structural inequalities that impact the lives of women and girls”.

In this sense, reparations policies must generate structural changes so that victims may participate actively in society and democracy. This means transcending the classic conception of the victim as passive beneficiary and moving on to a more participative view of victims as key actor in social change. In this process the role of women is essential. As Sanne Weber states “reparations could reinforce a long-term process of gendered citizenship-building instead of treating women as dependent and unequal victims.” It is important that women participate actively in the design of reparations policies and peace-building, as recommended by the resolutions of U.N. Council on Women, Peace and Security, and that core actors in positions of power make every effort to facilitate this participation.
2. Reparations in the Peace Accords

Victims’ organizations in Guatemala have fought over many years for a comprehensive reparations policy. The victims did not participate directly in the 1990-1996 Peace Accord negotiations, but they stated their petitions and proposals through the Civil Society Assembly (ASC for its initials in Spanish), which was the multi-sectorial entity that presented their proposals to the government and to the Guatemalan National Revolutionary Unit (URNG for its initials in Spanish). The Comprehensive Agreement on Human Rights (1994) establishes that “it is a humanitarian duty to provide reparations and/or assistance to victims of human rights violations. This reparation or assistance should be made through socioeconomic and civil government measures and programs, directed mainly to those who need them the most, given their economic and social conditions”.

The Agreement on the Resettlement of Population Groups Uprooted by the Armed Conflict establishes that “In the particular case of abandonment of land as a result of armed conflict, the Government shall promote the return of land to the original holders and/or shall seek adequate compensatory solutions”. The Agreement on the Bases for reincorporation of URNG to Legality establishes that “All human right violations gives the victim the right to obtain reparations and imposes upon the State the obligation to provide reparations”.

The CEH report also recommended that the State create, as a matter of national urgency, a national reparations program for victims and their relatives of human rights violations and violent acts linked to the armed conflict. The Commission also recommended that this program should be implemented through a law issued by Congress, based upon “collective and individual measures inspired by principles of equality, social participation and respect for cultural identity”. The program should include the following components: a) Material restitution measures meant to reestablish, as much as possible, the situation as it existed prior to the violation, particularly as pertains to land; b) Economic compensation measures for the grossest damages as a direct consequence of breaches to human rights and humanitarian law; c) measures for rehabilitation and psychosocial reparations that include, among other, medical attention and community mental health care, as well as legal and social services; and d) Measures for individual satisfaction and dignification that include acts of moral and symbolic reparation.

The National Reconciliation Law (Decree 145-96) establishes that the Peace Secretariat (SEPAZ for its initials in Spanish) should oversee reparations for victims of human rights violations. All these dispositions and commitments have served as a basis for victims’ and human rights organizations’ demands to the State, for it to
establish a comprehensive policy of reparations for victims of gross human rights violations.

3. Damages of the internal armed conflict in Guatemala

The Guatemalan internal armed conflict was one of the most violent of Latin America. Between 1960 and 1996, the country was subject to military dictatorships that committed mass human rights violations against the civilian population, especially against the indigenous peoples who lived in the rural areas, and whom the Military viewed as allies of the guerrilla. The CEH report concluded that the Military committed acts of genocide against the Maya people of the regions of Alta Verapaz, Baja Verapaz, Chimaltenango, Quiche, and Huehuetenango; it established that there were over 200,000 victims between the dead and the disappeared; and over a million and a half people were forcibly displaced and had to abandon their houses, lands, and property, due to the scorched earth policy.

In the indigenous communities, military repression caused terror and deep harm in the community organization, and the Military created a system of local control and surveillance by way of a wide network of military commissioners and civilian self-defense patrols (PAC for its initials in Spanish) in the whole country. The PAC were paramilitary groups integrated by male youth and men from the communities, who were forced by the Military to surveil their own communities in order to “protect” the population from the guerrillas. Furthermore, in many of the communities the Military built development poles and model villages with the population who had survived the massacres or had been captured in the mountains when they escaped the violence; here, the population was indoctrinated against Communism, and ancestral indigenous leaders were replaced with members of the paramilitary. The consequences of this poisonous community restructure persist to the present; in many places, former military commissioners and former civilian patrol members continue to control and generate fear in the communities, even though the PACs were formally dissolved in 1996 as part of the Peace Agreements. During the government of the Guatemalan Republican Front (2000-2004), a party formed by Efraín Ríos Montt, the leadership of these parallel groups was reactivated through the Urban and Rural De-Centralization Law, with the purpose of creating a strong electoral base for the Military’s political projects today.

In the cities and urban areas, the armed conflict left behind fear and political and social dislocations. The Military perpetrated hundreds of extrajudicial executions and forced disappearances of political leaders, intellectuals, students, union and social leaders, and any other individual who questioned the military regime. Consequently, people ceased to participate in political and social organizations, fearful of being called a “communist” or of becoming a target of military repression. This fear has been
transferred to young people almost automatically, and many young people today do not dare question the government nor talk about politics because they believe it to be dangerous. Furthermore, thousands of families live with anxiety because they have still not found the victims of forced disappearance or recovered their remains, because the Military refuses to provide any information about the disappeared.

Human rights doctrine has established that reparations must provide attend to all damages caused by a violation. In the case of Guatemala, reparation policies must include the search for the disappeared, and provide adequate material damages to the victims but, above all, it must include widespread psychosocial care to help overcome fear and reconstruct community and social relations. Furthermore, it must promote victim participation, especially that of women and indigenous peoples, in social organizations and institutions.

4. National Reparations Program

In Guatemala the victims of human rights violations from the internal armed conflict can access reparations through one of three ways: a trial sentence adjudicated by a national court, a sentence from the Inter-American Court of Human Rights, or a new administrative measure by the PNR.

As stated above, the PNR was created in 2003 to provide collective or individual reparations to victims of gross violations of human rights and crimes against humanity. This program was created as a result of CEH recommendations and strong pressure from victims’ and human rights organizations that joined together in a multisectoral coalition.

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1 Government Agreement 258-2003. Events that lead to restitution are: forced disappearance, extrajudicial execution, torture, sexual violence, attempted extrajudicial execution, grave injuries caused by human shields, grave injuries caused by indiscriminate attack, grave injuries for crossfire, grave injuries for persecution, and attempted arbitrary execution.


3 The Penal Code of Guatemala dates from 1973 and article 376 codifies the crime of genocide. This served as the legal base in the genocide trial against former dictator Ríos Montt and his head of intelligence Rodríguez Sánchez.
Reparation Measures

<table>
<thead>
<tr>
<th>Type of Reparations</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material Restitution</td>
<td>Measures aimed at re-establishing or compensating victims for the material loss of goods owned prior to the violation, including restitution of lands, housing and productive investment projects.</td>
</tr>
<tr>
<td>Economic Compensation</td>
<td>This consists of a financial amount for victims or their families by which the State acknowledges the moral, physical, and material loss caused.</td>
</tr>
<tr>
<td>Psychosocial Reparations and Rehabilitation</td>
<td>Measures for victims who suffer psychosocial or physical effects resulting from the armed conflict. It includes rehabilitation for people with disabilities, culture recovery, education, attention to women who suffered sexual violence, disappeared childhood, and the elderly.</td>
</tr>
<tr>
<td>Dignification of victims</td>
<td>This includes the celebration of the National Victims’ Day, the dissemination of the CEH and REMHI reports, building museums and monuments, as well as support for exhumations and burials of internal armed conflict victims.</td>
</tr>
<tr>
<td>Cultural Recovery</td>
<td>Measures to recover the culture of indigenous communities affected by the war. It includes the recovery of community history and customs based on the experience of the elderly, the rescue of mother languages, and other activities that promote multiculturalism and interculturality.</td>
</tr>
</tbody>
</table>

The policy lacks a gender perspective that would define clearly the criteria and differenced procedures aimed at providing reparations to women and men. For instance, material restitution measures do not take into consideration women’s right to property and, in general, land, housing and productive projects are granted to men. There are no specific manuals nor protocols for attention to victims of sexual violence or widows of the internal armed conflict, even though abundant evidence exists showing that the Military used sexual violence as a weapon of war and that women were subjected to domestic slavery and sexual violence.

a. Number of compensated victims

As said before, until now the PNR had only provided reparations to 33,094 victims from a total of 200,000 dead and disappeared listed in the CEH report, which represents merely 16.5% of victims. And during the last four years, during the governments of Otto Pérez Molina, Alejandro Maldonado and Jimmy Morales -all supportive of the Military-, the PNR has been drastically weakened with a low budget, constant overturn of authorities, underqualified personnel, and precarious conditions.

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6 Guatemala does not have an official registry of victims and the only data used as a reference are estimates from the CEH report: 200,000 dead and disappeared, one million and a half of internally displaced people.
in its regional offices. Some offices do not even have electricity, water, or Internet access.

According to the Blue Book, the PNR should have an annual budget of 300 million quetzales (US$40 million), however, in the last four years, the PNR’s budget has been of 25 million quetzales (US$3,300 million), that is, 8% of what is established in the Blue Book, and almost 60% of this budget is invested in staff salaries and the offices’ overhead.⁷

On the other hand, the PNR’s information registry is deficient, and the data varies from one government to another, making it difficult to have precise demographic information of the victims and the reparation measures that have been granted. Furthermore, the PNR does not have an evaluation system that permits the measurement of the impact of reparations.

**Graph 1. Number per year of victims granted reparations**

Between 2003 and 2004, its period of instatement, the PNR did not give any reparations; instead, they began to be granted in 2005. During the government of Oscar Berger, 12,880 victims (38.9% of all victims granted reparations) received reparations; during the government of Álvaro Colom, 16,862 (50.9%); during the government of Otto Pérez 2,897 (8.7%); during the government of Alejandro Maldonado, 66 (0.19%); and during the first two years of Jimmy Morales’ presidency, 389 (1.17%)

**Number Who Received Reparations Per Government Period**

<table>
<thead>
<tr>
<th>Government</th>
<th>Year</th>
<th>Number who Received Reparations</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oscar Berger</td>
<td>2005-2007</td>
<td>12,880</td>
<td>38.9%</td>
</tr>
<tr>
<td>Álvaro Colom</td>
<td>2008-2011</td>
<td>16,862</td>
<td>50.9%</td>
</tr>
<tr>
<td>Otto Pérez</td>
<td>2012-2015</td>
<td>2,897</td>
<td>8.7%</td>
</tr>
</tbody>
</table>

Pertaining to reparation measures, the PNR has not yet prioritized economic compensation and housing construction, and victims’ and human rights organizations have criticized this measure because they consider that the Government has used individual compensation as a strategy of cronyism, to gain votes during electoral periods by taking advantage of victims’ poverty.¹

b. Economic compensation

The amount of economic compensation depends upon the type of violation suffered by the victim. The PNR itemized a table with the amount of money according to type of violation.

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Amount</th>
<th>US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forced disappearance</td>
<td>Q 24,000</td>
<td>3,200.00</td>
</tr>
<tr>
<td>Extrajudicial execution</td>
<td>Q 24,000</td>
<td>3,200.00</td>
</tr>
<tr>
<td>Death caused by the internal armed conflict</td>
<td>Q 24,000</td>
<td>3,200.00</td>
</tr>
<tr>
<td>Torture</td>
<td>Q 20,000</td>
<td>2,666.67</td>
</tr>
<tr>
<td>Sexual violence</td>
<td>Q 20,000</td>
<td>2,666.67</td>
</tr>
<tr>
<td>Attempted extrajudicial execution</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Grave injury caused by being human shield</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Grave injury caused by indiscriminate attacks</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Grave injury caused by mines</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Grave injury caused by indiscriminate attacks</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Grave injury caused by persecution</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Attempted arbitrary execution</td>
<td>Q12,000</td>
<td>1,600.00</td>
</tr>
</tbody>
</table>

PNR manuals do not specify the criteria followed in determining these amounts, but victims consulted by Impunity Watch consider these amounts to be unjust and insufficient to repair the damages caused by the State during the armed conflict, and to transform the conditions of poverty in which they continue to live to date.²

For instance, the PNR offers compensation of US$3,200 to relatives of victims of forced disappearance or extrajudicial execution, while in Argentina the amount for relatives of a forced disappearance victim is of over US$300,000 and over US$100,000 at the Inter-American Court of Human Rights. Furthermore, the practice of granting compensation...

²Carlos Beristain, International Seminar, Where are reparations going in Guatemala? Museo de la Merced, Guatemala City. May 8 and 9, 2018
one amount per family and the lack of adjudication criteria has caused confusion and division in families about who should receive the funds.

Human rights organizations have stated several reasons why individual compensation has not been of benefit to many families in cases of forced disappearance and torture.\textsuperscript{10} Many relatives are not in agreement with receiving money from the State for the lives of their loved ones, while their main demand remains unsatisfied: that the State reveal the truth about the whereabouts of the detained/disappeared people.\textsuperscript{11}

\textbf{c. Psychosocial reparations}

The policy of reparations contemplates providing psychosocial attention to victims at the individual, family, and community levels, particularly for women, children and youth, with absolute respect for their ethnic and cultural identity.\textsuperscript{12} To accomplish this, the PNR should coordinate actions with the Prosecutor’s Office National Mental Health Program; however, in practice, the PNR’s psychosocial work is limited to accompanying the families during burials.\textsuperscript{13}

Expert Carlos Beristain considers that the Guatemalan State “in general lacks adequate measures of health and psychosocial attention, and it is not prepared to carry out these measures”.\textsuperscript{14} Similarly, the Inter-American Human Rights Court has, on repeated occasions, pointed out the deficiencies of the Guatemalan State in providing psychosocial attention to victims of human rights violations.\textsuperscript{15}

\textbf{d. Dignification measures}

The reparations policy considers measures aimed at acknowledging and dignifying the memory of the victims, such as the dissemination of the truth commission report, building museums and monuments, exhumations and burials of victims’ remains found in clandestine cemeteries, education for peace programs and commemorations, such as the celebration of February 25\textsuperscript{th} as National Victims’ Day. However, these measures have only been half implemented, because a part of the State, being supportive of the Military, refuses to acknowledge the genocide and the

\textsuperscript{10} Juan Zedillo, representative of AsoQanil, International Seminar, Where are reparations going in Guatemala? Museo de la Merced, Guatemala City. May 8 and 9, 2018
\textsuperscript{11} PNR 2007. La vida no tiene precio: Acciones y omisiones del resarcimiento en Guatemala. Guatemala; Magna Terra.
\textsuperscript{12} Article 2 of Government Agreement 539-2013
\textsuperscript{13} Observations presented to the State to the Inter-American Human Rights Court in the case of Chichupac Village and neighboring populations. Sentence parr. 276 and ss.
\textsuperscript{14} Seminar on Reparations
\textsuperscript{15} Inter-American Human Rights Court, Sentence Chichupac vs Guatemala, November 30, 2016.
atrocities committed during the internal armed conflict, and tries to impose a policy of forgetting and forgiveness.

Thanks to the valuable work of civil society organizations, particularly the Forensic Anthropology Foundation of Guatemala, (FAFG for its initials in Spanish), up to now it has been possible to find the remains of 9,000 victims of the internal armed conflict, but over 35,000 forced disappearance victims are yet to be found. This continues to generate grief and anguish in their families. The Military refuses to provide information about the disappeared and to allow exhumations in military centers, which is a clear obstruction of truth and justice. Moreover, the PNR refuses to implement an exhumations program in order to search for the disappeared and create a genetic registry of their relatives.

e. Collective reparations measures

Given the enormous number of communities that were scourged by the violence, expert Carlos Beristain considers that the best way of reparations are the collective economic projects. In his opinion, these kinds of projects are a good way of facing the consequences of violations and the conditions of poverty that victims continue to endure.\textsuperscript{16} Collective economic projects may contribute to re-establish the relationships of trust between people and improve family economies in a sustainable manner.\textsuperscript{17}

Up to now, the PNR has financed six small cooperatives of victims who have started productive agricultural or husbandry projects and has offered them technical advice on how to create the project; and, it has also offered financing. However, even though this type of reparations raised great expectations in many communities, to date very few have been implemented and the projects have not been evaluated objectively.\textsuperscript{18}

5. Victim participation

Victims’ participation in the PNR is limited; even though the government agreement that regulates the Program contemplates the creation of a Victims’ Consultative Council, this has never been done. According to the government agreement, the Council should be formed with five representatives of victim organizations who would participate in the National Reparations Commission’s meetings to participate in the

\textsuperscript{16} Carlos Beristain in International Seminar, Where are reparations going in Guatemala? Museo de la Merced, Guatemala City. May 8 and 9, 2018
\textsuperscript{17} Idem
\textsuperscript{18} Juan Pérez Zedillo, International Seminar, Where are reparations going in Guatemala? Museo de la Merced, Guatemala City. May 8 and 9, 2018
PNR’s plans, budget, activities and output. However, the government has never shown any interest in creating the Victims’ Consultative Council.

In general terms, victims do not trust PNR authorities; they believe the authorities and staff respond solely to the interests of the current government and not to the real needs of victims. Victims’ organizations believe that the authorities do not take their requests and proposals seriously, and that they seldom keep their promises. Moreover, they believe the Consultative Council is merely a symbolic organisation, and they demand real participation in the PNR’s decisions.

Meanwhile, the PNR considers victims as simple beneficiaries of reparations programs, and not as subjects of rights, as established by international standards on reparations. In this respect, the Set of principles for the protection and promotion of human rights through action to combat impunity (2005) states: “victims and other sectors of civil society should play a meaningful role in the design and implementation of such programmes. Concerted efforts should be made to ensure that women and minority groups participate in public consultations aimed at developing, implementing and assessing reparations programmes”. However, this does not occur in Guatemala.

For Juan Pérez Zedillo, a representative of victims’ organizations in Chimaltenango, victims played a key role in the creation of PNR but, gradually, consecutive governments “have closed spaces for the participation of victims in decision-making, and currently there are no effective consultation mechanisms that truly take victims into account in reparations policies”. The PNR does not summon or request victims to discuss reparations policies with them, or to give a rendition of accounts.

The situation is harder for women, most of whom are illiterate and do not speak Spanish. Furthermore, they occupy a secondary position in victims’ organizations given the traditional patriarchy that pervades Guatemalan society. In this respect, Rosalina Tuyuc, representative of the Coordination of Widows of Guatemala (CONAVIGUA for its initials in Spanish), points out that indigenous women suffer a triple burden of discrimination: for their condition as women, as indigenous persons, and as widows of the internal armed conflict.

Rafael Herrarte, former executive director of the PNR, believes that with the passage of time, the PNR’s work has ceased to respond to the victims’ needs and expectations, and the PNR authorities make unilateral decisions about reparations projects. In his opinion, this occurs because the authorities do not understand the meaning of reparations and they are not committed to human rights. In recent years, the authorities have been appointed by pro-military governments that insist on denying the past.

In this section we present some recommendations to re-define a comprehensive reparations policy in Guatemala, with a focus on gender and cultural pertinence. The PNR’s reparations policy should overcome the assistance focus limited to offering a small economic compensation to victims. It is necessary to adopt a more holistic vision so that reparations may contribute to transform the socioeconomic conditions of exclusion, racism, and poverty that gave way to gross violations of human rights, and which continue to impact thousands of victims. The policy of reparations must promote a real participation of victims, especially of women, in reparations programs, and must contribute to the acknowledgement and empowerment of victims in their communities and society.

a. Reparations policy redesign

It is necessary to review and redefine reparations in order to include a focus on gender and cultural pertinence. The PNR must overcome its individualized focus and prioritize collective reparations measures in indigenous communities affected by the internal armed conflict’s violence; it is important to prioritize the restitution of lands and promote productive collective projects aimed at decreasing conditions of poverty and marginalization in rural communities.

Considering that the PNR’s mandate will conclude in 2023, it is important that victims’ and human rights organizations begin to consider a new phase for the National Reparations Program, with a more strategic concept of reparations. Moreover, it is necessary to reform the PNR’s organization and functions to achieve greater agility and effectiveness in the implementation of reparations programs, considering the thousands of individuals who have not yet been attended to.

It is urgent for the PNR to create an official registry of internal armed conflict victims and a specific registry for forced disappearance victims based on PNR files, the Human Rights Ombudsman’s registries, and the databases of national and international human rights organizations. Moreover, the information contained in the files must be turned over to the Prosecutor’s Office in order to investigate the perpetrators of the crimes committed during the armed conflict.

b. Increase the participation of victims and women in reparations

The PNR must allow the participation of victims in the decision-making and planning of reparations policies. For this purpose, it is necessary that the Victims’ Consultative Council be formed as soon as possible, which must count with an equal representation of women and men. Members of the Consultative Council must participate in the
National Reparations Commission’s decision-making and have an influence on the PNR’s planning of reparations programs, prioritization of cases, and budgeting. Furthermore, the PNR must consult with victims at the regional level to know and include the needs of victims in each site.

c. Include a focus on gender and cultural

The PNR must incorporate gender equality and the perspective of the indigenous peoples in reparations policies. The PNR must design and implement a reparations program with a holistic and transformative focus, specifically for survivors of sexual violence. In order to design such a program, we recommend the participation of victims’ and women’s organizations specialized on the topic; and, they must contribute to the definition of specific measures of reparation that respond to health, education, and economic needs, as well as to those of leadership for women victims of sexual violence. We also recommend a change in the protocols for interviewing women, because they do not abide by international standards; and to create criteria with a focus on gender for the investigation and adjudication in cases of sexual violence.

In the Reparations seminar, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabio Salvioli, recommended that reparations programs take into consideration the cosmovision of indigenous peoples and community needs. Reparations programs should promote the restitution of land for indigenous peoples, because it is a central element of their culture and for their survival.19

d. Increase the PNR’s budget and staff

Congress must provide the PNR with enough resources to implement the reparations policy; therefore, we recommend the PNR be granted the 300 million quetzales per year established in the “Blue Book”. Furthermore, we recommend that the PNR establish effective mechanisms of coordination with other State institutions in charge of implementing reparations’ measures, such as the Ministry of Finance, the Ministry of Agriculture and Husbandry, the Ministry of Social Development, the Ministry of Education, the Ministry of Culture and Sports, and the Human Rights Ombudsman, among others.

e. **Guatemalan State must fulfill its obligations to the victims**

All State actors must demonstrate commitment to the national policy of reparations. Congress must approve the initiative 3551, which guarantees the PNR’s continuity, and the bill 3590, which will create the national commission for the search of victims of enforced disappearance; It must also grant the necessary funds to implement these initiatives. The executive body should promote coordination among all ministries and government institutions to complement the PNR’s work and should promote local development in the communities most affected by the violence of the armed conflict. The justice system must continue investigating and judging the grave human rights violations committed during the armed conflict, particularly genocide, sexual violence, extrajudicial executions and crimes against humanity. It is important that the State understands that in relegating the victims’ demands, it "is causing a new violation of victims' human rights," as Miguel Itzep, representative of the National Movement of Victims, pointed out at the Reparations seminar.

f. **Strengthening victim’s organizations**

It is necessary to strengthen unity and coordination among victim organizations to achieve a greater impact on the demands for reparation. Victim organizations must define an agenda to build a national reparations plan and a national plan for the search of the disappeared. It is necessary to create an official registry of victims of serious human rights violations, especially of disappeared persons. In this sense, it is necessary to safeguard and protect the headquarters of the historical archives and the regional offices of the PNR where valuable victim information is found.

Victim and human rights organizations must continue to carry out a social audit of the PNR and the investment of the funds. In recent years, 60% of the PNR budget has been used for administrative expenses and only 40% for reparations. Through the social audit, it must be verified that PNR funds are used effectively and transparently.

Finally, the accompaniment and financial support of the international community continues to be necessary to keep the process of transitional justice in Guatemala because there is still much to be done to guarantee respect for human rights and consolidate peace. It is necessary to continue with the work of exhumations, search for the disappeared, recovery of archives, teach the historical memory to the children and young people, and strengthen the organizations of victims, particularly indigenous women, so that they be recognized as citizens and participate actively in democratic and social institutions.
Impunity Watch is an international non-profit organization that promotes accountability for serious human rights violations in countries that emerge from a violent past. We conduct research on the root causes of violence and impunity, monitor compliance with the international obligations of States and formulate public policy recommendations based on research. In addition, we promote a comprehensive approach to address violence, gender inequality and impunity; Our goal is to assist civil society organizations, particularly victims and women, to have a greater impact on transitional justice policies and to combat impunity.

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