



Monthly Information Pack Guatemala

Number 145 - October 2015

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.

Second round of elections: dreams, uncertainties, concerns, and a new president-elect

The second round of elections was held October 25, 2015 in Guatemala through which the person who would serve as president of the country starting in January 2016 was elected. The two candidates who had the greatest number of votes in the first round held October 6 were Jimmy Morales, of the National Convergence Front (FCN-Nación) and Sandra Torres of the National Unity of Hope (UNE).¹ In the end, the second round gave victory to Jimmy Morales with 67% of the vote ahead of Sandra Torres with 32%.²

The electoral climate for the second round was calmer than that of the first with fewer incidents occurring or being registered. However, the feeling of the population has been dormant during the process. On one hand, the first round took place amid a national political crisis marked by multiple corruption scandals which implicated and continue to affect many Guatemalan authorities. This fracture in the politics of the country prompted the civil society and social movements to organize protests to express their rejection and nonconformity.³ On the other hand, the rise in absenteeism in the second round reflects the indecision, the disillusionment, and the uncertainty that, beyond the resignation and incarceration of Otto Pérez Molina, there have been none of the concrete changes and reforms demanded by the mobilizations.⁴ Against this backdrop, the second round of elections in Guatemala took place in the environment of concern and waiting, due to the low voter turn-out at the polls which contrasted to the high level of participation witnessed in the first (almost 70%). In the interior of the country, absenteeism was even higher than in the capital. After the polls had been open for three hours, several polls reported zero votes as was the case in the municipality of Chajul in the department of Quiché.⁵ Finally, on Sunday, October 25, in the country with more than seven million eligible voters, just two million, seven hundred thousand Guatemalans cast ballots. The rate of absenteeism rose to 45% with a high number of null votes totalling more than 50% of eligible voters.⁶

For some sectors of civil society, “this is the result of an electoral campaign in which there was not the desire to listen to the clamour of a large part of society that demonstrated that it was tired of this political system.”⁷

1 “Candidatos presidenciales 2015 Guatemala (segunda vuelta)”, Guatemala Elecciones.

<http://www.guatemalaelecciones.com/candidatos-presidenciales-guatemala.php>

2 “De la mano dura al ciudadano puro”, 29 de octubre de 2015, Comunicarte.

<http://noticiascomunicarte.blogspot.com/2015/10/de-la-mano-dura-al-ciudadano-puro.html>

3 “OACNUDH en alerta ante posibilidad de violencia en elecciones”, jueves 3 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

4 “Votar o no votar, no debiera ser un dilema...”, 24 de octubre de 2015, Prensa Comunitaria.

<https://comunitariapress.wordpress.com/2015/10/24/votar-o-no-votar-no-debRe:RV:RV:traducion-del-PIM-145iera-ser-un-dilema/>

5 “Abstención en elecciones en Guatemala es superior a la esperada”, 25 de octubre de 2015, Panampost.

<http://es.panampost.com/elena-toledo/2015/10/25/abstencion-en-elecciones-en-guatemala-es-superior-a-la-esperada/>

6 “Un día después de la segunda vuelta electoral, nuestras preocupaciones”, 26 de octubre de 2015, Prensa Comunitaria. <https://comunitariapress.wordpress.com/2015/10/26/un-dia-despues-de-la-segunda-vuelta-electoral-nuestras-preocupaciones/>

7 Ibídem

Several analysts believe that the poll results reflect the fatigue with traditional politics full of tricks and corruption. According to their analysis, what occurred in the October elections reflects the thought that has been building since the first days of the social mobilizations it was said, “our dreams don’t fit in your urns”.⁸

With regard to the president-elect and his program, the opinion is varied and no one unanimous voice exists that predicts what will happen in this new period. The priorities of Jimmy Morales for his term in government focus on the areas of health, the economy, security, and education. With many aspects touched by these areas, there are many concerns about them as well. For a large part of the population, Jimmy Morales represents “the pure citizen”, a citizen of the street, with a focus removed from politics – he’s a television comedian that has been far removed from the elite political class. For others, Jimmy Morales does not have sufficient political experience, no solid governing team, nor a structured governmental program, and, what is more, he is not supported by a majority in Congress that would make his leadership viable.⁹ In the area of human rights, many sectors of civil society continue to express concern with the numerous violations suffered by indigenous and campesino communities in these past years. To this long list, the number continues to grow of community leaders who are criminalized and incarcerated for defending life and territory. In the face of this situation, the indigenous movements are not waiting for substantive changes in their conditions; they do not envision the possibility of dialogue with the new government neither to resolve historic demands of the population (land, dignified housing, health, and education) nor to guarantee respect for ethnic, sexual, and gender diversity. In the face of this political panorama, one thing that does appear to change is that the organized indigenous communities throughout the country is reaching a critical mass involved in politics, in the opposition, in control, and in protest.¹⁰

Concretely, one of the concerns of several social sectors, specifically women, is that neither in the electoral campaign nor in the program of the new government, has the reality that women face with regard to land ownership ever been addressed. In this sense, Guatemala does not escape the tradition lived in African countries like Kenya or neighbouring countries like El Salvador, Honduras or Nicaragua. Women work the land, cultivate and harvest what they plant, but they don’t own it. A study done by the Central American Network of Rural Indigenous and Campesino Women (Recmuri), “Land for Us” cites evidence: three out of four women work land that does not belong to them. Because of this, Guatemalan women’s organizations like Mama Maquín and Ixmucané demand that the property titles granted to the communities by governmental agencies of the Land Fund (Fontierra) should be in the names of both of the couple, the woman and the man. In the same area, Recmuri proposes “a legal reform so that titles are jointly or commonly in the name of both members of a couple. This measure would stop the man from selling or renting the land without the woman’s approval and it would protect the inheritance rights of widowed women.” The lack of land prevents women from accessing other resources and services like credit and technical assistance since they have no land that can be used as a guarantee. Equally, they are excluded from the majority of state production investment and technical assistance, “which always requires that one own the land where the production takes place.” The inequality is evident in both access as well as in land ownership and this issue is not contemplated in the program of the new president-elect.¹¹

In this general panorama, all that is left is to wait to be able to analyse the policies implemented by the new government. With sights on the next four years, the Guatemala social movements feel that they cannot pause to reflect on the electoral results since this is part of the obligations of the political parties. What is up to them to demand compliance with the reforms that have been identified in the mobilizations of the last few months.¹² These are broad reforms that will not be simple to implement since they propose profound changes at political, economic, and social levels. For many Guatemalan sectors, the possibility opens for building new political alliances among diverse social expressions which could translate into a very different way of doing politics.¹³

8 Sandoval, M.A. “Proceso electoral y movilización social”, 26 de octubre de 2015, Prensa Comunitaria. <https://comunitariapress.wordpress.com/2015/10/26/proceso-electoral-y-movilizacion-social/>

9 “De la mano dura al ciudadano puro”, 29 de octubre de 2015, Comunicarte. <http://noticiascomunicarte.blogspot.com/2015/10/de-la-mano-dura-al-ciudadano-puro.html>

10 26 de octubre de 2015, Prensa Comunitaria, Op.Cit.

11 “El tema que no se toca en campaña: las mujeres propietarias”, 21 de octubre de 2015, Nómada. <https://nomada.gt/el-tema-que-no-se-toca-en-campana-las-mujeres-propietarias/>

12 Sandoval, M.A. Op. Cit.

13 26 de octubre de 2015, Prensa Comunitaria, Op.Cit.

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.*¹⁴

During the month of October, we continued accompanying **the Verapaz Union of Campesino Organizations (UVOC)**, through regular telephone contact with several members of the Organization, as well as by visits to their headquarters in the city of Santa Cruz, Alta Verapaz. We also maintained weekly visits to the office of **Jorge Luis Morales**, lawyer of UVOC, and continued our attention and follow up of several legal cases in which he works .

We have continued the accompaniment of the **Cunén Communities Council (CCC)** in the north of the department of Quiché through weekly telephone contact with its members which allow us to stay informed about their activities as well as to follow up on different issues impacting the region.



We continue to accompany **the Peaceful Resistance of La Puya** through regular visits to the encampment to observe the situation. On October 9, we accompanied several members of the Resistance to a meeting with the Human Rights Ombudsman (PDH). The purpose of the meeting was to follow up on several of their requests. Among them, the results of the observation and verification carried out by the PDH of the special police operatives dispatched in May 2015 and August 2015. Another issue discussed in the meeting was the conditions of environmental security of the mining project and the impact of the project as well as follow up on the legal process that the Resistance is in. This month, we also accompanied some members of the Resistance to hearings in processes of criminalization.

Mining project. Photos taken from the encampment of the Peaceful Resistance of La Puya. October 2015. Photo : PBI.

This month, we continued the accompaniment of **New Day Ch'ortí Campesino Central (CCCND)** in its information work and in support of community processes toward recognition of the Maya Ch'ortí identity in the communities of the region (among other activities). We observed hearings in which the organization supplied legal support in cases of criminalization of community leaders. We also maintained regular telephone contact with several of its members and were present at the organization's office in the municipality of Camotán, department of Chiquimula.

We continue accompanying several members of **the village of La Trementina in the Defence of Macizo del Merendón Process** in Zacapa. In addition, we maintained telephone contact with Lutheran pastor, **José Pilar Álvarez Cabrera** and others in the community to stay abreast of all the legal processes brought against him for his defence of the environment of Las Granadillas Mountain.

¹⁴ Further general information on accompaniment and the organisations and people we accompany available on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

Our accompaniment continues with the **Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)** through frequent meetings with its members as well as through regular telephone contact during their travels. We also held a meeting with the Association and the Xinca Indigenous Government in the Santa María Xalapán mountains (department of Jalapa) to renew permission from the Xinca Indigenous Government for continuation of our accompaniment of AMISMAXAJ activities carried out in communities of these mountains.

In October, we also continued our accompaniment work with the **Human Rights Legal Firm** and its lawyers. We accompanied attorney Édgar Pérez Archila in his travels and we visited the Firm's office weekly. We did accompaniment for travel to some hearings and provided observation and international presence for others.

We maintained our international presence in the office of the **National Guatemalan Widows Coordinator (CONAVIGUA)** by visiting them twice a week. We were in weekly telephone contact with its members, and we followed their activities.

3. INTERNATIONAL OBSERVATION

PBI Guatemala provides international observation of those public events in which Guatemalan social organizations request it, to show international attention and interest and to communicate outside the country what we observe.



October 7-8 we observed hearings of **the Latin American Water Tribunal (TLA)** which took place in Guatemala City. The TLA is an autonomous and independent international environmental justice agency created to offer a resolution to controversies related to water systems and resources in Latin America. The credibility of the resolutions adopted by the Tribunal comes from its moral character as well as from the legal foundations on which they are based.



The first day, three specific Guatemalan cases were examined in which the rights to water of individuals and of communities were shown to be impacted. The cases included: *“Monoculture sugar cane and its impact on water sources”*; *“Communities impacted by the implementation of banana production”*; *“Electric distribution systems and their impact on water sources and violations of human rights”*. Among the petitions made by the organizations and communities presenting these cases to the TLA, the following stand out: prohibit privatization of water; prohibit changes of course of rivers for hydro-electric projects; investigate and carry out rigorous environmental studies and goals; oblige appropriate governmental agencies to guarantee the human rights of individuals

and communities.

The second day of TLA activities, there was a meeting which brought together different organizations and movements in resistance to mega-projects and mega-crops. In this meeting, companies impacting the territories and communities were identified to the TLA.

Among those in attendance at these activities were several personnel from companies with presence in communities in the country where there is active resistance.

1. “Latin American Water Tribunal Hearings”. October 7, 2015. Photo: PBI

2. Resistance Meeting in the Latin American Water Tribunal. October 8, 2015. Photo: PBI

In October, we also continued focusing attention on the situation of the **San Rafael Las Flores Committee in Defence of Life and Peace** through periodic telephone contact with some of its members.

4. 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 met with the following local Guatemalan authorities: Noé Gramajo, **officer with the National Police (PNC) in the municipality of Santa Cruz, Alta Verapaz** and Marvin Geovani Caal, **PNC division officer in the municipality of San Cristóbal, Alta Verapaz.**

In the framework of dialogue with the diplomatic corps and with international agencies, this month we met with: Alfonso Portabales, **Spanish Ambassador to Guatemala** and Miguel Encinas, **head of Cooperation and Human Rights for the Spanish Embassy**; Thomas Carters, **UK Ambassador to Guatemala** and Rita Grajeda, **Head of Human Rights**; Alberto Brunori, **Guatemalan Representative with the High Commission for Human Rights Office (OACNUDH)** and Catalina Lleras, **Human Rights Officer with OACNUDH**; Jennifer Echevarría, **Program Officer for Cooperation and Human Rights for the EU Delegation in Guatemala** and Tomás Pallás, **Chief of Cooperation and Head of Business.**

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.

We continued meeting and periodically visiting the office of the **Unit for Protection of Defenders of Human Rights in Guatemala (UDEFEQUA)**, to share concerns and updates about the work of human rights defenders in the country.

We continued maintaining regular contact and visiting the office of the **Madre Selva Collective**, as well as the offices of **Women's Sector.**

We also maintained contact with international organizations in Guatemala such as: the **Coordination of International Accompaniment in Guatemala (ACOGUATE, Guatemalan Human Rights Commission (GHRC), Forum of International Non-Governmental Organizations (FONGI)** and the **International Platform against Impunity.**

5. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA



September 30 - October 1, PBI-Guatemala and the International Platform Against Impunity organized a series of activities focused on the theme of Criminalization of Human Rights Defenders. The first day included a breakfast with representatives of EU embassies in Guatemala and human rights defenders from different areas of the country. During the breakfast, the defenders had a chance to explain to the diplomatic corps present the cases of criminalization that their movements, communities and resistance face. Afterward, a Public Forum was held on the same theme at which the third Popular Bulletin of PBI-Guatemala, "Criminalization of Social Protest", was presented. During the forum, studies were presented by Claudia Duque (Patterns of Stigmatisation) and Christina Papadopoulou (Criminalization of Social Protest in Guatemala). Closing words were given by Alberto Brunori, Representative of OACNUDH. Among those in attendance were

representatives of the diplomatic corps in Guatemala as well as members of civil society and HR defenders.



In the afternoon of the same day and for much of the following day, a workshop was held for human rights defenders in which they could work with experts on diverse issues related to criminalization such as its terrible consequences. The goal was to offer defenders a meeting space as well as useful tools and learning to continue their work in defense of human rights.

1. Breakfast among EU diplomatic corps and HR defenders. September 30, 2015. Photo: PBI.

2. Meeting on criminalization with HR defenders October 1. Photo:PBI.

October 20-21, PBI organized the Sixth Encounter of HR Defenders and the Territory Body – Land attended by approximately 30 defenders from around the country. This gathering took place in the Nuevo Horizonte Cooperative, Petén with the following objectives: to strengthen healing spaces for criminalized female defenders; share the feminist community proposal “healing as cosmic political path”; and to continue strengthening political relationships, alliances, and affection among women defenders in order to sustain political work in networks as a security measure for their work as defenders.



Sixth Encounter of HR Defenders and Territory Body – Land. October 20-21, 2015. Photo: PBI

6. 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.

On October 16, the European Representative to the Project met in Brussels with Donatella Montaldo **desk Guatemala and Uruguay** and Aniceto Rodríguez, **Deputy Head of the Unit for Geographic Coordination - Latin America and the Caribbean**, of the **General Office for International Cooperation and Development DEVCO of the European Commission**.

October 20, 21, and 26 respectively, the European Representative met with Stephanie Roels, **Head of COHOM for the Permanent Representation for the Netherlands**, with Ronald Schissau, **Head of COLAC of the Permanent Representation of Germany**, as well as with Johan Henriksson, **Head of COLAC of the Permanent Representation of Sweden for the EU**.

Finally, on October 28, the European Representative met in Brussels, along with representatives of other NGO's, with Garret O'Brien, **Head of Human Rights Defenders in the Division of Human Rights of the European Service for Foreign Affairs (EEAS for its English initials)**, with Andrea Rossi, Deputy Head of the save Division, as well as Luigia di Gisi, Programme Manager for the **General Office for Development and Cooperation of the European Commission**.

7. 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 del GAM

Se solicita al Congreso que apruebe la iniciativa de ley 3590 con carácter de urgencia

El 25 de septiembre del 2015, los jefes de bloque y los integrantes de la Junta Directiva del Congreso de la República consensuaron la agenda legislativa para ser discutida en el pleno del Congreso, y entre los puntos a tratar se incorporó para su discusión y aprobación en segunda lectura la iniciativa de ley 3590 que crea la Comisión Nacional de Búsqueda de Personas Víctimas de Desaparición Forzada y Otras Formas de Desaparición, lo cual constituye un hábito de esperanza para las miles de familias guatemaltecas que durante más de 30 años no han cesado en la búsqueda de sus familiares víctimas de desaparición forzada.

Actualmente, la iniciativa de ley 3590 que crea la Comisión Nacional de Búsqueda de Personas Víctimas de Desaparición Forzada y Otras Formas de Desaparición, la cual cuenta con dos dictámenes favorables, uno de la Comisión de Finanzas Públicas y Moneda, emitido en agosto del dos mil siete, y el otro de la Comisión de Legislación y Puntos Constitucionales, con fecha marzo del dos mil once. Además esta iniciativa de ley fue conocida y aprobada en su primera lectura en mayo del dos mil catorce.

Guatemala es el país en América Latina con el mayor número de víctimas de desapariciones forzadas y otras formas de desaparición. Durante el conflicto armado interno desaparecieron 45 mil personas de acuerdo al informe de la Comisión para el Esclarecimiento Histórico.

La búsqueda de personas víctimas de desaparición forzada y otras formas de desaparición es de vital importancia para subsanar las secuelas psicosociales que afectan a la sociedad guatemalteca, es por ello que se debe emprender acciones para su búsqueda y localización.

Hacemos de conocimiento público que algunos sectores que se oponen y temen al esclarecimiento de la verdad y la memoria histórica de los hechos acaecidos durante el conflicto armado interno, negaría una condición indispensable para el logro de la paz y la reconciliación nacional, además de descalificar esta iniciativa de ley, cuyo sentido es eminentemente de carácter humanitario y que busca dar cumplimiento a las recomendaciones del informe de la Comisión para el Esclarecimiento Histórico y a las sentencias de la CIDH referidas a los casos de desaparición forzada.

El Grupo de Trabajo Contra la Desaparición Forzada de Guatemala aclara que su único interés en esta lucha es buscar y encontrar a los miles de desaparecidos y darle una respuesta humanitaria a los familiares sobre el paradero de sus seres queridos. No nos mueve ningún interés mezquino o contencioso como lo quieren hacer ver algunos sectores que tradicionalmente buscan la división y la confrontación entre los hermanos y hermanas guatemaltecas.

Finalmente hacemos un llamado a los diputados y diputadas de las diferentes bancadas del Congreso de la República para que den muestras de sentido humanitario y deber legislativo cumpliendo con el compromiso manifestado en reiteradas oportunidades a los familiares de las personas desaparecidas, aprobando de forma inmediata la Iniciativa de ley 3590, la cual reiteramos es de carácter humanitario y busca la garantía de no repetición.

Guatemala 13 de octubre de 2015

***Familiares de víctimas de Desaparición Forzada y otras formas de Desaparición.
Grupo de Trabajo contra la Desaparición Forzada de Guatemala.***

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