



Report on the CIDSE bishops' tour in Guatemala

Guatemala, 22 to 27 June 2014

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For more than a year now, CIDSE and its member organisations have noted with concern an upsurge in the criminalisation of human rights defenders and an increase in attacks against the national and international organisations that support them.

On the initiative of the CIDSE Central America Working Group, representatives of member agencies from the CIDSE network, along with European Bishops, toured Guatemala from 22 to 27 June 2014, to express their solidarity with church institutions and civil society organisations in Guatemala with whom they work. This initiative follows on from an initial visit by European and North American Bishops who were invited by representatives of the Catholic Church in Guatemala in 2005 to discuss the subject of access to land.

The main goals of this second tour were to offer solidarity to the Guatemalan church for its pastoral work in support of peace and reconciliation and the development of a joint reflection on how to care for Creation amid the reality of Guatemala by defending human rights and protecting the environment.

Thanks to gatherings with community leaders, activities and visits to the communities of El Quiché, Baja Verapaz and Alta Verapaz, the CIDSE Bishops' tour succeeded in strengthening ties of solidarity with Guatemalan organisations in general and counterparts of CIDSE agencies in particular, thereby providing a forum for the sharing of concerns and worries with the various national and international bodies.

Meetings with civil society organisations, non-governmental human rights organisations and indigenous organisations underscored the following observations and reached the following conclusions relating to the current situation in Guatemala.

The Peace Agreements

- **Non-fulfilment of the Peace Accords and a lack of trust in government and the state.** The Peace Accords¹ signed in 1996 must serve as a guiding framework for government policy and international cooperation. Today, Guatemalan society mistrusts the current Guatemalan government and state because of a long history of unsuccessful dialogues and unfulfilled agreements. One example of the violation of the Peace Accords is the budgetary increase granted to the Ministry of Defence and the increased militarization in communities that are actively resisting large-scale mining projects.
- **Lack of acknowledgement of cultural richness and diversity.** Despite laws that promote cultural diversity, there exist divisions among indigenous communities and villages, encouraged by outsiders and at times locals, which exacerbates historical differences. In the words of Mgr Connolly, "Cultural diversity has not been accepted and we have seen the imposition of a homogenised culture".

Human rights

- **Criminalization of human rights defenders.** We have seen an upsurge and worsening of criminalization, persecution and intimidation of human rights defenders by non-state entities, such as companies, the mass media, private security firms and in some cases the state itself.

- **Criminalization of supporters of the right to prior and informed consent.** The setting up, via private national and international companies, of mining, oil, hydroelectric and agro-fuel projects, is a serious threat to the cosmovision, the life, territory and rights of indigenous communities², in particular the indigenous Mayan and afro descendents. These populations are not usually consulted before the imposition of megaprojects and community consultations that have been carried out by the affected communities have been ignored. Despite a law that requires the state to conduct consultations and to respect their results, those who defend the right to consultation are criminalized and live in constant fear of violence, intimidation, threats to their lives or to their family members, arrest and persecution.
- **Difficulties in accessing information.** On many occasions, the populations affected by megaprojects backed by foreign investment are unable to enforce their right to open, prior and informed consultation, as stipulated in national law, in order to determine the use of their territories because access to independent and objective information is insufficient. Furthermore, the government does not make sufficient effort to ensure that its land-use plans are disseminated among all affected populations through media channels and/or local authorities.

1. Peace Accords in Guatemala - <http://www.arias.or.cr/documentos/EA05035107.pdf>

2. Guatemala constitutions recognised four ethnic groups: Xincas, Ladinos, Mayas and Garifunas. The Mayans of Guatemala are the only indigenous culture that constitutes a majority of the population in a Central American republic. There are 21 different Maya groups in Guatemala making up an estimated 51 per cent of the national population. See more at: <http://www.minorityrights.org/2555/guatemala/maya.html#sthash.1Ov4JTtx.dpuf>

Most of the national media provide only limited and biased information on the interests and positions of rural populations.

- **Violation of the right to food, access to land, housing, education and basic services.** Because of growing pressure on land, in particular owing to the presence of megaprojects on their territories, several communities have been forcibly evicted from their land, thus many families have been deprived of access to land, to decent housing, to food and to basic services such as health and education. Since the colonial period, the Guatemalan economy has depended largely on the exportation of crops, natural resources and raw materials. This extractive and export model was consolidated by the signing of trade agreements by the Guatemalan government with the United States and the European Union.

Continuation of violence

- **Increased violence in communities.** The population of Guatemala has not had sufficient time to heal its wounds caused by the armed conflict that took place between 1960 and 1996. Today Guatemalans are facing new forms of violence, dispossession and threats. The survivors of the internal armed conflict have not received acknowledgment of their history and suffering by the Guatemalan government. In legal terms, justice must be done and those responsible for the violence must be punished.

Gender and domestic violence³

- **Gender-based violence, mistreatment of women and domestic violence.** Violence begets violence and, unfortunately, the lack of acknowledgement of the recent history of genocide, in addition to exacerbated machismo found at all levels of society, and has led to an increase in domestic, gender-based violence and femicide in Guatemalan society. There is a need to promote a psycho-social analysis of Guatemala and its history so that the Guatemalan people can heal their wounds and find strategies to deal with conflict and trauma that do not involve the use of violence.
- **The high rates of violence against women** in Guatemala include sexual, psychological and physical violence. The vast majority of the victims are women of Mayan origin.
- **The number of cases of femicide** has increased sharply, in particular in Alta Verapaz, which is in sixth place among the country's 22 departments.
- **Pregnancies among adolescent girls** are frequent and are mainly the result of sexual violence.

The role of the church

- **The church continues to be a source of peace and reconciliation.** Guatemala is a secular state with no official religion. However, for the Guatemalan people the church continues to be a source of peace, reconciliation and inspiration in the struggle for justice.

3. Data from the Guatemalan *Instituto Nacional de Ciencias Forenses* (INACIF) and the *Instituto Nacional de Estadística* (INE). Period under consideration: 2010 to 2013.



Recommendations

CIDSE puts forward the following recommendations in order to build the necessary trust and to promote a network where civil society, including indigenous communities and the various social activists in Guatemala, can promote social justice and foster creativity.

To the state of Guatemala

- Guarantee the rule of law and the impartiality of public and civil employees.
- Support the approval of an integral rural development policy with civil society that includes structural reforms and that will lead to the eradication of poverty, malnutrition and inequality.
- Respect and enforce the national and international legal frameworks that the state of Guatemala has signed and ratified, for example, the national Peace Accords; at international level this includes the UN human rights treaties, the right to land and an adequate standard of living as expressed in the International Covenant on Economic, Social and Cultural Rights territory and to the right to free, prior and informed consent as expressed in ILO Convention 169 on the Rights of Indigenous and Tribal Peoples (ILO Convention 169).
- Apply the guiding principles on business and human rights (the Ruggie framework) and employ the means available so that due diligence in human rights is a requirement for all companies operating in Guatemala. A further recommendation is the establishment of effective mechanisms for access to redress if a company fails to fulfil this requirement and is responsible for human rights violations.
- The regulatory process for the approval of licenses and permits must include binding guidelines for due diligence in human rights, including the obligation to conduct human rights impact studies and to obtain the consent of the community, ensuring that its members have all the necessary information.⁴
- Create favourable conditions so that national and international human rights defenders may perform their work in a safe and inclusive manner, facilitating dialogue and the sharing of opinions with national and international political representatives as well as other civil society organisations.

To the church of Guatemala

- The church must continue work in solidarity and support for the country's most disadvantaged and excluded. In particular, the church must support human rights defenders so that they may carry out their work.
- The church must promote knowledge and publicly monitor issues that disregard Creation and the dignity of victims, including victims of internal armed conflict.
- The church must support pastoral work in its educational activities.

To Guatemalan civil society

- Promote the unity of and coordination among civil society Guatemalan organisations for struggle and work in support of environmental protection and human rights.
- Civil society organisations and indigenous communities must boost their capacity and know-how in order to act as effective spokespersons that can develop advocacy strategies enabling them to participate actively in dialogue alongside government agencies, the church and diplomatic organisations and entities.
- It is fundamental that we recognise the importance of the cultural and social diversity which exists in Guatemala. To that end, the work of civil society must include aspects relating to spirituality and elements from the cosmology of the distinct Mayan communities.
- We must work with the population, civil society organisation and state institutions to develop an understanding of gender and equality in order to transform oppressive power relations and advance towards an equitable and just society.

⁴ CIDSE, Human Rights Due Diligence. Policy measures for effective implementation. September 2013.

To the European countries, the European Union and the European Union delegation in Guatemala

- The European Union and its member states must promote the dissemination and understanding of European Union guidelines on human rights to Guatemalan human rights defenders so that they may bring them into play whenever necessary.
- The international community in Guatemala must continue supporting initiatives such as the International Commission against Impunity in Guatemala (CICIG), which oversees justice and the fight against impunity for current and past crimes in Guatemala.
- Foster and support the strengthening of the rule of law in Guatemala, in particular, initiatives that guarantee judicial independence and the impartiality of judicial personnel.
- In the area of business and human rights, states should make the fulfilment of human, social and environmental rights and the establishment of mechanisms for redress, a prerequisite for their investments and guarantees granted by national financial institutions.⁵

5. In 2013, the Unit for the protection of Human Rights Defenders in Guatemala (UDEFEUGUA) documented 657 attacks against human rights defenders. By the month of April in 2014 they had counted 210. The attacks have been mostly directed against peasants who defend their land in the department of Alta Verapaz.

- States must assign responsibility to parent companies for human rights violations committed by their subsidiaries and subcontractors along their supply chain.⁶
- The EU should ensure consistency between its policies and activities in the areas of economic development assistance and human rights, with special emphasis on the situation of indigenous people in rural areas.
- The EU should support the Guatemalan state in its efforts to comply with international human rights conventions including, for example, respect for the rights of indigenous peoples, and the EU should take diplomatic steps to achieve the approval and fulfilment of the democratic clause on democracy and human rights in the Free Association Agreement.⁷

To church representatives in Europe and North America

- The Bishops who participated in the delegation to Guatemala might consider sharing their experiences with the members of their congregations with the aim of expanding their knowledge of the situation in Guatemala and to foster solidarity between peoples.

6. CIDSE, Human rights due diligence: Policy measures for effective implementation, September 2013.

7. Meeting of the Forum of International Non-Governmental Organisations – Guatemala (FONGI) with the EU on the subject of roadmaps, September 2014.



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