



Monthly Information Pack Guatemala

Number 156 - September 2016

1. THE CURRENT SITUATION

Monthly selection of news on the situation in Guatemala as highlighted by the press, related to the main thematic areas of PBI Guatemala's work: the fight against impunity, land issues and the negative effects of globalization on human rights.

Communities in Peten: we deserve to live in dignity and have our human rights respected¹

On the 28th September, around 200 people of the communities living in Laguna del Tigre and Sierra de Lacandon in the Peten, met before Congress in order to present the Alternative Proposal for the Integral and Sustainable Development of the communities affected by the declaration of Protected Areas. They presented this to State officials and others, including deputies, representatives of human rights organisations, members of the diplomatic corps and representatives of civil society. The proposal addresses the social and environmental challenges facing this region for many years,² requesting that the State recognise, protect and guarantee stability for the population of the region, security of land tenure, and respect all laws encompassed in national and international legislation.³ The current distribution of population on these lands is the direct result of State sponsored policies of land colonization promoted in the '60s, and the application of the Law of Protected Areas in 1989, resulting in the lack of official recognition of these communities. This law prohibited human settlement in the above mentioned areas, therefore allowing the State, in particular the National Council for Protected Areas (CONAP) to consider these communities as invaders or trespassers. These policies have been disastrous for the communities, affecting their access to land, public services, health, education, justice and life itself. However, and in contrast to this reality experienced by the communities, the state policies of conservation outlined in the Declaration, have not prevented the exploitation of natural resources and the large ranching enterprises operating in the area.⁴ Faced with this situation and to respond to their needs and the overall development of the region, the communities have proposed a high level roundtable discussion to include representatives and advisors from the communities, civil servants, Government representatives, the diplomatic corp and representatives of national and international civil society.⁵

Continued aggression against human rights defenders

Throughout September we have seen several incidences of aggression against those who demand justice and respect for human rights:

- In the early morning of 17th September, Angélica Choc, a Maya-Q'eqchi' leader and defender of human rights in El Estor, was shot at by non-identified people whilst at her home. Señora Choc is plaintiff in several court cases, being heard both in Guatemala and in Canada, against the Canadian mining company Hudbay Minerals and its Guatemalan subsidiary, the Guatemalan Nickel Company. These cases seek justice against the grievances committed by the company against the Maya-Q'eqchi' people in this region, such as the assassination of Adolfo Ich Chamán, husband of Angélica

¹ Centro de Medios Independientes (CMI-G), "Communities in Peten present development proposals to the State", CMI-G, 28 September 2016, <https://cmigate.org/comunicado-comunidades-de-peten-lanzan-plan-alternativo-de-desarrollo/>

² Mejía, D., "Laguna Del Tigre and Sierra Del Lacandón: Our lands are sacred and we want them respected", Prensa Comunitaria Km 169, 30 September 2016, <http://www.prensacomunitaria.org/laguna-del-tigre-y-sierra-del-lacandon-nuestra-tierra-es-sagrada-y-queremos-que-sea-respetada/>

³ CMI-G, Op.Cit

⁴ Mejía, D., Op.Cit.

⁵ Agencia EFE, "Round Table discussion to analyse rural development in Guatemala", WRadio, 28 September 2016, <http://www.wradio.com.co/noticias/internacional/crearan-mesas-de-dialogo-para-analizar-desarrollo-de-campesinos-en-guatemala/20160928/nota/3259556.aspx>

Choc and respected community leader. This assassination was carried out in 2009 by private security personnel linked to the mining company.⁶ The recent attempt on the life of Angelica herself, as well as other similar incidences, are stark evidence of the points made by the UN Special Rapporteur, Michel Forst, in relation to the current situation of human rights defenders, in which he said: Guatemala is among the most dangerous countries for defenders of environmental human rights.

- On 24th September, the National Civil Police (PNC) captured Dalila Merida, South Coast regional coordinator of the Campesino Unity (CUC), as he was coming out of the Coatepeque University in Quetzaltenango. According to reports from the CUC, Dalila Merida's arrest warrant had been issued following false accusations by representatives of the San Gregorio ranch, in the Piedra Parada municipality. This had happened when he demanded respect for the human rights of some 300 ex-workers of the ranch, who it appears had been tricked by their bosses - the ranch owners - who had for 30 years deducted social security payments but had not paid these on to the relevant institution.⁷

These two attacks took place just one month after the judicial harassment of Iduvina Hernández, journalist and human rights defender, Director of the Association for the Study and Promotion of Security in Democracy (SEDEM), who had accompanied several victims of serious human rights violations - cases such as the Ixil Genocide, Sepur Zarco, CREOMPAZ and Molina Theissen -.⁸

Due to the persistence of such a hostile environment for human rights defenders, several Guatemalan civil society organisations publically condemned these intimidatory actions, thus highlighting the lack of a swift and efficient investigation to identify and sanction those responsible and calling on the Guatemalan authorities to guarantee protection for those actively working for human rights.⁹

Along similar lines, several international organisations and bodies have made reference to the inappropriate use of the judicial system in order to prevent and undermine initiatives in defence of human rights, both in Guatemala and in other countries of the region. In their last report Amnesty International has highlighted the social stigmatization and judicial criminalisation faced by those who defend land, regional and environmental rights in Guatemala, indicating that *the use of the judicial system to criminalise in this way, aims to destroy the movements and organisations by wearing down the human rights defenders and eliminating them from the public arena*.¹⁰ In addition, in their last declaration, the Co-Presidents of the Euro-Latin American Parliamentary Assembly has called for the *end to the ever-increasing tendency towards incorrect use of the judicial system to criminalise human rights defenders*. Meanwhile, the Inter-American Commission on Human Rights (IACHR) has highlighted that criminalization generates negative impacts for the human rights defenders and their families and contributes to the weakening and disarticulation of civil society.¹¹

⁶ Rights Action, "Home of Angélica Choc was targeted in shooting attack as she and two children slept inside", Movimiento Mesoamericano contra el Modelo Extractivo Minero, 20 September 2016, <http://movimientom4.org/2016/09/vivienda-de-angelica-choc-fue-blanco-de-atentado-con-disparos-mientras-ella-y-dos-ninos-dormian-en-su-interior/>

⁷ La Hora, "CUC denounces arrest of coordinator; freed due to lack of evidence, 30 September 2016, <http://lahora.gt/cuc-denuncia-captura-de-coordinadora-sale-libre-por-falta-de-merito/>

⁸ FIDH, "Guatemala: Legal harassment of Iduvina Estalinova Hernández Batres", FIDH, 31 August 2016, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/guatemala-hostigamiento-judicial-en-contra-de-iduvina-estalinova>

⁹ Central American Federation of Judges for Democracy, Forum of Democratic and Independent Judges of El Salvador, Association of Judges for Democracy, Honduras, Costa Rican Association of the Judiciary, International Centre for Justice and Law (CEJIL), International Commission of Jurists (CIJ), "We condemn the threats and harassments against judges, journalists and human rights defenders in Guatemala", 28 September, <http://www.albamovimientos.org/2016/09/comunicado-condenamos-las-amenazas-e-intimidaciones-en-contra-de-jueces-y-juezas-periodistas-y-defensoras-y-defensoras-de-derechos-humanos-en-guatemala/>

¹⁰ Amnesty International, "We defend the land with our blood. Defenders of land, territories and environment in Honduras and Guatemala", 1 September 2016, <https://www.amnesty.org/es/documents/amr01/4562/2016/es/>

¹¹ CIDH, "Criminalisation of human rights defenders", 31 December 2015, <http://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf>

2. ACCOMPANIMENT

PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and the negative impacts of globalisation on human rights.¹²

ACCESS TO LAND

During this month we continued to accompany **the Union of Campesino Organisations of Verapaz (UVOC)**. We visited their headquarters in Alta Verapaz as well as making a weekly visit to the office of their lawyer Jorge Luís Morales in Guatemala City. We also accompanied them on trips to Cobán and the community of Tzacaniillas as well as to a hearing on the case of Santa Inés. We also made regular calls to other members of the organisation and the communities.

THE FIGHT AGAINST IMPUNITY



We continued to accompany the **Human Rights Law Firm**. We accompanied the lawyer **Édgar Pérez Archila** when he was travelling and called regularly to his office twice a week.

On 14th September we accompanied the lawyers to a hearing on the Ixil Genocide case, which dealt with the matter of the precautionary measures that the accused, José Mauricio Rodríguez Sánchez and his lawyers have applied for.

We also accompanied the Law Firm during the march of the communities of Sierra de Lacandón and Laguna del Tigre in Petén, which finalised with the handing in to the Congress of the Alternative Proposal for Integral and Sustainable Development.

We continue to maintain regular telephonic contact with members of the **Neighbourhood Association of Chicoyogüito** and this month we had a meeting with their representative to bring us up to date on their security situation.

NEGATIVE IMPACT OF GLOBALIZATION ON HUMAN RIGHTS



We maintained a presence in the protest camps of the **Puya Peaceful Resistance**, both the one outside the “El Tambor” mine and another outside the Ministry of Energy and Mines (MEM).

It is still not clear whether the mine will be definitively closed down.

¹² Further information on accompaniments and the organisations and people we accompany on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

We were present in the protest camp of the **Peaceful Resistance of La Laguna** and we maintained contact by phone with several of its members.

On the 7th and 8th September we visited the headquarters of the **Campesino Central Coordinator New Day' Chortí (CCCND)** and we accompanied one of their members to a hearing on a criminalisation case. During this time we noted the concern of their members due to certain projects planned for the region, including the construction of tourism resorts. They are worried that water will be privatised to be used in the tourist swimming pools, and the resultant misuse and waste of a resource which is so scarce and precious in a region already plagued by drought and water shortages in the communities.

In the framework of our accompaniment of the **Ecumenical and Social Coordinator in Defence of Life in Zacapa and Chiquimula**, we maintained close contact with **Reverend José Pilar Álvarez** in order to keep ourselves informed regarding his security situation following the decision to revoke precautionary measures for his safety.

In relation to the **Council of Cunén Communities (CCC)** we did not visit the region this month, but we did make weekly phone calls to several members of the Council.



On the 23rd September we accompanied the **Council of K'iche' Peoples (CPK)** to a meeting with the National Forestry Institute (INAB) in Santa Cruz de Quiché, to take up the issue of the excessive logging of trees in the region. In the end, this meeting did not take place due to the absence of the representative of the Office of Public Prosecutions, who is designated to facilitate these meetings. The next day, we attended the Council Assembly meeting in which more than 100 people participated. In this event we were given the opportunity to present our accompaniment work to all those who were present.

There has been no change in the security situation of **Aura Lolita Chávez**, and this continues to be of concern.

3. POLITICAL ACCOMPANIMENT

Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities

Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.

This month we had meetings with: Mr. Arturo Brunner, of the **German Embassy**; Mr. Víctor Hugo Godoy, the Chair of the **Presidential Commission for Human Rights (COPREDEH)**; Ms. María Elena Rodríguez the Director of Protection Mechanisms of COPREDEH, and Mr. José Moscoso, the third official of the **Jocotán sub-station of the National Police in Chiquimula**.

Meetings with civil society

The field team meets regularly with civil society in order to monitor the situation of human rights defenders human rights, inform each other about the work being done and to gather information to help analyse the internal situation. We maintain opportunities for co-ordination in the field of international accompaniment.

This month we held meetings with: **The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA)**, **Protection International (PI)**, **Coordination of International Accompaniment in Guatemala (Acoguate)** and **The Observer**.

4. OTRAS ACTIVIDADES DE PBI GUATEMALA EN GUATEMALA



This month we held a **workshop** for human rights defenders **on digital security**. The aim of this was distribute and provide training in the use of specific computer programmes designed to improve the protection and handling of information and communications.

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE OF GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

The European representative of the Project participated in the following meetings:

- 5th September, Brussels, Belgium: gave a presentation at a session of the European Parliament Delegation on Central America on the situation of human rights defenders in Guatemala.
- 23rd September, Rome, Italy. Meetings with: Fabrizio Petri, President of the Inter-ministerial Committee for Human Rights of the Ministry of External Affairs of Italy; Marco Giaomini, official responsible for Central America and the Caribbean and Cesare Bieller, Legal Advisor for Central America and the Caribbean from the same Ministry.
- 28th September, Brussels, Belgium. Held meetings with: Riccardo Serri, Director of Division of Human Rights, Strategy and policy implementation and Nicola Kubicek, Responsible for Human Rights defenders in this división of the European External Action Service (EEAS); Aurora Díaz Rato, representative of the Permanent Representation of Spain to the EU Latin American and Caribbean working group (COLAC) and Victoria González Bueno Catalán de Ocón the representative to the Human Rights working group of the EU Council (COHOM).
- 26th to 29th September, Brussels, Belgium. Meetings with: Itziar Munoa Salaverria, Advisor to the Liberal Group for the European Parliament's Committee on International Trade (INTA) of the European Parliament Sub Committee on Human Rights (DROI); the MEPs Cristian Dan Preda, vice-president of the Sub-Committee of Human Rights of the European Parliament, Hans Olaf Henkel, MEP member of the same sub-committee, MEP Beatriz Becerra, vice-president of the same committee and assistants to Miguel Urbán MEP - member of the same sub-committee; also with, Maria Zatková, First Secretary and representative in COLAC for the permanent representation of Slovakia to the European Union.

6. NON- GOVERNMENTAL ORGANISATIONS

In this section we publish statements (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

FORTALECIENDO ESTRATEGIAS DE DEFENSA Y PROTECCIÓN DE DERECHOS, EN CASOS DE VIOLENCIA Y TRATA DE PERSONAS EN MESOAMÉRICA, DESDE UNA PERSPECTIVA DE GÉNERO

Representantes de Organizaciones de Defensa de los Derechos Humanos, Organizaciones Feministas y de Derechos de las Mujeres, Organizaciones Defensoras de los Derechos de las personas Migrantes y Refugiadas, Organizaciones Defensoras de los Derechos de las personas Víctimas de la Trata y contra el tráfico de mujeres y niñas y Organizaciones Defensoras de los Derechos de las personas que asumen como Trabajadoras del Sexo. Provenientes de El Salvador, Honduras, Guatemala y México, fuimos convocadas por Consejería en Proyectos para Refugiados Latinoamericanos -PCS-, la Red Mesoamericana Mujer, Salud y Migración, y FOCA Formación y Capacitación AC, para participar en el Encuentro regional: "Fortaleciendo estrategias de defensa y protección de derechos, en casos de violencia y trata de personas en Mesoamérica, desde una perspectiva de género".

En el encuentro tuvimos la oportunidad de profundizar en las causas estructurales de pobreza, violencia y exclusión social existentes en la región que generan vulnerabilidades y víctimas de la trata de personas donde las mujeres y las niñas son las más vulneradas; analizamos el marco legal internacional y nacional del delito de la trata de personas (verbos rectores, acciones, modalidades y fines), reflexionamos sobre las implicaciones que tiene la trata de personas en contextos de migración y movilidad humana, donde los factores de vulnerabilidad se incrementan, analizamos las diferencias existentes entre la trata y el tráfico de personas y sus conexiones cada vez más cercanas, profundizamos en la caracterización de las víctimas de la trata de personas y en los perfiles de las y los perpetradores que la cometen, estudiamos casos de trata de personas con fines de explotación sexual, con fines de explotación laboral y con fines de explotación de la niñez, constatando que la realidad es mucho más compleja y desafiante a lo ya establecido en los marcos legales regulatorios.

Desde perspectivas y posiciones muy diversas expresadas en el encuentro, abogamos por el respeto a los derechos humanos de las personas que se asumen como trabajadoras del sexo y de las que son víctimas de violencia y trata, COINCIDIMOS EN QUE ESTAMOS EN CONTRA DE LA TRATA DE PERSONAS EN TODAS SUS FORMAS Y MODALIDADES, POR CONSTITUIR UN DELITO QUE TRANSGREDE LA VIDA, LA DIGNIDAD Y LOS DERECHOS DE LAS PERSONAS, reconociendo que estamos en un marco social, político y económico de despojo material y emocional, que lleva a la cosificación de las personas, los cuerpos, los bienes materiales y los territorios, que demanda respuestas desde la articulación sectorial, nacional y regional de las organizaciones de sociedad civil para la prevención, atención y protección a las víctimas de la trata de personas, para lo cual avanzamos en el reconocimiento de un mapeo de organizaciones y actores con posibilidades de brindar atención a las personas vulneradas.

En este encuentro declaramos el derecho a migrar y no migrar, así mismo intercambiamos herramientas conceptuales, aprendizajes, buenas prácticas, metodologías y estrategias de intervención, así como la incorporación de una perspectiva de género en nuestras organizaciones y acciones, el ejercicio permanente de los derechos humanos, procesos de sanación y autocuidado para las y los defensores y gestoras de derechos y de las personas y pueblos vulnerados, consensuamos que la articulación, difusión de derechos y atención oportuna, puede ser una forma eficaz de prevenir que mujeres, adolescentes y niñas que enfrentan violencia sean víctimas de la trata. Los Estados de nuestros países, México, Guatemala, El Salvador y Honduras, tienen una responsabilidad ineludible, para prevenir, proteger y resarcir a las víctimas y perseguir a los perpetradores del delito de la Trata sin violar los derechos humanos de otras personas, así como de reconocer que las causas que la provocan son más profundas y tienen que ver directamente con la urgencia de implementar acciones y programas reales para la erradicación de la pobreza, el abordaje de las violencias, el acceso al trabajo digno, a la educación e igualdad de oportunidades para mujeres, adolescentes y niñas, comunidades y pueblos.

San Cristóbal de las Casas Chiapas, 22 de Septiembre 2016

Firmantes vease <http://www.pcslatin.org/portal/index.php/component/content/article/152-sala-de-prensa/3850-comunicado-organizaciones-se-pronuncian-contra-la-trata-de-personas?temid=508%20>

PBI Field Team in Guatemala: Eulália Padró Giral (Spanish State), Paulina Martínez Larraín (Chile), Manon Fenoy (France), Corsin Blumenthal (Switzerland), Brigitte Fischer-Bruehl (Germany), Alicia Gutiérrez Esturillo (Spanish State), Roberto Meloni (Italy), Katerina Rosochova (Czech Republic) and Stephanie Brauser (Germany).

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All the photos from PBI

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