



Monthly Information Package Guatemala

Number 234 - March 2023

1. THE CURRENT SITUATION

Monthly update 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 defense of territory.

2022 marked by worsening human rights situation

The Office of the United Nations High Commissioner for Human Rights (OHCHR)¹, presented its annual report on the human rights situation in Guatemala in March 2023, concluding that the country continues to face "systemic and structural challenges, for example, in relation to inequality and discrimination, the judicial system and impunity, democratic space and the promotion and protection of human rights," which "prevents significant progress in ensuring the exercise and enjoyment of human rights." Women and girls, the LGBTQI+ community, as well as justice operators, journalists and human rights defenders all experience heightened vulnerability in this context.

Violence against women and girls continues to be one of the most frequent human rights violations. The Public Prosecutor's Office (MP), registered 48,644 cases of violence against women between January 1 and December 5, including 502 cases of femicides and violent deaths, 5% more than the previous year² Regarding violence against the LGBTQI+ community, there were several cases of stigmatization, harassment and discrimination and 27 violent deaths (12 gay men, seven trans women, three lesbian women, three bisexual men, one trans man and one bisexual woman).

Another figure which has generated much alarm is the 71% increase, compared to 2021, of attacks against justice operators, as well as against defense lawyers working in corruption cases or in cases in which serious human rights violations are being prosecuted. The OHCHR documented undue delays in the proceedings, restrictions on the media coverage of hearings and restrictions to defense actions where cases have been declared as reserved. These malicious practices are accompanied by online defamation and slander campaigns. Two judges, including a High Risk judge, have been forced to leave the country to safeguard their integrity in the face of multiple acts of criminalization carried out against them. The report also calls attention to the dismissal of prosecutors from the MP carried out without prior disciplinary or judicial processes.

Furthermore, the report notes a deterioration in the conditions for exercising the right to freedom of expression, documenting attacks against journalists which were perpetrated following the publication of investigations on cases where they denounced possible acts of corruption. Journalists and communicators also face criminalization processes and violations of due process aimed at hindering their work, forcing six journalists to leave the country.

With respect to the situation of human rights defenders, the report notes a further escalation of persecution. There has been a 54.34% increase in acts of criminalization against human rights defenders. In some cases, the attacks are attributed to private companies, particularly palm oil, hydroelectric and mining companies who have brought criminal actions against indigenous authorities defending their territory.

The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGUA) has also just presented its report on the specific situation of human rights defenders.³ The results mirror those documented by the OHCHR. UDEFEUGUA has registered 3,574 aggressions in total, the highest number since it began this registry

¹ OACNUDH, [Situación de los Derechos Humanos en Guatemala](#), presentado en Guatemala el 28.01.2023.

² *Ibíd.*, p. 15 (el día de la presentación del Informe se actualizó el dato de los femicidios y muertes violentas: 552 casos, lo que significa un aumento de 10% con respecto al año anterior y del 20% con respecto al año 2020).

³ UDEFEUGUA, [Presentación del Informe de Situación 2022](#), 23.03.2023.

22 years ago. Of the total number of aggressions, 2,267 were against men, 1,149 against women and 158 targeted at organizations and communities. The organization considers the continuity and increase in criminalization is a strategy used against the defense of human rights (1,737 acts of criminalization), described as a "criminalizing crusade", to be very worrying. It also highlights how the highest number of attacks (3,212) occur on social networks. This strategy "aims to delegitimize the voice of human rights defenders, so that they can then be judicially denounced without any basis and to carry out arbitrary and illegal detentions".

Consequently, UDEFEGUA has called on the international community to "continue strengthening and expanding sanctions against Guatemalan public institutions and private actors committed to corruption and impunity".

March 8: once again women declare 'enough is enough'

This year women once again took to the streets to commemorate March 8th, International Women's Day, and to call for an end to violence against women. Urgent issues such as as underage pregnancies were once again made visible and the marchers reiterated demands for justice for the 41 girls killed and the 15 injured in the Virgen de la Asunción State Home in March 2017. Survivors and relatives of the deceased have been waiting six years for justice.

Other demands made during the marches were for the improvement of health services for women and comprehensive sexual education. Marchers denounced the criminalization of judges and prosecutors such as Virginia Laparra, former prosecutor of the Special Prosecutor's Office Against Impunity (FECI) in Quetzaltenango. Communiqés were also read against corruption, the "criminal pact", and condemning the increase in violence and disappearances of women in the country.⁴

Women in Guatemala face a diversity of difficulties and discrimination. In terms of work, an estimated 71% of working women are in informal employment and lack access to social security or labor rights. This figure does not take into account family care work, since family caregivers are not considered working women. In addition, the average wage gap is 25.7%. All these inequalities increase in rural areas.⁵

World Water Day: multiple activities in different territories

World Water Day, established by the United Nations (UN) to recognize the right to safe drinking water and sanitation as essential human rights, was commemorated on March 22nd. According to the UN, "problems throughout the water cycle are undermining progress in major planetary conflicts: from health to hunger, from gender equality to jobs, education, industry, natural disasters and lack of peace."⁶

Organizations and communities celebrated this day by carrying out activities in different parts of the country, with the participation of hundreds of people who demanded their right to access water and the protection of water sources.

San Pedro la Laguna, Sololá, hosted the II Plurinational Summit "Freedom for Water" with the participation of indigenous and community authorities, women and men from the Maya, Xinka, Garífuna and mestizo population, who shared perspectives on the problems related to this issue and the actions they carry out in their communities to protect water.⁷ They exchanged ideas for protecting water sources in their territories, which are under permanent threat due to the man-made impact of mining companies, monocultures, hydroelectric plants and urban expansion. The meeting was also a good opportunity to reflect on, exchange perspectives and explore strategies for minimizing impacts on the population, biodiversity, food sovereignty and the increasing precariousness of life.

⁴ Rodríguez, S., [Mujeres en Xela marchan para exigir el respeto a sus derechos](#), Prensa Comunitaria, 05.03.2023; EFE, [Mujeres de Guatemala marchan en conmemoración del Día Internacional de la Mujer y recuerdan a niñas fallecidas en Hogar Seguro](#), Prensa Libre, 08.03.2023; Melgarejo, E., [#8M2023 las guatemaltecas denunciaron corrupción, violencia, femicidios y desinformación electoral](#), Prensa Comunitaria, 10.03.2023.

⁵ Bolaños, R. M., [En Guatemala las mujeres trabajan igual que los hombres, pero ganan mucho menos](#), Prensa Libre, 08.03.2023.

⁶ ONU, [Acelerar el cambio](#), 22.03.2023.

⁷ Sancir, N., [El agua, un derecho humano protegido por las comunidades indígenas y mercantilizado por empresas](#), Prensa Comunitaria, 24.03.2023.

In the municipality of Ixcán, Quiché, the Intercultural Social Movement of the People of Ixcán organized a march through the main streets of the municipal capital to highlight their commitment to defending water and water bodies.⁸

Activism and self-organization are fundamental tools for confronting a water scenario that worsens each year. Guatemala has an abundance of water, its territory holds 97,120 million cubic meters of water each year. However, 90% of the water is polluted.⁹ Furthermore, the inadequate management of this vital liquid, as well as the lack of legislation necessary to regulate its use, affects the quantity and quality of its availability. Guatemala is highly vulnerable to the effects of the climate crisis, which poses significant additional risk to the sustainability of water resources.¹⁰

Acute child malnutrition: a chronic problem that hits rural areas hard

Acute child malnutrition is a chronic problem in Guatemala. 75,419 cases have been registered in the country over the last four years, which means that one out of every two children diagnosed with chronic malnutrition does not recover. In addition, an estimated 3.2 million Guatemalans experience food insecurity in their daily lives.¹¹

4,660 cases of child malnutrition have already been registered between January 1 and March 4, 2023, most of whom are children between six months and two years of age.¹² Malnutrition in the first years of life strongly conditions a person's physical and cognitive development, leading to health problems in adulthood. The state food security plan has made more than 31,141 million Quetzals available over the last four years, but this has not resulted in an improvement of the situation; on the contrary, cases have continued to increase.¹³

Similarly to other social problems, the areas which are most affected by malnutrition are rural areas, where a large part of the population is indigenous and where poverty and extreme poverty are also worse.¹⁴ The different campaigns to inform the population about malnutrition do not take into account the cultural and linguistic diversity existing in the country and are only available in Spanish, which limits their dissemination. In addition, in rural areas where the population is dispersed, campaigns are often carried out through online advertising, without taking into account that there is a segment of this population that either does not have a cell phone, or if they do, their internet connection is very limited.¹⁵

One municipality that has suffered particularly from this scourge is Panzós (Alta Verapaz), where three children have died from acute malnutrition so far this year.¹⁶ In the absence of state aid, the municipality declared an emergency on February 23, resulting in a renewed focus on the region with various associations arriving to provide support. These NGOs (Caritas, World Vision and Passion Association) had found 65 cases of acute child malnutrition as of March 25. Some of these cases show clinical signs of Kwashiorkor and require immediate hospitalization in nutritional recovery centers. The response from Secretariat of Food and Nutritional Security of the Presidency (SESAN) and the Ministry of Health to this serious situation has been to deny the crisis and say that these figures are part of the "normal trend", noting that they have already made arrangements to send aid and blaming the municipality for not managing these resources.¹⁷

⁸ Prensa Comunitaria, [Territorios conmemoran el Día Mundial del Agua](#), 22.03.2023.

⁹ Martínez, B., [El 90% del agua en Guatemala está contaminada y debe regularse su uso](#), Prensa Libre, 01.03.2023.

¹⁰ Rosales Alconero, M. S., [Cambio climático: ¿cómo nos afecta y qué estamos haciendo en Guatemala?](#). Revista Mesoamericana de Biodiversidad y Cambio Climático, 01.09.2019.

¹¹ Ola, A. L., [Q31 mil millones ha tenido el Gobierno en cuatro años para desnutrición y los avances son pocos](#), Prensa Libre, 17.03.2023.

¹² Redacción del Periódico, [Casos de desnutrición aguda se incrementan](#), El Periódico, 20.03.2023.

¹³ Ola, A. L., Op. Cit., 17.03.2023.

¹⁴ *Ibidem*.

¹⁵ Domínguez, A. y Pineda, S., ["No hay nada de alimentos": Cahaboncito, la comunidad de Panzós más golpeada por la desnutrición](#), Prensa Libre, 15.03.2023.

¹⁶ *Ibidem*.

¹⁷ Ola, A. L., [Ayuda estatal sigue sin llegar a Panzós, el apoyo para niños con desnutrición aguda viene de asociaciones particulares](#), Prensa Libre, 25.03.2023.

Panzós is a vulnerable area, badly affected by the tropical storms which destroyed crops and damaged the land, exacerbating the lack of work in the region.¹⁸ More than 80% of the families in the municipality are engaged in agriculture, but rising prices have meant that many do not have access to fertilizers. In addition, inflation has increased the price of staple foods. Drought is expected this year, which will further complicate the cultivation of food in the region.¹⁹

Social organizations warn that the situation is going to get worse and that aid must extend beyond the delivery of food packages; they have demanded the implementation of comprehensive social development measures.²⁰

2. ACCOMPANIMENTS²¹

*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 defense of territory.*²²

THE FIGHT AGAINST IMPUNITY

This month we made several visits to the offices of the **Human Rights Law Firm (BDH)** to follow up on the ongoing processes and the security situation of the lawyers.

We also accompanied them to the following hearings:

- Three hearings in the ‘TeacherCase,’ in which the human rights defender, Bernardo Caal Xol, is accused of allegedly misappropriating and improperly withholding 20 months of his salary. The Public Prosecutor’s Office and the Attorney General’s Office (PGN) requested a conviction with the maximum penalty possible for the crime: four years in prison and a fine of Q3,000. The technical defense team requested Bernardo’s acquittal, since he was on a leave of absence because he was working for the education union at the time of the events. The ruling is expected in April.
- A hearing for the request of advance testimonial evidence in the Diario Militar case. The hearing was suspended due to the absence of two lawyers for the defendants and was rescheduled for April 17, 2023.
- Three hearings in the Samococh case. The trial is against 23 agents of the National Civil Police (PNC) for the events that took place in the village of Samococh, during which three demonstrators died. This case is in the debate phase and the sessions observed included the presentation of testimonial evidence both for the prosecution and for the defense.



With respect to our accompaniment of the Hernández Agustín family in the **Luz Leticia Case**, we conducted face-to-face meetings and monitoring calls to remain updated on their security situation and the progress of the case.

¹⁸ *Ibíd.*

¹⁹ Ola, A. L., [Panzós está en alerta anaranjada por casos de desnutrición aguda](#), Prensa Libre, 14.03.2023.

²⁰ Ola, A. L., *Op. Cit.*, 25.03.2023.

²¹ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

²² See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

THE ISSUE OF ACCESS TO LAND

Regarding our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we maintained telephone contact with its coordinators, Lesbia Artola and Imelda Teyul, to follow up on the latest developments regarding the criminalization of members of the organization, as well as their security situation and their work in defense of human rights.

During the month of March we held virtual meetings with members of the **Union of Peasant Organizations Las Verapaces (UVOC)**, for updates and to follow up directly on their activities.

DEFENSE OF THE TERRITORY



On March 22, we accompanied four members of the **Maya Ch'orti' Indigenous Council of Olopa** to the last hearing regarding their criminalization process. The human rights defenders were accused of illegal detention for their participation in a peaceful demonstration held on July 1, 2019. After two months of investigations, the MP presented evidence to sustain their accusation, however, the Judge did not consider the evidence sufficiently robust to continue with the trial and closed the case.

We also held face-to-face meetings and telephone monitoring with several members of the Council to follow up on their security situation and activities.

On March 24, we visited the peaceful sit-in established by **Multisector Chinautla** after the expiration of the licenses held by the sand mining companies' who have been operating in the territory without carrying out the required free, prior and informed consultation. They updated us on their security situation and their activities.



With respect to our accompaniment of **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we held several meetings with some of its members and, as we do every month, we have carried out monitoring and accompaniment activities, both in person and by telephone, in the framework of its multiple activities.

In relation to the **Peaceful Resistance, Cahabón**, we accompanied some of its members to the Public Prosecutor's Office and the Women's Prosecutor's Office to file complaints regarding aggressions suffered for their work in defense of human rights. As mentioned above, we accompanied community leader Bernardo Caal Xol to the hearings of the Teacher Case.

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 dialogue with the diplomatic corps this month we met with:

- **Mexican Embassy in Guatemala:** Ms. Linda Marina Munive Temoltzin, Counselor; Ms. Jamín Amezcua, head of political affairs; Mr. Juan Manuel Olea Contreras, head of legal affairs; Mr. Miguél Ángel López Rojas, press attaché; Mr. Mario Obana Murakami, head of International Cooperation.
- **Spanish Embassy in Guatemala:** Mr. Jose Maria Laviña Rodríguez, Ambassador and Mr. Rafael Chaves Beardo, Minister Counselor and head of Human Rights.

4. OTHER ACTIVITIES OF PBI GUATEMALA

We held our **bi-annual project assembly** during the week of March 13-17 to evaluate our work over the past few months and plan for the coming months.

On March 30 we broadcast our program **ACÉRCATE nº 18**, in which we talked with environmental activist Julio González, of the Madre Selva Collective, about the water situation in Guatemala.



5. ACTIVITIES OF PBI GUATEMALA OUTSIDE 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 project's European Representative met this month with Michel Forst, **United Nations Special Rapporteur on Environmental Defenders** (Aarhus Convention-UNECE) and Laetitia Battisti, assistant to the Rapporteur.

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.

Venganza, política pública de Estado Guatemala: en grave crisis democrática

En plena restauración del Régimen dictatorial, el autoritarismo, la represión y la venganza se convierten en la forma antidemocrática de ejercer el poder en el país. **Durante el 2022 se agudizó la estrategia dirigida a capturar todas las instituciones públicas**, para que la articulación de las élites de poder pudiese hacer uso, particularmente del Sistema de Justicia, con el objetivo de criminalizar a personas defensoras de derechos humanos, operadoras y operadores de justicia, periodistas y toda aquella persona opositora al régimen establecido.

En ese marco de instalación dictatorial, la Unidad de Protección a Defensoras y Defensores de Derechos Humanos -Guatemala (UDEFEQUA) ha verificado y documentado un total de **3,574 agresiones en contra de personas, organizaciones y comunidades defensoras de derechos humanos**. Cabe destacar que esta dinámica de violencia representa el mayor número de agresiones registradas en 22 años.

Esta política de represión que se manifiesta en venganza contra aquellas personas que impulsaron y lideraron los procesos de justicia contra actores políticos, empresariales, militares y miembros del crimen organizado por actos de corrupción, impunidad o graves delitos cometidos durante el Conflicto Armado Interno. Este clima de violencia, si bien está afectando a toda defensa de derechos humanos, se ha ensañado contra personas operadoras de justicia, ciudadanos y ciudadanas en búsqueda de justicia, periodistas y/o comunicadores(as) sociales y, defensoras(es) de la tierra y el territorio.

La UDEFEGUA también expresa su preocupación por el crecimiento sostenido del uso del espacio digital para la generación de difamación, estigmatización, discurso de odio y hostigamiento, como el inicio de los procesos de criminalización. Es evidente que esta estrategia tiene como propósito deslegitimar la voz de las personas defensoras de derechos humanos, para que luego puedan ser denunciados judicialmente sin fundamento alguno y llevar a cabo detenciones arbitrarias e ilegales.

De la totalidad de agresiones registradas, el 4% fueron contra organizaciones, comunidades o instituciones de defensa, así como un 32% contra mujeres defensoras de derechos humanos, en una clara acción misógina por parte de los actores agresores. A su vez, **la UDEFEGUA denuncia** que la estrategia de los grupos agresores organizados en el denominado Pacto de Corruptos, han emprendido una cruzada criminalizadora, al registrar 1,737 actos de criminalización que sumados a 1,513 actos de hostigamientos forman parte de la venganza establecida.

La UDEFEGUA **urge al Estado guatemalteco el cese definitivo de esta estrategia de criminalización y retomar la construcción de la Política Pública de Protección a Defensoras y Defensores de Derechos Humanos**, obligación conferida en la resolución del caso Defensor de Derechos Humanos contra Guatemala, de la Corte Interamericana de Derechos Humanos -CorteIDH-.

Urgimos a la comunidad internacional a continuar fortaleciendo y ampliando las sanciones en contra de actores de instituciones públicas del Estado guatemalteco y actores privados comprometidos con la corrupción e impunidad. Brinden mayores apoyos a la sociedad guatemalteca en la reconstrucción democrática, así como ampliar sus mecanismos de protección internacional.

A la sociedad guatemalteca fortalecer su organización, ampliar la articulación y profundizar su movilización social para detener este clima de violencia y represión estatal contra la defensa de los derechos humanos.

Guatemala, 24 de marzo de 2023



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