



Press Release: International Mission on the Right to Food and the Situation of Human Rights Defenders in Guatemala

The third International Mission on the Right to Food and the Situation of Human Rights Defenders took place from 21 November to 3 December 2014. Its members visited six emblematic cases of violations of the right to adequate food and nutrition (RtAFN) and also held meetings with state authorities, international organisms, and civil society organizations. The Mission presents the following preliminary findings:

In regards to the previous mission, we celebrate the rulings issued in April and May of 2013 that recognized the violation of the right to food of five children in the municipality of Camotán, Chiquimula. These decisions represent a progress for the justiciability of the right to food in Guatemala, as well as a landmark in Central America. Nevertheless, the Mission expresses concern regarding the delay in the implementation of these rulings and the writs of amparo filed by various State institutions. We remind the State of Guatemala of its constitutional and international human rights obligations acquired in good faith, specifically that of providing full redress for victims of violations.

It is also alarming that Guatemala continues to be at the top of the list in Latin America for prevalence of chronic malnutrition¹, despite adopting programs such as the *Zero Hunger Plan* (Plan Hambre Cero). The Mission regrets the predominantly welfare-based approach of said programs, which are not accompanied by adequate resources or effective measures to address the structural causes of poverty and hunger. Likewise, the Mission has noted the inefficiency and lack of coordination among state institutions and structures at the national and local level, and also the lack of coherence of public policies with human rights, as illustrated by the failure to implement the Camotán sentences.

¹ International Food Policy Research Institute (IFPRI) 2012: *Global Hunger Index: the Challenge of Hunger: ensuring sustainable food security under land, water and energy stresses*. Bonn/Washington/Dublin.

According to the testimonies received, one of the primary causes of RtAF violations is related to the lack of access and control of peasant, indigenous, and other small-scale food producers over natural resources, such as land, water and forests. This is largely a result of fostering an economic development model based on extractive projects (e.g. mining, hydroelectrics, and monocrops of food and agrofuels for export). In the case of mining and hydroelectric projects, licenses are granted without the free, prior, and informed consent of the affected communities, or disregarding the results of consultations conducted. Another area of concern is the lack of impartial environmental, social and human rights impact assessments in line with international standards. The Mission has observed this problem in the case of San Rafael Las Flores. Regarding the possible implementation of a hydroelectric project in Xalalá, the communities do not have adequate information nor were they adequately consulted. We call upon the State of Guatemala to guarantee the right to consultation and to recognize the legitimacy of community consultations conducted by the communities themselves, in accordance with ILO Convention 169. In this line, we remind the State of its responsibility to provide accurate, complete and objective information on relevant issues to the interested communities.

The expansion of agroindustrial monocrops is rapidly displacing small-scale agriculture, affecting food sovereignty and the rights of peasants and other populations living in rural areas. In some cases landgrabbing has also led to evictions, as in La Blanca. In the majority of cases, the evicted families lack access to basic services, such as healthcare, education or means of production, as we found evidence of in the Polochic Valley. These situations come about in a context of overall legal uncertainty regarding land tenure. In this regard, we reiterate the recommendation submitted by the Mission in 2010 to adopt Bill 4084 (Comprehensive Rural Development Act), which was widely promoted and solicited by the peasants movement and other sectors, and call on the State to guarantee the implementation of the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

Another distressing issue related to extractive projects is pollution and the overall impact of these activities on water and other natural resources. The cases of San Rafael Las Flores, Polochic Valley and La Blanca illustrate this. The Mission urges the State of Guatemala to strengthen the capacities of the Ministry of the Environment and Natural Resources (MARN, for its initials in Spanish) and the Ministry of Energy and Mines (MEM), so as to guarantee that their policies and actions are coherent with international standards on human rights and the responsible use of natural resources, in this framework including the approval of impact studies and the granting of mining licenses, in line with the November 2014 recommendations of the United Nations Committee on Economic, Social and Cultural Rights.

The Mission notes with concern that the State does not fully comply with its duty to respect, protect and realize the human rights of its citizens. This breach is evident in the State's incapacity to guarantee the necessary conditions for a good faith dialogue and on equal footing with the communities, as verified in the La Puya case. Likewise, we have also taken note that private businesses are overtaking the competencies of the state to maintain public order or inappropriately influencing public areas, such as education and healthcare. On many occasions this shift has further ingrained the divisions within communities and contributes to the people's generalized distrust toward State institutions. The Mission has received information on cases of discrimination in access to education, work, and social programs against people who opposed extractive projects, for example in San Rafael Las Flores and the Polochic Valley.

The Mission is extremely concerned by the increase, since its last visit in 2010, in stigmatization, threats, violence and criminalization by the State and other actors of human rights defenders. Criminalization, which especially affects those defending economic, social, cultural and environmental rights (ESCER), is characterized by a lack of due process and the breach of the proportionality principle in the implementation of criminal law. Furthermore, the majority of attacks against human rights defenders remain in impunity due to the inefficient and partial judicial system. We have also received information of smear campaigns carried out against international organizations in different media outlets.

Several communities have reported to the Mission the excessive use of force, militarization, and the abuse of states of emergency as state responses to people defending their rights, just as in the La Puya case. We have also been informed of the involvement of private security forces in areas under the jurisdiction of public security authorities.

We highlight the situation of women, who are especially affected by violations of the rights to food, land, water and housing, since they are generally responsible for providing and preparing food and other domestic activities. We underscore the particular role of women in resistance movements and note with great concern the violent attacks carried out against them.

We noted continuity in the attention and support of the international cooperation for food insecurity in Guatemala. Nevertheless, cooperation must focus on tackling the real causes of hunger and poverty from a human rights approach. We are deeply concerned about the lack of coherence of the European Union's external commercial policies with human rights, especially in regard to its association agreement with Central America. We urge the international community to reinforce its efforts to protect human rights defenders.

We would like to express our gratitude to the communities, organizations, and civil society in Guatemala, as well as the state authorities and international community for their support in the preparation and realization of this Mission. The final Mission report will be presented before state authorities, the United Nations, the Inter-American Human Rights System and the European Union in the first half of 2015.

Guatemala, 3 December 2014