

# Guatemala Human Rights UPDATE

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### Campaign Marked by Political Violence

08.30.07 Violence in Guatemala, which claimed the lives of 5,885 people in 2006 according to the Ministry of the Interior, has extended to the political sector during this year's electoral cycle. According to the Organization of American States (OAS), twenty candidates have been murdered since January, although other groups report forty-two murders of political affiliates, including activists, relatives of candidates, and allies. The Public Prosecutor's Office (MP) links this political violence to an increase in organized crime and illicit drug traffickers, who are working to strengthen their positions within the political system.

As a result of the violence, President Óscar Berger ordered security to be doubled in sixty municipalities. Some 12,300 security forces will be sent to conflictive zones in the eastern, western, and southern regions of the country. In these areas, electoral violence has been connected to strong rivalries among parties, the influence of drug lords, and ethnic and territorial conflicts. The Guatemalan Episcopal Conference (CEG) is concerned about violence and the public's apathetic attitude toward voting. With only 64% saying that they will vote, CEG called abstention "socially irresponsible" and reiterated that Guatemalans should not vote for candidates with suspected ties to narcotrafficking. Amnesty International (AI) also issued a letter to the presidential candidates, urging them to stop the political violence and to put an end to impunity, which has been a dark legacy left over from the thirty-six-year armed conflict.

### Alleged Murderer Rescued from Lynching

08.16.07 Approximately five hundred people attempted to lynch Francisco Aguilar Cruz, 18, in the central park of San Juan Cotzal, Quiché. Residents accused him of killing Miguel de la Cruz Toma, 20, and set Aguilar Cruz on fire. Aguilar Cruz was brought to the local hospital in Santa Cruz, Quiché with burns covering 80% of his body.

### Alleged Kidnapper Forced to Commit Murder

08.17.07 An angry mob in San Martín Jilotepeque, Chimaltenango forced an alleged kidnapper to murder an accused criminal. According to the local mayor, Nery Orlando Ruano, the incident began when three men kidnapped council member Armando Velásquez as he was leaving his home. In defense of Velásquez, local residents captured one of the alleged kidnappers, Edwin Leonel Chonay, and then beat him in the center of town. During the incident, a man who was well known for committing fraud in the community walked into the crowd. The mob attacked the man, covered him in gasoline, and then tied him to a post. The crowd then forced Chonay to choke the second victim to death and set his body on fire. Witnesses confirmed that the mob threatened Chonay that if he did not participate in the crime he would also be murdered. Residents watched as the body burned while Chonay sat on a bench and awaited his own fate. Chonay was handed over to the National Civil Police (PNC) and was later taken to the National Hospital in Chimaltenango for medical treatment.

### Lynching of Accused Criminals Continues

08.23.07 Residents of Cobán, Alta Verapaz captured and attacked Mario Xoná, 30, and Héctor Ico, 48, after they were caught stealing. The National Civil Police (PNC) intervened just before the victims were burned alive. In a separate incident in San

Juan Chamelco, Alta Verapaz, a crowd of local residents beat Mateo Xo Sis, 26, and Sebastián Cuc Tut, 28, who were accused of stealing livestock in the community. The alleged thieves were stripped, tied up, and then forced to walk through the village. They were later turned over to the police. Another alleged thief was beaten by a local mob in Santa Cruz, Quiché. Enoc Ventura Osorio, 18, was attacked after he was seen breaking a car window. He was later handed over to the police.

### **PDH Ombudsman Receives Threats**

08.18.07 Human Rights Ombudsman Sergio Morales reported to the Public Prosecutor's Office (MP) that he has received several death threats, including threatening phone calls. On the evening of August 14, he noticed that several cables in his car engine had been cut. Later, Morales received text messages that said, "The car may be armored, but the person in it is not."

### **Guns Cause 1,011 Deaths So Far in 2007**

08.19.07 According to an investigation carried out by Guatemalan newspaper *Prensa Libre*, firearms have caused the deaths of 1,011 people so far this year. Illegal gun ownership has become an epidemic that has yet to be addressed by Guatemala's weak legal system. The Sustainable Development Teaching Institute reports that more than 800,000 unregistered weapons are in circulation, including light arms and assault weapons. The Program for Security and Peace Building, part of International Alert and the United Nations (UN), reports that Guatemala has at least 1.5 million illegal arms, while only 19,000 gun licenses were issued between January 2006 and July 2007. Of the 1,955 illegal arms trafficking cases brought to trial in 2006, only seventy people were convicted. Of the 663 cases brought to trial in 2007, only three people have been convicted. Those who were found guilty received light sentences. The Firearms and Munitions Law, which regulates the trafficking of arms in Guatemala, is currently under its third review by Congress.

### **Election Officials Threatened**

08.22.07 Magistrate Roberto Aníbal Valenzuela reported that delegates from four departmental headquarters of the Supreme Electoral Tribunal

(TSE) have abandoned their posts due to intimidations and personal threats. Valenzuela said that TSE workers in Estanzuela, Zacapa, El Estor, in Livingston, Izabal, and in Milpas Altas, Sacatepéquez, have been the targets of violence that appears to be political in nature. Furthermore, sixty-five mayors seeking re-election have received death threats. The National Association of Municipalities (ANAM) expressed its concern over the political violence that has occurred in the last several months.

### **OAS Concerned About Political Violence**

08.23.07 Diego García Sayán, head of the Organization of American States (OAS) electoral observation mission, met with Guatemalan Vice President Eduardo Stein to discuss the mission's concerns regarding the violence inflicted upon political activists and candidates during the electoral cycle.

### **Locals Clash With Police**

08.27.07 A confrontation between an angry mob and security forces in Cubulco, Baja Verapaz, killed two people, one of them a child, while wounding six others, and destroying the local mayor's home. Locals became upset when Mayor Rolando Rivera, a member of the Patriot Party (PP), decided to remodel the central park two weeks before the general elections in an attempt to persuade voters to reelect him to office.

### **Bus Driver and Assistant Killed**

08.27.07 Bus driver Virnes Elisandro Grijalba, 26, and his assistant, Daniel Dubón González, 21, were shot and killed by assailants posing as passengers in Ciudad Quetzal, just outside of Guatemala City. In protest, bus drivers blocked the local highway for two hours demanding better security for drivers.

### **URNG-MAIZ Activists Assaulted**

08.29.07 The leftist alliance, Guatemalan National Revolutionary Union - Broad Left-Wing Movement (URNG-MAIZ) reported that Marcos Lucas García was found unconscious in the street on August 27, with multiple wounds to his head and abdomen. Lucas García is the URNG-MAIZ candidate for the local council in San Juan Ixcoy, Huehuetenango. In another incident, several people threatened URNG-MAIZ congressional candidate Alfredo de León

while he was posting political propaganda for his party. An unknown assailant pointed a gun at his head and demanded that he hand over his cell phone.

## WOMEN'S RIGHTS

### Women Poorly Represented in Campaigns

08.24.07 The Electoral Technical Assistance Program of the Organization of American States (OAS) reported that only 3,762 of the 29,821 (12.6%) candidates running in the September 9th elections are women. The Guatemalan National Revolutionary Union-Broad Left-Wing Movement (URNG-MAIZ) and the Encounter for Guatemala (EG) have a higher percentage of female candidates at the municipal level compared to other political parties. The National Unity of Hope (UNE) has 392 female candidates. The Patriot Party (PP) and the Union for National Change (UCN) have 328 female candidates respectively, while the Alliance for a New Nation (ANN) has 175. In terms of female congressional candidates running for district seats, the districts that have the most female candidates are Guatemala City, El Progreso, and Sacatepéquez. The political groups with the most women running for district seats are the Guatemalan Republican Front (FRG), with 31%, and the Guatemalan Christian Democrats (DCG), with 29.9%. According to the OAS, Guatemala ranks below the world average in terms of elected positions occupied by women. The world average is 16.6% of females elected to political offices, while the average in Guatemala is only 8.9%.

## CHILDREN'S RIGHTS

### Child Labor Increases in Chimaltenango

08.20.07 The number of children and adolescents who work in the department of Chimaltenango has risen over last year, according to the Support Center for Local Development. Out of Chimaltenango's total population of 500,000, there are approximately 5,500 children and adolescents between the ages of seven and thirteen (1.3% of the total population) who work, stated Gabriel Celada from the Support Center. Their jobs include selling candy, shining shoes, and loading and unloading merchandise from buses and trucks in the market, among other tasks. Celada commented that minors often have to work

because their families live in extreme poverty. Celada did note that sometimes parents force their children to work.

### Lawyers Arrested in Child Theft Case

08.23.07 Police arrested two lawyers, Sandra Patricia Leonardo López and Vilma Desiré Zamora Pérez, for their alleged involvement in the kidnapping and trafficking of forty-six minors. Police rescued the children from Casa Quivirá, a group foster home, on August 11. According to Prosecutor Álex Colop, authorities found irregularities in the paperwork for all of the children found in the residence. Upon arrest, the two women were admitted to a hospital due to alleged gastrointestinal problems, and on August 21 they were released on a bond of Q20,000 (US \$2667) each. Authorities are investigating whether the birth mothers were tricked, pressured or bribed into giving up their children. The prosecution has established that several of the babies came from Mazatenango and Retalhuleu. According to Colop, local doctors and civil registers are being investigated in those areas. The Public Prosecutor's Office (MP) petitioned the court in Antigua, Guatemala to change the charges for the defendants from child theft to human trafficking.

### Street Children in Need of More Protection

08.23.07 More than four thousand street children in Guatemala City are harassed by police each year, while being excluded by the government and political parties, said Claudia Rivera, director of Covenant House Guatemala at a forum about the issue. Rivera recommended that authorities enforce the Integral Protection Law for Children and Adolescents, and that criminal codes be reformed to increase the sentences for the attempted murder or abuse of street children. Calixto Morales, congressional candidate for the Guatemalan National Revolutionary Union - Broad Left-Wing Movement (URNG-MAIZ), added that the National Commission for Children and Adolescents needs an additional Q300,000 (US \$40,000) in order to function properly.

### Covenant House Requests Hearing with IACHR

08.24.07 Covenant House announced that the organization has requested a hearing with the Inter-American Commission on Human Rights in order to

discuss the problems that children face in Guatemala, particularly abuses that occur in adoption situations. The Attorney General's Office (PGN) authorized 29,228 adoptions between 1997 and July of 2007, the majority of which were to US families. Covenant House reported that each adoption provides at least US \$20,000 in income to lawyers and owners of the temporary foster care facilities where children are placed during the process. Marcela Martino, lawyer for the Center for Justice and International Law, headquartered in Costa Rica, said that Covenant House would request that adoptions be placed on hold until the new adoption laws come into effect.

### **One Million Minors at Work in Guatemala**

08.28.07 One million Guatemalan children and adolescents work in substandard conditions that include abuse, exploitation, and low salaries, according to a study carried out by the International Labor Organization (ILO). "In Guatemala, most of the children who work are between the ages of 10 and 12, including girls, who are employed as domestic servants, and are equally exploited," said Rigoberto Astorga, coordinator of a project that seeks to eliminate the most severe cases of child labor in the region.

### **Severe Child Malnutrition Reported**

08.24.07 Nine children with respiratory deficiencies and severe malnutrition were taken to a nutrition center in Río Hondo, Zacapa, after a long journey from the town of La Unión, where 5,000 residents face food shortages. The children suffered from anemia and their weight and height were below average. This year, twenty-five severely malnourished children from Zacapa, Chiquimula, and Izabal have been sent to the nutrition center. Daniel Humberto Sosa, mayor of La Unión, said that there may be another one hundred children with severe malnourishment in nearby communities, but only ten of the fifty-three communities affected in the area have been visited so far.

According to data from the Secretariat for Food Security (SESAN), of the 1,987 children under the age of five who have been evaluated in Zacapa, five suffer from severe malnutrition and twenty from acute malnutrition. Another 348 are at-risk for acute malnutrition, although this is not considered to be an emergency situation. The remaining sixty percent of

the children in the municipality will be evaluated at the end of August and the beginning of September. Iván Mendoza, director of the Ministry of Health's Food Security Program, stated that they have been forced to intervene in three other municipalities since June due to an increase in malnutrition cases. President Óscar Berger downplayed the food shortage problem by stating that there are few cases where famine and malnutrition appear in minors. According to SESAN, there are eighty-three municipalities in Guatemala at risk for chronic malnutrition levels in children.

A recent study by the World Food Program (WFP) and the Economic Commission for Latin America and the Caribbean (ECLAC) estimates that child malnutrition in Central American negatively affects the region's economy by US \$6.6 million, since malnutrition impacts the health, education, and productivity of children. The report also states that Guatemala is one of only three countries in which the child malnutrition rate has risen in the last several years. The study emphasizes that long term strategies to address the issue in Guatemala must be met with policies and programs that are sustainable, effective, efficient, and that generate considerable economic benefits.

## **LABOR RIGHTS**

### **Labor Rights Disrespected in Guatemala**

08.20.07 Labor organizations have reported that there is a lack of political will to enforce labor laws in Guatemala, which translates into a deterioration of working conditions. According to labor expert Alejandro Argueta, respect for labor rights in Guatemala has deteriorated. Working conditions on a national level are very sobering, however, the situation is even worse in rural areas, said Senaida Cosaguá who is in charge of gender issues for the Campesino Unity Committee (CUC). Casaguá stated that, "Female workers in rural areas suffer from discrimination. Even when they do the same job that men do, their work is not recognized on payday because they are seen as 'helpers' and not workers." Cosaguá also commented that some employers avoid paying benefits by hiring men for three months on probation, and then offering them a new contract after three months, but again on probation. Unionists have rejected the government's attempt to base minimum wages on

productivity levels because they say that the practice goes against labor laws. The minimum wage for rural workers is currently Q1,337 (US \$172.27) per month for agricultural work and Q1,374 (US \$183.20) per month for non-agricultural work. The cost per month for staple goods, however, is more than Q2500 (US \$333.33). Last year the government increased minimum wages by 5% in order to cover the increase in cost of living.

## CAMPESINO RIGHTS

### Rural Development Bill Presented

08.23.07 Campesino and indigenous organizations have presented a bill to Congress for a rural development law that they hope will improve their agricultural situation. The bill includes plans to transform the agrarian structure and strengthen small and medium-sized campesino and indigenous rural harvests. The bill would also accelerate the process of registering campesino land located on national plantations and vacant lands. In addition, the bill includes plans to review and resolve agrarian conflicts, to take action to recover lands acquired in irregular or fraudulent ways, to execute a technical process for land surveys, and to identify the excesses on private, national and municipal plantations. The bill is supported by the Catholic Church, the San Carlos University of Guatemala (USAC), the Latin American Faculty for Social Sciences (FLACSO), and the Human Rights Ombudsman Office (PDH).

## MIGRANT RIGHTS

### Immigrants Defend Themselves From Police

08.16.07 Authorities from Mexico's National Immigration Institute began an operation to arrest and deport approximately six thousand undocumented persons who have been stuck at a border zone between Guatemala and Mexico, waiting for a train to take them to the US border. The operation included support from three hundred federal and state security forces and the Mexican army. The immigrants, armed with sticks, rocks, and bottles, fought back against the army and the police who attempted to capture and deport them. Before the skirmish broke out, the National Immigration Institute had provided the group of migrants, which included Guatemalans, with water, food, and medical care.

### Work Program Ineffective

08.18.07 Only 204 of the 14,666 Guatemalans deported from the US in 2007 have found jobs under the Ministry of Foreign Relations and the Ministry of Labor's joint work program to assist deported Guatemalans. Ana María Méndez, from the Immigrant and Uprooted Peoples' Defense Office, a section of the Human Rights Ombudsman Office (PDH), expressed her concern that neither the government nor the presidential candidates or congressional candidates have adequately addressed the problem.

### Immigrants Continue to be Arrested

08.23.07 Authorities from Mexico's National Immigration Institute reported that 178 Central Americans, including seventy-eight Guatemalans, were detained in the Mexican state of Chiapas. They were discovered in a truck traveling toward Veracruz. In another incident, immigration authorities in Tar Heel, North Carolina captured twenty-eight people working in the Smithfield Foods meat processing plant. Those captured, including two Guatemalans, are under investigation for using stolen identity papers.

### Labor Laws Violated in Mexico

08.27.07 More than one hundred Guatemalan indigenous campesinos have not been paid for the work that they did on several plantations in Chiapas, Mexico. They have worked for the last two months under substandard conditions. Mexican plantation owners hire Guatemalan agricultural workers to come and work on their ranches and plantations due to worker shortages in Chiapas, according to Mexican newspaper, *El Universal*. The workers are demanding that Mexican President Felipe Calderón intervene on their behalf.

### Deportations Continue

08.31.07 According to statistics provided by the General Migration Office in Guatemala, 15,474 Guatemalans were deported from the US as of August 31, 2007. Of that total, 1,920 are women (12.4%), 644 are boys (4.1%), 113 are girls (.7%), and the rest are adult males (82.8%). Authorities estimate that by the end of 2007, some 24,000 Guatemalans will have been deported.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### Spending on Social Programs is Insufficient

08.17.07 Congresswoman Nineth Montenegro, from the Encounter for Guatemala (EG) party, presented her budget analysis of the Guatemalan government's spending for the year through August 15. According to Montenegro, certain budgeted resources in the different state agencies have not been used properly, particularly those reserved for social programs. She called the government "incapable," because leaders have transferred funds from the budget to other areas or projects that differ from the original designated items. One example of this is the transfer of more than Q200 million (US \$26.6 million) last year from the Ministries of the Interior and Education to the remodeling project of Aurora International Airport. Montenegro also questioned the amount of funds designated for the purchase of school textbooks, which was cut by Q39 million (US \$5.2 million). According to Education Vice Minister Miriam Castañeda, those funds were used to train teachers on how to use the math books.

### Crisis in National Hospitals Continues

08.22.07 According to the Human Rights Ombudsman's Office (PDH), fourteen hospitals in Guatemala lack more than twenty-six basic supplies and report a scarcity of 69% of medicines. Of a minimum list of 240 drugs that hospitals should have on hand, hospitals had an average of 147. More than 42% of hospitals reported containing insufficient medical equipment. Of the additional resources that were designated less than a month ago by the Ministry of Health, the San Juan de Dios hospital in Guatemala City had already spent the Q10 million (US \$1.3 million) that it received.

### Guatemalan Education Record Remains Poor

08.27.07 The National Survey on Living Conditions (ENCOVI) reported that Guatemalans average only four years of schooling, which means that most Guatemalans do not even reach sixth grade. According to ECOVI, Guatemala's poor academic record may be explained by the fact that Guatemalan administrations have centered their attention on extending primary education and have turned their

attention away from fifth and sixth grades. Illiteracy rates, however, have declined in recent years. Only 24% of the total population is unable to read and write.

## RIGHT TO JUSTICE

### Campesinos Demand Murder Investigation

08.16.07 The Verapaz Union of Campesino Organizations (UVOC) demanded that the government move forward in its investigation into the intellectual and material authors of the campesinos killed during forced land evictions on the Moca finca (plantation) in Senahú, Alta Verapaz in 2006. UVOC blames the government for the incidents, which began on February 1, 2006, when more than 280 families were violently evicted from the Moca finca. On February 4, the plantation's private security agents then attacked four workers on the finca. On July 8, 2006, a group of six hundred people working for the plantation owners again attacked the campesinos. According to UVOC, aggressors indiscriminately fired at people during this attack, and also used machetes, sticks and rocks against the farmers. Eight people were wounded and one person was killed during the attack. Another campesino leader died one year later on August 6, 2007 from wounds that he received during the incident. The forced eviction was a result of land disputes that have plagued Guatemala for centuries.

### Commission to Look for Disappeared Approved

08.29.07 The Public Finance and Monetary Commission of the Guatemalan Congress approved a bill that will create the Commission to Search for Victims who were Forcibly and Otherwise Disappeared. It is estimated that there could be as many as 45,000 victims who were forcibly disappeared during the thirty-six year internal armed conflict.

## RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

### Environmental Network Created

08.16.07 Governmental and non-governmental institutions have created the Guatemalan Network for Environmental Services so that the communities

that protect natural resources can receive compensation for their efforts. Lorena Córdova, from the National Forestry Institute, explained that the network would support communities so that they can develop conservation projects for forests, water, soils, landscaping, and endangered species.

### **Mining Company Contaminates Water Supply**

08.21.07 Members of different civil society organizations reported that the Quivichil spring and the Cuijco River have been contaminated by the Montana mining company's exploration in the area. According to a letter sent to the Ministry of Energy and Mining and the Ministry of the Environment and Natural Resources, Montana is dumping residual waste from its mine into the Quivichil spring and the Cuijco River, with the acquiescence of the two Ministries. The document emphasized that the residual waste dumped into these important water sources could contain elevated levels of heavy metals and other toxic waste that could harm people's health. The letter included signatures by Álvaro Ramazzini, bishop of San Marcos; Rodolfo Bobadilla, bishop of Huehuetenango; the Association of Indigenous Mayors and Authorities; the Association for Promoting Community Development; The Association of Friends of Lake Izabal; and the National Indigenous and Campesino Coordinating Committee (CONIC).

### **Water Sources Drying Up**

08.24.07 The World Conservation Union (IUCN) reported that Guatemala's water sources are rapidly drying up, and those that still exist are contaminated. Unregulated logging and deforestation near rivers and lakes are causing springs to dry up, leaving many people without access to water. According to Giselle Rodríguez, coordinator of the World Conservation Union, Guatemala must create strategies to conserve water sources.

## **OTHER INFORMATION**

### **Heavy Rains Place Homes at Risk**

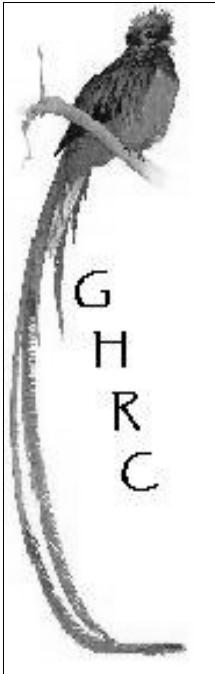
08.16.07 More than nine hundred victims of a recent storm that ripped through Guatemala are living in shelters, waiting for assistance. The National Coordination for Disaster Reduction

(CONRED) documented 1,600 victims from this storm. José López, governor of Alta Verapaz, expressed concern that food supplies are running low. Eight roads remain blocked due to debris. Due to the rains, a fault measuring five hundred meters opened on the peak of a mountain where most of the residents of Nueva Esperanza, Cobán, Alta Verapaz live. Fault lines also opened along the sides of the mountain, placing 245 homes at risk of being buried. Of 987 houses, 70% remain at a high risk of being destroyed. Approximately two hundred families (845 people) left their homes and are staying in five shelters. Others are staying with relatives.

Furthermore, a landslide on August 14 in Quiché damaged ten homes and put five more at risk of destruction. The road from Nebaj to Cotzal and Chajul was also blocked. Authorities from CONRED announced an orange alert for the departments of Alta and Baja Verapaz, Quiché, Huehuetenango, and San Marcos. The Guatemalan Congress approved a resolution that recommended authorities declare the department of Alta Verapaz in a state of emergency due to the damage caused by the rains.

### **Human Rights Ombudsman Takes Office**

08.20.07 Human Rights Ombudsman (PDH) Sergio Morales Alvarado officially took office for his second term. In his speech, Morales said that the government is responsible, by complacency or apathy, for the violent deaths that have recently occurred in Guatemala. There have been 22,790 murders during his prior term, representing an average of fourteen homicides per day. There were 3,230 murders in 2001, while in 2006 the number rose to 5,884. During the first six months of 2007, authorities have documented 2,857 murders. Morales also unveiled the PDH's strategic plan for 2008-2012, emphasizing the need to bring the institution closer to the people and offering attention to victims of human rights violations.



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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**Insert: Guatemalan Elections Covered by Washington Post**