



## Monthly Information Package Guatemala

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### 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.*

#### **UNICEF questions authorities' response to Safe Home fire**

The United Nations International Children's Emergency Fund (UNICEF) presented a report this month on the progress and pending actions in the government's response plan to the crisis at the Virgin of the Assumption Safe Home, where 41 girls died and 15 were injured. UNICEF questioned the government's response, calling it "slow and incomplete."<sup>1</sup>

After the incident, which took place on March 8, 2017, the government plan established that it would give holistic attention for survivors and families of the girls who died, as well as promote actions to improve the situation of minors who are in the State's care. However, the report shows that Safe Home victims and their relatives have not received government support; rather, civil society and international organizations have provided them with psychosocial accompaniment and medical attention.

UNICEF reported that there are approximately five thousand children and adolescents in institutions in Guatemala. Of the 600 minors who were housed at Virgin of the Assumption at the time of the crisis, 248 children and adolescents were handed over to their families. Of this group, 25 children have returned to private protection centers. Three teenaged boys who were turned over to their families have died. Additionally, 244 minors are in public and private centers, reflecting the lack of protections for children and adolescents. Meanwhile, 39 adolescents who turned 18 years old were released from the Safe Home and left the protective system without any support or follow-up for their social reinsertion.<sup>2</sup>

UNICEF recommended several lines of action, including implementing a plan to de-institutionalize thousands of minors "to ensure that what happened at Safe Home is not repeated," as well as ratifying the National System for Integral Protection of Children Law.

The former director of the President's Office on Social Welfare, Carlos Rodas, former Deputy Secretary Anahí Keller, and former Director of the Safe Home Santos Torres are awaiting public trial for this tragedy that frightened the country.

#### **PDH: Malnutrition continues to be one of the major obstacles for child development<sup>3</sup>**

In its tenth report on Food and Nutritional Security in Guatemala, the Human Rights Ombudsman's Office (PDH) warns that malnutrition continues to be one of the major obstacles for the development of children's rights. Nearly half (46.5 percent) of children under the age of five suffer from chronic malnutrition, a situation that particularly

<sup>1</sup> *Prensa Libre*, '[Hogar Seguro: Así evalúa Unicef los acciones después del incendio](#)'. Guatemala, 12/14/17.

<sup>2</sup> UNICEF, '[Crisis Hogar Seguro, crisis de la niñez institucionalizada y del sistema de protección de la infancia en Guatemala, ocho meses después: informe de situación](#)'. Guatemala, November 2017.

<sup>3</sup> Espina, C., '[Combate a la desnutrición se quedó sin Q287.8 millones de presupuesto](#)', *El Periodico*. Guatemala, 12/08/2017.

affects indigenous children. The PDH specified that malnutrition also affects 41.7 percent of infants under the age of two, especially babies between 18 and 23 months (55 percent) with 58 percent of these cases being indigenous children and 23 percent nonindigenous population.

The study also reflects that, according to the most recent statistics of acute malnutrition, 45 of every 100,000 children under the age of five are affected, with 79 percent being children under the age of two. Likewise, 11.7 of every 100,000 infants suffer from severe malnutrition. This type of malnutrition is the one that most violates the right to life of boys and girls, according to the Ombudsman's Office, which emphasized that in 2017, 86 children died of malnutrition, 84 percent of whom were suffering from cases classified as "severe."

The PDH in its report points out that the assigned budget to combat malnutrition was reduced by Q287,860,548 in relation to 2013. Added to this reduction is the low budgetary spending that institutions charged with this problem have had in the last two years. The report also mentions that one of the ministries that has not complied with its role in the fight against malnutrition is the Ministry of Social Development (MIDES), which as of September had executed only 9 percent of its designated budget.

### **MEM 'completes' community consultation process for Oxec I and Oxec II projects**

The Ministry of Energy and Mines (MEM) announced on Tuesday, December 12<sup>th</sup> that it had concluded the consultation process that the Constitutional Court (CC) had ordered, given the tensions stemming from the creation of the Oxec 1 and Oxec II hydroelectric dams in Santa María Cahabón, Alta Verapaz.<sup>4</sup>

The consultation reportedly was conducted in Spanish and Q'eqchi' in September, in 11 communities determined by the CC. Minister of Energy Luis Chang stated that the consultation was not to give a definitive yes or no to the authorization of the project, but to reach an agreement among communities, the business project, and the State on environmental, cultural, and social issues and the use of natural resources.

According to the Minister, the agreements will be monitored every four months by the respective entities, such as the Ministry of Environment and Ministry of Energy, among others. He stated that the difference between the most recent consultation and an earlier consultation was that the earlier one was a pre-consultation to determine the two representatives from each entity and from the communities stipulated by the CC. Later, the consultation took place in September, and afterwards the agreements were signed.

Julio González, a member of Madre Selva, an ecologist organization that provides legal counsel for nearby communities, indicated that they were unaware whether the consultations that the MEM mentions took place and whether information was submitted to the CC. The organization continues to hold the criteria that the law was broken when consultations did not take place initially, and that now, even though allegedly they have taken place, based on the CC sentence, they do not comply with the requisite of being carried out prior to the execution of the project. For this reason, he said, they are analyzing whether to challenge the actions of the MEM on this occasion. He added that this is not only about 11 communities but rather there are various indigenous peoples that are affected by the impact to the Cahabón River area.<sup>5</sup>

<sup>4</sup> Álvarez, L., '[MEM completó el proceso de consulta de las hidroeléctricas Oxec](#)', *El Periodico*. Guatemala, 12/13/2017.

<sup>5</sup> Bolaños, Rosa María., '[MEM finaliza consultas a 11 comunidades por caso Oxec](#)', *Prensa Libre*. Guatemala, 12/12/17.

## 2. ACCOMPANIMENTS

*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.<sup>6</sup>*

### STRUGGLE AGAINST IMPUNITY

Accompanying the **Human Rights Law Firm (BDH)**, we have followed up on the following:

- **Fishermen Case:** the trial against fisherman who are protesting the pollution of Lake Izabal continues. In a hearing on December 18, the judge included in the trial three fishermen accused of illegally detaining workers of the CGN PRONICO nickel mining company during protests last May.

On that same day, the judge granted house arrest to journalist Jerson Xitumul Morales after he paid Q5,000 in bail. He is also accused by the same company of the crimes of threats, instigation to crime, illicit association, illegal assembly and protest and damages and illegal detentions. Once released, the journalist could go home and back to work. The next day he covered the exhumation of Carlos Maaz Coc's body in the El Estor cemetery. Carlos Maaz Coc was a fisherman who was shot on May 27 during peaceful protests that arose from the State's abandonment of negotiations with the Artisan Fishermen's Guild. Due to the fact that at the time the Public Prosecutor did not arrive to exhume the body (the Ministry of Interior issued a statement alleging that there were no deaths at the protest), the BJDH requested an autopsy (which took place at the same cemetery at sunset) to remove the bullet and hand the bullet over to the competent authorities.

- **Ixil Genocide Case:** the witnesses in the Ixil genocide case continue to go before the judge and tell their stories. In the December 8 hearing, representatives from the Swedish and Canadian Embassies were present among the public.

- **Pocohil Case:** we attended the hearing of a community member from Pocohil (Chichicastenango, Quiché) accused of participating in events that took place in May 2009 when a group of residents and authorities were violently detained as they attempted to exhume the bodies of people disappeared during internal armed conflict and supposedly buried in the village.

In regards to our accompaniment with the **Neighborhood Association of Chicoyogüito (AVECHAV)**, this month we continue to follow their security situation as joint plaintiffs in the **CREOMPAZ case**.



<sup>6</sup> For general information about the organizations and people we accompany see our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

## ACCESS TO LAND

This month we maintained our regular presence at the **Union of Campesino Organizations of Verapaz (UVOC)** office, observing a Council meeting with participation of representatives from the communities of La Primavera, San Miguelito, Solaya, Tres Cruces, Doce Águilas, Santa Inés, Nuevo Paraíso, Dulce Nombre, Vista Hermosa, San Juan Secomún, Semanay and Triunfo. The meeting, in which five women were present, was an occasion in which communities reflected on what it means to fight and lead the struggle in defense of land and territory.

On two occasions we accompanied Santa Inés community members to a hearing to request the judge to issue an opportunity criterion which would end the process. Both times, the plaintiff did not show up and the hearing was postponed.

## NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

In the context of our accompaniment to the **Peaceful Resistance of La Puya**, we visited the protest camp at the entry of the mine. We also observed an opposition hearing for dismissal in favor of a member of the resistance. In 2015, four La Puya community members were criminalized, accused of crimes frequently invoked in these types of cases: coercion, threats and illegal detention. During the hearing, their innocence was proven and the judge hearing the case verified that the Prosecutors Office used tainted documents to bring them to trial. The defense filed a criminal complaint against the Public Prosecutor's Office officials for misrepresentation. The prosecutors who heard the criminal complaint dismissed the case against officials, and for this reason the opposition hearing to this dismissal took place. During the hearing, the judge established that the file was sent to an office without territorial jurisdiction and sent the case to a court with proper jurisdiction.

We also went to San Pedro Ayampúc to update ourselves on the situation of the community of **La Laguna**. Community members have mentioned their concern about currently explorations of the area for purpose of approving a mining license for the region.



In regards to our accompaniment to the **Peaceful Resistance of Cahabón, Alta Verapaz communities**, we had the opportunity to visit four communities: Sactá, Salac 1, Seca Tal Cab and Las Cruces. We are concerned about the damage to the social fabric, as there are multiple tensions present among groups that support the project and those that oppose it. Communities have also reported tensions in Salac 1 and in Seca Tal Cab, given the COCODE selection process that has created division. The four communities visited are part of the 11 communities that the Constitutional Court ordered to be consulted on regarding the Oxec I and Oxec II projects. Community members said they were unaware of any consultation process.

On December 22, the Basque Cooperation Agency for Development presented the Ignacio Ellacuría prize to Lolita Chavez, **Council of K'iche' Peoples (CPK)** leader. The Ignacio Ellacuría prize is granted to recognize contributions of organizations, collectives and individuals working for equality and justice for peoples and overcoming poverty. Congratulations, Lolita!



In the context of our accompaniment to the **Campesino Central Coordinator New Day' Chortí (CCCND)**, we attended a meeting in Olopa regarding the Canterra Los Manantiales mine. Representatives of the most affected communities (La Prensa, El Carrizal, Amatillo, Cerrón and Paternito). Communities expressed their concerns about health problems and air quality, as well as about the fertility of land adjacent to the mine.

We met with representatives of Lela Chancó and Lela Obraje community, equally concerned about mining activities in the region. In Las Flores and Pelillo Negro communities, we got updated on a few security incidents and in Matasano we were updated on episodes of criminalization of defenders.

Likewise, we took advantage of our presence in Puerto Barrios to visit **Agustín Ramirez** and **Timoteo Suchité de Rosa** again, two indigenous authorities from Las Flores who were convicted for alleged crimes related to their resistance to a hydroelectric dam in their community, in a trial marked with several legal irregularities.

We continue to follow the situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula**

### 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.*

In our interlocution work with the diplomatic corps and international organisms this month we met with:

- Jennifer Echevarría, **Human Rights Officer for the European Union delegation.**

At the national and regional level we met with the following authorities:

- Melissa Mejia, **Assistant to Interior Minister on Human Rights.**
- Edwin Najaré and Byron Garcia, **team working on topics of social conflict at Archbishop's Office on Human Rights (ODHAG).**
- Giovanni Guzmán, **Deputy Director of Mediation for PDH at the National level.**
- **Mayor's office in Jocotan**, Chiquimula.
- **Mayor's office in Olopa**, Chiquimula.

#### 4. NON-GOVERNMENTAL ORGANISATIONS

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

##### **Comunicado de la Asamblea Social y Popular y del Movimiento de Mujeres TZ'UNUN IJA':**

Desde hace 524 años la Bula Intercaetera (entre otros/as) aprobada por el Papa Alejandro VI, pretendió legalizar el despojo violento de la tierra a nuestros antepasados, el gobierno liberal lo pretendió hacer por medio del Registro de la Propiedad. Desde hace 21 años los Acuerdos de Paz, especialmente los Acuerdos sobre Identidad y Derechos de los Pueblos Indígenas y sobre Aspectos Socioeconómicos y Situación Agraria, dan lineamientos para el ejercicio del derecho a la tierra; desde hace 20 años, el informe Guatemala: Nunca más; y, 18 años, el informe Memoria del Silencio de la CEH, señalan que el despojo de la tierra a nuestros pueblos y comunidades es una de las causas del conflicto armado; siglos después, el ejercicio de ese derecho sigue siendo un delito para las desactualizadas, descontextualizadas y retrógradas interpretaciones legales que hace el sector privado nacional y extranjero y finqueros con la complicidad de operadores de justicia, fuerzas de seguridad y gobierno.

Los días 2, 3, 4 y 5 de diciembre del presente año, una comisión de la Asamblea Social y Popular –ASP– y el Movimiento de Mujeres Tz'unun Ija' verificó las condiciones de vida y respeto de los derechos humanos de nuestros hermanos y hermanas maya q'eqchi' de las comunidades de Ch'ab'il Ch'och' en Izabal; Semuy en Senahú y la Cumbre Sa'kuxha' en Tactic, ambos en Alta Verapaz, víctimas de persecución penal por el sector privado, finqueros y empresas, con la complicidad del sistema de justicia penal, fuerzas de seguridad y gobierno que los días 30 de octubre, 1 y 3 de noviembre del presente año, los expulsaron de las tierras que pertenecieron a nuestros antepasados mayas. A raíz de ello:

##### **MANIFESTAMOS**

Que ejercer el derecho a la tierra, recuperarla y protegerla, no es un delito y no debe ser criminalizado.

Que la tierra de nuestros antepasados ha sido despojada desde hace más de 500 años de manera ilegítima y corrupta y ahora se hace con la complicidad del Estado, las instituciones de justicia y de defensa de derechos humanos.

Nuestra solidaridad y apoyo a las luchas que están realizando nuestros hermanos y hermanas maya q'eqchi' y nuestro saludo y admiración a las comunidades que las están albergando.

Nuestra más profunda indignación y rechazo por las condiciones de vida en que se encuentran actualmente nuestras hermanas y hermanos mayas q'eqchi' de Ch'ab'il Ch'och', Semuy y la Cumbre Sa'kuxha', que calificamos como antiéticos, inmorales, injustos y genocidas del gobierno de Guatemala, las instituciones de justicia, de defensa de los derechos humanos y de quienes han despojado con apariencia legal pero corrupta e impune las tierras a sus propietarios legítimos, ancestrales e históricos.

##### **POR LO ANTERIOR EXIGIMOS**

Al gobierno, instituciones de justicia penal y a las fuerzas de seguridad respetar el derecho de nuestras hermanas y hermanos maya q'eqchi', de Chabil Ch'och', Semuy, y la Cumbre Sa'kuxha, el derecho de acceso, recuperación, defensa y protección de la tierra así como los derechos individuales, colectivos y específicos de la vida, libertad, salud, alimentación, seguridad, servicios básicos, vivienda, espiritualidad, cultura, la identidad, vida digna, derechos específicos de la mujer, la niñez y la adolescencia, el debido proceso, la defensa, acceso a la justicia entre otros; a cumplir los compromisos asumidos en la Constitución Política, los Acuerdos de Paz, el Convenio 169, las Declaraciones de Naciones Unidas y del Sistema Interamericano relacionados al derecho a la tierra de los pueblos indígenas a garantizar los derechos humanos de nuestros pueblos y comunidades y el bien común y no

utilizar el sistema de justicia penal para reprimir legalmente a la población que está en su legítimo derecho de recuperar lo que es propiedad ancestral, legítima e histórica.

Al Ministerio Público y al sistema de justicia penal, retirar los cargos en contra de los detenidos y las órdenes de captura solicitados en contra de padres y madres de familia de las comunidades antes mencionadas y que estaremos alertas a las acciones que el gobierno y el sistema de justicia realice al principio de este año en materia de criminalización por ejercer el derecho a recuperar y proteger la tierra.

Dejar de utilizar los mecanismos de terror aplicados por el ejército de Guatemala durante el conflicto armado en contra de los pueblos indígenas, que se encuentran y siguen impunes con el silencio cómplice de las instituciones estatales de defensa de los derechos humanos.

A los organismos internacionales de defensa de derechos humanos pedimos que se exija al Estado de Guatemala por medio de su gobierno garantizar los derechos de las comunidades afectadas y de aquellas que se encuentran en igual o similar situación.

ASAMBLEA SOCIAL Y POPULAR –ASP –  
MOVIMIENTO DE MUJERES TZ'UNUN IJA'

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*All photos published are from PBI*

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