

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## **RIGHT TO LIFE AND HUMANE TREATMENT**

### **Women's Rights Activists Murdered in Petén**

06.03.07 Maria Cristina Gómez, 46, and her son Jose Luis Ryes Gómez, 27, were murdered by two unknown men in the San José neighborhood in El Chal, Petén. Maria Cristina Gómez was a staff member of the organization Ixqik, which works to stop violence against women and increase women's political participation in El Petén. Edit Corado Gómez, the daughter of María Cristina Gómez and an activist with Ixqik, was also seriously wounded in the attack. Other members of the organization have reportedly received phone calls threatening that they would meet the same fate if they continue to defend women's rights. The violence against the Gómez family appears to be retribution for their activism and a means to intimidate others who stand up for women's rights in Guatemala.

Various social organizations have pronounced their solidarity with the family of the victims and the affected organizations. They have also denounced that since 2005, Ixqik has suffered from a series of threats and acts of intimidation. The organizations demand that authorities undergo an investigation and punish those responsible.

### **Politician Victim of Assassination Attempt**

06.01.07 Rolando Pérez, a departmental secretary from the Patriotic Party (PP) and a candidate for Congress in San Miguel Dueñas, Sacatepéquez, was the victim of an assassination attempt when unknown assailants threw an explosive toward his home. Pérez said that he and his family members ran out of the house in time to save themselves. The explosive damaged a vehicle that was parked

inside the walls of the property. The damages totaled 25,000 quetzals (approximately \$3,270).

Days before the attempted assassination Pérez had visited various government institutions to verify spending on projects that the departmental government oversees.

### **PDH Confirms Abuse in Police Detention Centers**

06.07.07 Lila Blanco from the Human Rights Ombudsman's Office announced that accusations of robbery and extortion in police detention centers continue, although the numbers have reduced. There were fifty-three accusations in January, sixty-five in February, sixty-three in March, and thirty-two in April. Blanco indicated that the police handled 80% of the cases while district attorneys and judges handled the rest.

### **GAM Reports on January to May Violence**

06.09.07 The Mutual Support Group (GAM) issued a report on human rights violations in Guatemala from January through May of 2007. The report highlighted the increasing number of crimes, particularly those against drivers and other public transportation workers. GAM acknowledged the possibility that the violence is part of a deliberate plan by politicians to create fear in the country in order to benefit the presidential candidates who can offer tough policies during their campaigns.

According to the report, there were 1,584 documented cases of human rights violations during this time period. The report also states that there was a decrease in violence in May, with eighty-eight fewer cases reported from April, although the reported 282 cases remains high.

Firearms were involved in the majority of cases in May, accounting for 237 cases. Eight cases were beatings, seven were strangulation, five involved knives, five involved the slitting of throats or

decapitation, and five were unknown.

The report also called attention to the alarming increase in political violence in the first five months of the year.

### **Victims of Hurricane Stan Still in Shelters**

06.09.07 One half of the 7,911 families that lost their homes to Hurricane Stan in October 2005 are still living in provisional shelters, according to the organization, Citizen Action (AC). These shelters do not have running water or electricity. The remainder of the families that lost their homes are either renting or have gone to live with family members, said Roberto Landaverry of AC.

AC has conducted a special investigation to determine if the new houses have been delayed for politically motivated reasons and to verify the quality of the construction materials. AC suspects that political nepotism and corruption may be affecting the reconstruction of homes for Stan victims.

### **Former Injured Soldiers Demand Pensions**

06.11.07 A group of former soldiers who were injured during the civil war protested in front of the Ministry of Defense in zone 10 of Guatemala City because several thousand of them have not received their pensions. Of the 1,600 injured combatants, only 600 were granted pensions in 2001 because only 600 transactions were permitted that year. The Center for Attention to the Disabled has not provided a list of the remaining thousands who have not received their pensions.

### **Restrictions on Organized Crime Passed**

06.12.07 Three regulations from of the Law against Organized Crime were passed with the intent to monitor organizations dedicated to extortion, kidnapping, narco-trafficking, and robbery. Accords 187-2001, 188-2007 and 189-2007 from the Ministry of the Interior will allow investigators to legally intercept phone calls and manage undercover agents.

### **Cases of Women Involved in Crime Increasing**

06.12.07 According to the National Civil Police (PNC), the number of women arrested for crimes such as extortion, kidnapping, and assault has increased. This year, the PNC has detained a total of 16,580 people, 1,481 of which were women

involved in robberies, transportation of illegal arms, kidnapping, and extortion. In kidnappings, for example, some women plan the crime, while others take care of the victims. Henry López, sub-director of the PNC, said that the trend of women being involved in all levels of organized crime is very worrisome.

### **Pre-Electoral Violence Increases**

06.12.07 Human Rights Ombudsman, Sergio Morales, expressed concern that political crimes have been increasing as the election date approaches. The Ombudsman's Office has registered to date a total of twenty-four assassinations of activists from various politically affiliated institutions.

According to the Institute of Political Studies (CEP), forty-four people involved with politics have experienced violence. The CEP suggests three possible sources of these crimes: narco-trafficking groups, organized crime, and rival party members.

### **Guatemala Chastised for Human Trafficking**

06.13.07 The United States Embassy reprimanded Guatemala for its ranking on the State Department's Tier 2 Watch List, which ranks a country's deficiency in combating human trafficking. The report said that, "Guatemala is a source, transit, and destination country for Guatemalans and Central Americans trafficked for the purposes of labor and commercial sexual exploitation. The Government of Guatemala does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Guatemala is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons, particularly in terms of convicting and sentencing human traffickers for their crimes."

Thirty-two trafficking-related cases were filed with the Public Prosecutor's Office in 2006. Twenty-eight investigations remain open and no convictions were reported for the year. This represents a significant decrease from 2005 when fifty prosecutions and fifteen convictions were obtained.

## **Murders of Bus Drivers Not Politically Motivated**

06.15.07 Over the last year, fifty-seven public bus drivers have been killed because they have refused to pay bribes to gang members. Each driver pays between 100 and 200 quetzals (approximately \$13 to \$26) weekly to avoid retaliation from the gangs. Most registered cases of this kind occur in zones 6, 18, 5, 7, and Villa Canales of Guatemala City.

Although Vice President Eduardo Stein has indicated that the attacks on the drivers could be politically motivated, Minister of the Interior, Adela Camacho de Torrerbiarte, and Attorney General, Juan Luis Florido dismissed this possibility. According to Florido, "There is no indication that members of political parties participated in these crimes. The investigations do not report this. This is general violence that has increased in the last several days."

600 National Civil Police (PNC) officers and 300 soldiers were recently added to a force of 2,400 to help bring security to public transportation.

## **WOMEN'S RIGHTS**

### **Guatemala Leads in Violent Deaths of Women**

06.14.07 According to a study by the Reina Sofia Center in Spain, more women die from violence in Guatemala than in any other country. So far this year, 122.8 out of every one million women older than fourteen have been murdered.

### **"More Women, More Politics" Campaign**

06.06.07 The United Nations (UN) and the Defense of Indigenous Women (DEMI) have launched a campaign called "More Women, Better Politics" to raise awareness about the importance of adding a female presence to Guatemala's political arena. The campaign is supported by international institutions, including the UN system in Guatemala, the UN Population Fund (UNFPA) and the UN Development Program, with the goal of having female candidates in the 2007 elections, as well as a high percentage of female voters.

Nadine Gasman, representative of the UNFPA, said that now is the time for political parties to recognize how important it is for women to run for public office, and emphasized that women should run for seats that they are more likely to win (i.e., seats without an incumbent).

María Teresa Zapeta, representative of DEMI, emphasized that indigenous women are mostly invisible in politics, as proven by the fact only fourteen out of 158 Congressional representatives are women, and only one of these is indigenous.

## **CHILDREN'S RIGHTS**

### **ILO Reports on Indigenous Child Labor**

06.13.07 According to the report "Child Labor and Indigenous Populations: The Case of Guatemala," published by the International Program for the Eradication of Child Labor of the International Labor Organization (ILO), 484,292 indigenous children and adolescents in Guatemala perform child labor. Over seventy percent of these children work in agriculture, principally in the cultivation of coffee, bananas, rubber, and sugar cane.

The report shows that high poverty levels force parents to put their children to work to make money for food and to pay off debts. By doing so, children are denied an opportunity for education, which in turn perpetuates the vicious cycle of poverty.

Gabriela Olguín, author of the study, highlighted the case of the Tzalam plantation in Joyabaj, Quiché, where entire families migrate to work on coffee fields. Olguín interviewed thirty-four children on the plantation. Eighty-eight percent of them migrated there in 2005 to work in the fields. Seventeen percent of the children interviewed said that they began to work cutting coffee between the ages of four and six; thirty-four percent began between seven and nine years; and thirty-four percent between the ages of ten and twelve. Fifteen percent could not remember how old they were.

Fifty-two percent of the children said that the quality of life on the coffee plantation is very poor. Ninety-three percent said that the work is dangerous and twenty-eight percent have suffered accidents during work, including falling, cuts from machetes, mosquito bites, snake bites, and almost all reported a problem of rashes or spots. Female children reported suffering burns during their work in the kitchen. Furthermore, the study found that the food rations are only provided to contracted adults, who are forced to share their rations with their children.

Guatemala has promised to eradicate the worst child labor practices by 2015 and to eliminate

child labor completely by 2020.

### **Congress Against the Mistreatment of Children**

06.01.07 The First National Congress Against the Mistreatment of Children came to an end after lengthy discussion. Topics included the need to reform the Penal Code and the weaknesses of the institutions in charge of taking care of children. Seven out of every ten children in Guatemala are victims of mistreatment or sexual abuse, and seventy percent of the approximately six million children in the country already have a public health problem.

The congress reported that projects such as the National Plan to Eradicate Social Violence, the Law of Protection of Children and Adolescents, and the National Plan to Keep Children Off the Streets have not proven adequate.

### **UN Urges Guatemala to Tighten Child Laws**

06.09.07 The Committee on Children's Rights of the UN Human Rights Commission said that Guatemala continues to allow the trafficking of children and the prostitution and pornography of minors. The Committee urged Guatemala to implement the legal changes necessary to rectify the situation, saying that changes would affect at least 15,000 minors. The committee also said that impunity levels are very high for crimes related to the selling of children for adoption, especially those that implicate authorities.

### **Child Abuse Statistics Show Scary Trends**

06.11.07 In seventy percent of the cases of child abuse reported in Guatemala, the mother is the principal aggressor, according to the First National Congress Against the Mistreatment of Children. The second most likely aggressor is the father and most of the 5,243 reported cases of child abuse took place at home.

According to the Network for the Prevention of the Mistreatment and Sexual Abuse of Children and Adolescents, the youngest children, between zero and three years of age, make up seventy percent of the cases of abuse. Verbal abuse is the most common method, followed by hits and burns. Threats, scarring, fractures, and tying children up are also methods used by parents to "discipline" their children.

## **INDIGENOUS RIGHTS**

### **Mayan Attorneys Want Change for Indigenous**

06.01.07 A group of Mayan attorneys analyzed the advantages and disadvantages of the Law of Council on Urban and Rural Development with regard to the participation of indigenous people in making decisions in their communities. Attorney Rigoberto Quemé Chay explained that the group wants to make the process of changing the constitution more democratic. They also want departmental governors to be elected by the population instead being appointed by the President. The lawyers also want all community consultations, not only about mining but also those that deal with life in the communities, to be binding and respected.

## **LABOR RIGHTS**

### **Municipal Workers Strike in Jalapa**

06.07.07 Approximately 280 municipal employees in Jalapa resolved to go on strike to publicize the failure of the local government to comply with the collective labor pact signed on September 19, 2006. They also insist that the workers are poorly treated by the municipal treasurer and that some reductions in their payments have not been explained.

### **Labor Dispute at San Juan de Dios Resolved**

06.08.07 The partial ongoing strike at the San Juan de Dios hospital, which began on June 5, ended after workers and health authorities came to an agreement. The union members had demanded that the number of employees for support services be increased and facilities for cooking and washing provided.

Luis Lara, secretary general of the Guatemalan National Union of Health Workers, reported that the workers were abandoning the strike. It was also agreed that thirty new service positions will be added.

## **MIGRANT RIGHTS**

### **Thousands of Guatemalans Likely to be Deported**

06.02.07 The International Organization for Migration (IOM) has estimated that no fewer than 25,000 undocumented Guatemalans living in the

US will be deported this year. The IOM warned authorities that most of the deportees will require humanitarian assistance and help to reenter the labor market.

Marta Altolaguirre, vice minister of Foreign Relations, said that the increase in deportations is a result of anti-migrant activity in the US. She said that 8,901 migrants have been sent back to Guatemala so far this year. The IOM reports that over 1.3 million Guatemalan migrants are in the US, most of them undocumented.

### **Remittances to Guatemala Increase Dramatically**

06.07.07 The Bank of Guatemala reported that remittances sent home by Guatemalans living abroad increased by 12.1% during the first five months of 2007 when compared to the same period last year.

Statistics show that the total for the year grew to \$1.6 billion, a historic record in remittances from the approximately 1.2 million residents living abroad, ninety-seven percent of whom live in the US. In May alone, Guatemalans sent \$392.9 million, an increase of 8.7% over that for the same month of 2006, when they sent \$361.3 million.

Estimates by the central bank indicate that the country will receive some \$4.2 billion this year. Last year, migrants sent \$3.6 billion, in itself a historic record above the \$2.9 billion sent during 2005.

## **SOCIAL, ECONOMIC, AND CULTURAL RIGHTS**

### **Modified Food Sickens Guatemalans**

06.11.07 The Association for the Promotion and Development of Rural Communities (CEIBA) reported that genetically modified products grown in the US have been distributed in Guatemala, causing adverse health reactions. More than twenty residents of Huehuetenango and Chiquimula developed skin rashes as a result of allergies to the genetically modified corn and soy. The US had donated the produce as a way of combating malnutrition. The products have now been withdrawn from the market.

### **Treatment for HIV/AIDS at Risk**

06.06.07 Approximately 4,500 patients in Guatemala are currently receiving antiretroviral

therapy to treat HIV. Organizations that work for the rights of patients with HIV/AIDS declared that the Ministry of Health has not fully guaranteed a permanent supply of medication. A press release from several organizations said that the lack of medication has caused therapy to be suspended for many patients, putting their health gravely at risk. The organizations also reminded the government that Guatemalan law requires that sufficient money be budgeted to fight and treat HIV/AIDS.

## **RIGHT TO JUSTICE**

### **Chiquita Accused of Human Rights Violations**

06.09.07 La Casa de la Cultura de Guatemala in Los Angeles, which represents Guatemalan refugees in the US, reported that they plan to present formal allegations before the Supreme Court of Justice against Chiquita Banana, which maintains operations in Guatemala under the name Del Monte, for alleged human rights violations as well as for conspiracy and complicity in murders committed during the Guatemalan civil war.

Byron Vásquez, director of La Casa, said that the civil war was commercially motivated and was a conspiracy to maintain the interests of the United Fruit Company. He said that the business financed the government and could get rid of or choose government officials at its will. La Casa wants to build the necessary legal bases in order to determine who was responsible so that justice will be served. It is unjust that Guatemalans who have been victims of a political and commercial conspiracy are being told by the US that they cannot be here, Vásquez said.

## **LEGAL CASE UPDATES**

### **Court Upholds Spain's Right to Try Guevara**

05.31.07 The First Court of Appeals has upheld the decision of the Fifth Sentencing Court, which determined that Spain has the authority to try general Ángel Aníbal Guevara, former Minister of Defense. The new resolution was handed down in response to an appeal presented by Guevara's defense attorneys against the decision of the Fifth Court. That court had previously determined that Spain could try Guevara, four other military personnel, and two civilians for crimes of genocide committed during the internal armed conflict.

### **Legal Case Against Portillo Suspended**

06.12.07 The Constitutional Court ordered the Fifth Penal Court to suspend all proceedings against former president Alfonso Portillo. Since 2004, Portillo has been under investigation for an apparent embezzlement of 906 million quetzals (approximately \$118 million) in military funding. On February 27, 2001, he authorized a 120 million quetzal increase in the military budget (approximately \$15 million). Thirty-seven million quetzals (\$4.8 million) from this increase were then diverted to the National Mortgage Bank (*Crédito Hipotecario Nacional*) through the Finance Department of the Ministry of Defense.

The Ombudsman's Office and the Ministry of Foreign Relations are now seeking to revoke the suspension in proceedings against Portillo, who lives in exile in Mexico. Requesting an appeal, the Public Prosecutor's Office asked a court to reverse the judgment of the court and extradite the former president to Guatemala

## **RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT**

### **Congress Makes Call to Save the Environment**

06.05.07 The Guatemalan Congress issued a call for Guatemalans to join projects that protect forests, springs, water basins, and other sources of water. The legislature also asked the government to intensify its efforts to bring existing laws into compliance through regulations to protect air quality, water, and the ecosystems that become more and more devastated. Congress noted that deforestation, the draining of lakes and rivers, and the risk of extinction of many vegetable and animal species are signs that the public should be aware of its relationship with and the importance of care for nature.

### **Strategy Proposed to Preserve Mayan Biosphere**

06.05.07 The National Commission of Protected Areas (CONAP) presented a plan to protect the area east of the Biospheric Mayan Reserve in Petén. The plan proposes installing five operation centers to protect 700,000 hectares, as well as to prevent the depletion of wood, flora, and fauna and to halt the illegal trafficking and theft of archeological objects.

César Vinicio Montero, regional director of CONAP, said that the areas slated for protection are Yaxhá, Tikal, Mirador del Río Azul, and the Biotopo Zotz. Three hundred military units will be installed to protect these regions, along with fifty police from the Division for the Protection of Nature and two environmental attorneys who will follow up on the judicial processes.

### **Rains Threaten 800 Neighborhoods**

06.06.07 At least 800 neighborhoods, 400 of which are in the metropolitan area, are in imminent danger from the rainy season, warned authorities of the National Coordinating Committee for the Reduction of Disasters (CONRED). These high-risk areas are located under bridges, on riverbanks, or on sloped ground.

Approximately sixty neighborhoods in the metropolitan area are considered to be at high risk and twelve of them are in need of special attention and contingency plans. The National Institute of Vulcanology, Meteorology, and Hydrology has recorded very high levels of precipitation in 2007; eighty-four percent more rain fell in May than the average, for example.

CONRED maintains a yellow alert in fourteen departments for potential emergency situations.

### **San Juan Sacatepéquez Still Opposes Mining**

06.12.07 The community of San Juan Sacatepéquez carried out a massive march in front of the city government to protest efforts to install a mine in their community that would convert their land into desert, spoil their water sources, and contaminate streets and houses with dust and debris. The march took place in reaction to a decision by the Constitutional Court that the results of a popular poll taken in the community were non-binding. The poll, conducted May 13, showed that twelve communities in the area are actively opposed to mining.

## OTHER INFORMATION

### **CNAP Gives Support to CICIG**

06.01.07 The National Council for the Compliance of the Peace Accords (CNAP) confirmed that the International Commission Against Impunity in Guatemala (CICIG) is compatible with the Peace Accords and would contribute to the strengthening of justice and the protection of human rights in Guatemala. Gabriel Heredia, president of CNAP, explained that the conclusion was reached during a workshop conducted by the CNAP's Commission on Human Rights, Security, and Justice to analyze the opinion recently provided by the Constitutional Court.

One of the mandates of CICIG is the investigation and persecution of crimes carried out by illegal groups and clandestine security organizations, which fulfills the recommendation by the Historical Clarification Commission (CEH), said CNAP.

CNAP called on Congress to approve the CICIG and stressed its importance to the State and Guatemalan society. Nevertheless, the representatives did not address the issue of CICIG during the Congress's first extraordinary session due to a lack of a quorum.

European parliament member Willy Meyer also urged the Guatemalan Congress to ratify the CICIG. At the request of Meyer, various European diplomats sent letters to Rubén Darío Morales, President of the Congress, and Zury Ríos Montt, President of the Commission on Foreign Issues, congratulating them on the favorable opinion of the CICIG given by the Constitutional Court on May 8.

### **Central America Complies with Labor Standards**

06.04.07 The International Labor Organization (ILO) has reported that Central America has been one of the most compliant regions in the world to the requirements set forth by the ILO.

Representatives of the employment sector in Central America agree that there have been substantial advances in the labor field, although unions argue that there are flagrant labor violations occurring in Guatemala and Costa Rica. Regarding the topic of child labor, the ILO recognizes that constitutional laws within the five countries

prohibit forced labor and establish limits with regard to the employment of minors.

Guatemala, Honduras, Nicaragua and Costa Rica have ratified the eight main conventions of the ILO. El Salvador has ratified six.

### **PDH Protests Judicial Inactivity in San Antonio**

06.13.07 The Human Rights Ombudsman's Office (PDH) presented a petition to the Judiciary citing the government's lack of response to the needs of the San Antonio neighborhood in zone 6 of Guatemala City that is sinking into the earth. The PDH demanded safe homes for those affected, reconstruction of damaged drains, and compensation for the families. The government has extended its declaration that San Antonio is in a state emergency for the next thirty days.

### **Youth Celebrate World Anti-Tobacco Day**

05.31.07 Hundreds of children and youth participated in the celebration of World Anti-Tobacco Day that took place in the Plaza de la Constitución, stressing that seven billion young people around the world breathe air contaminated by tobacco. In light of this statistic, the theme of the celebration was how to protect non-smokers, most of whom are under-aged and likely to contract illnesses related to smoking.



*Founded in 1982, the Guatemala Human Rights Commission/USA is a nonprofit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala, advocates for and supports survivors of the abuses, and works toward positive systemic change.*

*Information in the UPDATE that is not gathered directly is culled from various sources, including the Comisión de Derechos Humanos de Guatemala, Casa Alianza, Albedrío, Amnesty International, Associated Press, Reuters, and Guatemalan news sources, such as Cerigua, Centro de Estudios de Guatemala, Incidencia Democrática, Prensa Libre, El Periódico, La Hora, and Siglo Veintiuno.*

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