

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Plan Introduced to Reduce Juvenile Delinquency

10.16.07 Guatemalan Minister of the Interior, Adela Camacho de Torrebiarte, introduced a plan to other Central American ministers to reduce juvenile delinquency throughout the region. The plan includes fostering equal treatment of youth, promoting family stability through the implementation of public policies, and creating community services to address the current problems. This plan will also provide sensitivity training to security forces on issues pertaining to juvenile delinquency. Special attention will be given to creating educational opportunities for at-risk youth, improving conditions in juvenile detention centers, and reinforcing rehabilitation services.

War Victims Threatened

10.17.07 Relatives of massacre victims in Alta Verapaz, one of the hardest hit areas during the internal armed conflict, have recently been threatened and persecuted by former military commissioners and their collaborators. The assailants attempted to forcibly persuade the families to abandon their efforts to exhume mass graves and obtain compensation for the loss of their loved ones during the war.

In particular, families living in the hamlets of Chix Balamté and El Chioyal, in Cahabón, Alta Verapaz received death threats. In one recent incident, former civil patrollers Antonio López Chub and Alejandro López Chub told the families, "Don't return to your community because they are going to kill you." In La Planada, a village in Chisec, Alta Verapaz, former civil patrollers (PACs) blocked forensic anthropologists and authorities

from entering an exhumation in progress of one clandestine cemetery.

The Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA) publicly denounced these incidents and demanded that the Guatemalan government hold the former military personnel and ex-PACs accountable for their actions and safeguard the lives of the war victims.

Violent Deaths Rise for Women and Minors

10.18.07 Murder rates are on the rise for two segments of the population in Guatemala: women and minors. According to Congresswoman Nineth Montenegro, member of the Encounter for Guatemala party (EG), more than 689 female and male youth have been killed in the past nine months, an increase of 221 over the same period in 2006.

Community Leaders Threatened

10.18.07 Community leaders from Camotán, Chiquimula have suffered acts of intimidation by armed men patrolling the streets outside leaders' homes. The Chortí Campesino Collective reported that Hugo de León and Geovani Rubayos, who claim to be engineers, arrived in Camotán and began to take samples of lead deposits on a privately owned plot. According to the Collective, de León and Rubayos never specified which mining company they represented. De León and Rubayos allegedly hired forty temporary workers from neighboring communities, provided them weapons, and employed them to patrol the streets in front of houses belonging to the community leaders opposed to mining. On several occasions, the community leaders have publicly denounced the negative impact that mining would have on the environment, culture, and health of locals. Leaders believe that the acts of intimidation and surveillance are linked to their public commitment against mining.

Crimes on the Rise in Petén

10.22.07 National Civil Police (PNC) statistics from the first half of 2007 indicate that Petén has become the third most violent department in the country, after the departments of Guatemala and Escuintla. Homicides in the region have been carried out with firearms, knives, blunt weapons, strangulation or lynching. One hundred ninety incidents were reported in six months, up from ninety reported in the same period of 2006. Francisco García, from the Central American Political Science Institute, stated that “the border with Mexico is out of control; it is a territory where human trafficking and drug trafficking reign.” He added that criminals take advantage of the region’s remote jungles for illicit activities.

Former UNE Leader Threatened

10.26.07 José Carlos Marroquín, former campaign strategy manager for the National Unity for Hope (UNE) party, has received numerous death threats. Some threats have arrived in the form of funeral floral arrangements with notes attached lamenting his death. He has received others via email messages, text messages on his cell phone, and phone calls asking him to stop bothering Álvaro Colom, UNE’s presidential candidate. Marroquín told the Human Rights Ombudsman’s Office (PDH) that the threats began after he reported the names of powerful groups operating within UNE’s ranks to Colom, asking that they be removed. He believes that those are the same individuals responsible for the threats. One week after his initial claim, Marroquín returned to the PDH to report that his family had suffered threats. His wife and two daughters subsequently fled the country for safety.

Band of Armed Men Extorts Community

10.27.07 A band of armed men, carrying semi-automatic rifles and with bandanas covering their faces, entered the community of Valparaíso in the municipality of Chicacao, Suchitepéquez and demanded that they be paid Q100,000 (US \$13,333) for “social cleansing services.” According to preliminary investigations by the National Civil Police (PNC), the band of men may include guards from a private security company located in a neighboring village that have carried out acts of social cleansing against society’s “undesirables.”

BASIC FREEDOMS

Guatemala Ranks Low on Freedom of Press

10.17.07 Reporters without Borders ranked Guatemala only 104th out of 169 countries in terms of freedom of expression. Guatemala is down fourteen places from last year. Guatemala holds the worst rank in the region for the second year in a row. In Central America, Costa Rica is ranked 21, Nicaragua is 47, El Salvador is 64, and Honduras is 88. The report, published on the Reporters without Borders website, takes into account the perceptions of reporters throughout the world.

WOMEN’S RIGHTS

Policewomen Are Sexually Harassed

10.25.07 Approximately 76% of Guatemalan policewomen are victims of sexual harassment on the job but are afraid to report it, according to Rosa María Juárez, head of the National Civil Police’s (PNC) Human Rights section. Juárez said that in the ten years that the PNC has existed, only eight sexual harassment complaints have been filed, and only one person was fired as a result. She added that, despite the fact that the PNC is the only public institution that stipulates sexual harassment as a cause for suspension, very few cases are reported and even fewer are corroborated. Reports have surfaced that male police officers are also involved in the sexual harassment of female prisoners.

Campaign Against Femicide Launched

10.25.07 Social organizations working to end violence against women in Mexico, El Salvador, Nicaragua, and Guatemala have launched a joint campaign to stop the killings of women, also known as femicide, in the region. Olga Bustos, an expert in analyzing violence against women, stated that most cases of femicide in Guatemala and Mexico include acts of degradation toward the victims. She said that those anti-women sentiments must be addressed. Bustos emphasized that convincing men to not use violence against women must begin at home and must involve educational institutions and the workplace. Statistics show that more than 432 women were murdered in Guatemala from January to September 2007.

Some Advances Made in Gender Issues

10.29.07 According to a recently published report, “VII Periodic Report of the Republic of Guatemala,” some advances have been made in promoting women’s rights. The Report, written by the Presidential Secretariat for Women (SEPREM) and the Office for the Defense of Indigenous Women (DEMI) and submitted to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) highlighted the following achievements: creation of the Commission to Address Femicide, implementation of easier methods to report cases of domestic violence, development of the new Policy for Rural Development, launching of a new program titled “Rescuing First Grade,” provision of scholarships, and the establishment of the National Institute of Forensic Science (INACIF).

The two legislative achievements heralded by the Report were the Family Planning Law and new law criminalizing human trafficking. According to Laura Cárcamo, a representative from the Ministry of Labor, Guatemala has yet to prioritize women’s rights in the workplace. She commented that Agreements 182, 183, and 155 of the International Labor Organization (ILO) still have not been ratified by the Guatemalan Congress. Those Agreements address occupational health, maternity leave, and the hiring of minors, respectively. One bill that has been postponed a number of times in Congress addresses the economic contributions of domestic employees, the majority of whom are women, and would require that those who hire them also provide benefits. Cárcamo added that legislators have also refused to classify sexual harassment as a crime.

CHILDREN’S RIGHTS

Foreign Adoptions Fraught with Problems

10.16.07 The Center for Justice and International Law (CEJIL) and Covenant House – Guatemala (Casa Alianza) expressed their concerns to the Inter-American Human Rights Commission (IAHRC) regarding the continuing irregularities in the adoption process in Guatemala. The organizations stated that the situation has worsened each year. In 2006, 4,837 Guatemalan children were adopted by foreigners and the number reached 2,271 in the first eight months of 2007, with an average of eighteen

adoptions approved each day. Adoptions have become a lucrative business that brings in between \$20,000 to \$30,000 per adoption. The organizations said that the real crux of the problem is that 97.3% of all adoptions are completed by notary publics who act without any supervision and there is a need for a court system that would guarantee the fundamental rights of the children. Both Covenant House and CEJIL criticized the fact that although the Guatemalan government has recognized that there is a problem, it has not been addressed effectively.

Children in Need of Better Protection

10.26.07 The international organization Save the Children urged the next Guatemalan government to reduce violence against minors by criminalizing sexual abuse, prohibiting corporal punishment, and providing sufficient funding for programs that protect children. Amílcar Méndez, a representative of Save the Children, said that there is insufficient funding to enforce the Child and Adolescent Protection Law and its respective policies. Méndez expressed his concern that the presidential candidates have said that they would take action but have not given details as to how they will do so.

Roxana Morales, president of the Appeals Court for Children and Adolescents, commented that an average of fifty cases are reported each day of children who are abandoned by their parents, abused, mistreated, or sexually exploited, but that foster homes are already over capacity. Morales said that the children are in need of psychological support and recreational programs because they have suffered a great deal. She also stated that people need to be educated about the laws, because in some municipalities in Huehuetenango and Jalapa it is considered acceptable for fathers to sexually abuse their daughters.

Claudia Avendaño, a liaison between organizations and the court system, explained that there are forty-five foster homes in Guatemala City, four of which are state-run and the rest are private. She added that a recent inspection showed that only 25% of the homes were in good condition and provided reintegration programs. The rest did not even have yards or recreational and educational programs.

United Way Opens Shelter

10.22.07 The organization United Way-Guatemala

opened a shelter for at-risk children and youth in Guatemala. The center includes educational programs for minors that have suffered abuse in the streets or in their homes. They will also receive medical attention, food, and housing.

Guatemala Joins Abduction Law

10.23.07 John Lowell, the US Consulate General in Guatemala, reported that the United States has officially included Guatemala among the countries that have a mutual agreement with the US against the abduction of minors. Lowell said that while both countries signed this agreement in the past, the US has only recently accepted Guatemala's participation in the accord. The agreement stipulates that if a minor is taken out of their home country by one parent, without the consent of the other parent, the minor will be returned to their country of residence. Lowell stated that the Consulate handles an average of eight abduction cases per year. In most cases, it is the Guatemalan father who takes the child to the US without the consent of the mother.

UNICEF Presents Comprehensive Plan

10.23.07 The United Nations' Children's Fund (UNICEF) released its plan to support Guatemalan children as a guide for the next government that will take office in January 2008. UNICEF hopes that Guatemalans will use the proposal to demand that certain measures be taken to protect minors. The document contains plans for pregnant women, infants, school-aged children, and adolescents, as well as specific actions to be taken to prevent domestic violence, irregular adoptions, child labor, and commercial sexual exploitation. Manuel Manrique, a UNICEF representative in Guatemala, said that Guatemala has a child malnutrition rate twice as high as Haiti, and that the rate is nearly tripled for indigenous children.

Otto Pérez Molina, presidential candidate for the Patriot Party (PP), said that his party has plans to combat malnutrition and to reincorporate dropouts into the educational system. Presidential candidate for the National Unity for Hope party (UNE), Álvaro Colom, stated that his party already has policies in place for child welfare and that UNE will analyze the UNICEF document to see what could be added. He said that one priority of his administration would be to combat child malnutrition and facilitate access to education.

INDIGENOUS RIGHTS

Indigenous Women Demand Inclusion

10.17.07 The National Coordination of Mayan, Garífuna, and Xinca Women demanded to be included in the creation and implementation of national policies intended to benefit Guatemalan women. Ana Láinez, a member of the Committee to Update Policies for Women, added that the government must also act on policies already created.

DEMI Becomes a Presidential Commission

10.26.07 A new governmental decree has established the Office for the Defense of Indigenous Women (DEMI) as its own presidential commission, allowing DEMI to participate in cabinet meetings and giving them an independent budget. New areas of focus for DEMI include access to education, health, and spirituality for indigenous women. Vice President Eduardo Stein stated that now that DEMI is more autonomous, the new government would be able to continue to work for greater inclusion of indigenous women in the political arena, fight against discrimination and racism, and continue the advancements made during the current administration. Prior to September, DEMI was part of the Presidential Commission on Human Rights (COPREDEH).

LABOR RIGHTS

Agricultural Workers Underpaid

10.30.07 Despite the fact that the minimum wage in rural areas is set at Q44.58 per day (US \$5.94), most agricultural workers in Totonicapán are paid less, according to a report by Wilson Romero, an analyst for the Economic and Social Research Institute (IDIES). Romero's report, presented to the National Salary Commission (CNS), confirms the 2005 statistics presented by the Guatemalan Social Security Institute (IGSS), that agricultural workers earned less than the stipulated minimum wage set by the Guatemalan government. According to those statistics, agricultural workers earned an average of Q1,122.54 per month (US \$146.67), when the minimum wage at the time was Q1440.10 (US \$192.01).

Unions Concerned about Transnationals

10.31.07 Union leaders expressed their concern regarding the anti-union sentiments of transnational corporations. José David Morales, member of the Global Food Workers Union and Federation, said that transnational corporations working in the region have promoted certain anti-union policies. Luis Lara, representative of the National Struggle (FNL), said that the participation and integration of unions is essential to the struggle against neoliberal measures included in current business policies.

MIGRANT RIGHTS

Mexico to Protect Underage Migrants

10.26.07 Mexican officials from the United Nations' Children's Fund (UNICEF) and the International Migrant Organization met to discuss the challenges they face to guarantee the protection of minors that pass through Mexico on their way to the US. From January to May 2007, approximately 17,890 minors were deported from the US to Mexico. Three thousand, four hundred of those deported were from indigenous communities in Guatemala, Honduras, El Salvador, and Nicaragua. In many instances, minors cross into the US to find their parents and other relatives, however, they are especially vulnerable to facing different types of abuse as they emigrate. Officials agreed to create a model to protect migrant and repatriated minors, which will be implemented in communities located along the US - Mexico border.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Groups Criticize Government on Malnutrition

10.17.07 Campesino and indigenous organizations criticized the current Guatemalan government for the lack of food security policies and said that the programs in place are not available to the general population. The organizations led a forum to discuss "Food Sovereignty and the Right to Food" in Guatemala City. Official statistics indicate that more than 50% of Guatemalan children suffer from malnutrition. President Berger has recommended that the next administration reinforce the Secretariat for Food and Nutritional Security in order to combat malnutrition. Spain has agreed to donate two million Euros (US \$2.9 million) to the World Food Program

(WFP) in order to combat malnutrition in Guatemala. The aid will be administered through the Spanish Agency for International Cooperation and will support the recuperation process of Guatemalan children. Resources will be used to purchase and distribute Vitacereal - a locally produced, fortified corn-based food - to areas in which chronic malnutrition is a problem.

Groups March Against Poverty

10.17.07 The Fourth World Movement (MCM) organized a march to raise awareness about extreme poverty, to honor poverty's victims, and to "reject misery." Tasso Hadjidodou, an MCM representative who was honored in the National Palace, invited people to join the MCM and its crusade against poverty and misery. In Guatemala, more than 50% of the population lives in poverty, including 15% that lives in extreme poverty.

Bill Introduced to Help People with AIDS

10.17.07 Congresswoman Zury Ríos, a member of the Guatemalan Republican Front (FRG) political party, introduced a bill in Congress to reform the Public Defense Law. The Law would create a unit within the Public Defender's Office that would provide legal advice, aid, legal defense, and accompaniment for people with HIV-AIDS.

Vaccination Campaign Launched

10.22.07 The Minister of Public Health and Social Assistance, Alfredo Privado, said that around 80,000 women and 100,000 children were vaccinated against common illnesses in Guatemala. Children under age six received the pentavalent vaccine (MMR); a dose of vitamin A; anti-parasite medicine; micronutrients; and the Hepatitis B, meningitis, and pneumonia vaccines. Women between the ages of fifteen and forty-nine were vaccinated against tetanus and diphtheria. Pregnant women also received folic acid. The Health Ministry handed out information on how to prevent food-borne, water-borne and respiratory illnesses.

RIGHT TO JUSTICE

CICIG Takes Form

10.19.07 A second round of meetings successfully concluded between Guatemalan authorities and Carlos Castresana, who was appointed by the

United Nations to head the International Commission Against Impunity in Guatemala (CICIG). Guatemalans from the Public Prosecutor's Office (MP) and the National Civil Police (PNC) will collaborate with the Commission. Castresnana indicated that efforts are being made to hire Guatemalans to work in the Commission itself. He commented that Guatemalans would work alongside internationals as equals, not subordinates. The United States, Spain, Sweden, and Germany have offered professionals to work in the CICIG. Colombian and Mexican experts on organized crime and Argentinean and Chilean lawyers will also be incorporated.

War Victims Bring Charges Against Colonel

10.20.07 The Association of Mayan Achí Victims of Violence filed a criminal suit against Colonel José Antonio Solares González for human rights violations committed by the army while he was in charge of a military base in the Baja Verapaz region in the 1980s. The Association stated that the remains of seventy-four victims, allegedly connected to acts committed by Colonel Solares González, were found in a clandestine cemetery.

Victims to Receive Legal Aid

10.22.07 The Public Defense Institute introduced a pilot plan that would provide free legal assistance to low income victims of violence. The Office for the Defense of Indigenous Women (DEMI) will support the program, as will the Coordinating Office for the Prevention of Domestic Violence. The cases that will be accepted include violence committed against minors as well as cases of psychological, emotional, sexual, and physical violence. The European Union will fund this project for one year with the goal of attending to ten thousand cases.

Unions Demand Investigation Into Murder

10.30.07 Union workers from the Izabal Banana Workers Union held a march in the streets of the Yuma plantation in Morales, Izabal, demanding that the murder of Marco Tulio Ramírez Portela be investigated. David Morales, a representative of the International Union of Food and Agricultural Workers (UITA) in Guatemala, said that they would give the Public Defender's Office (MP) three months to advance the case and if it did not progress, then

they would take "much more drastic measures."

COS Asks for Investigation of Disappearances

10.16.07 Cecil de León, from the Collective of Social Organizations (COS), petitioned the Guatemalan Congress to expedite the creation of a special presidential commission that would investigate the whereabouts of thousands of Guatemalans who were forcibly disappeared during the thirty-six year civil war. De León said that this is an urgent matter since a presidential commission must be created before it can be included as a line item in the 2008 national budget to be passed by the outgoing Congress.

LEGAL CASE UPDATES

Genocide Case Back in the Courts

10.15.07 In a unanimous decision, the Second Criminal Appeals Court ordered the Fifth Criminal Sentencing Court to restore the Spanish extradition order for Generals Ángel Aníbal Guevara and Germán Chupina Barahona, in response to a petition filed on behalf of Rigoberta Menchú Tum. This decision came after a public hearing for the genocide case against several former military officers, who have also been accused of terrorism, torture, and other crimes. The lawyers representing the plaintiffs, Rigoberta Menchú Tum and the National Coordinating Committee of Guatemalan Widows (CONAVIGUA), asked the magistrates to order the Fifth Sentencing Court to immediately reactivate the extradition order to Spain that is pending against the accused.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Community Declared Uninhabitable

10.17.07 Authorities from the National Coordination for Disaster Reduction (CONRED) declared portions of El Edén, a community located in Guatemala City's zone 5, as uninhabitable. Dozens of homes in the community had been damaged in a recent mudslide. CONRED's director, Hugo Hernández, said that ninety-nine houses are at high-risk and sixty-five of them have been declared uninhabitable.

Climate Change Creates Risks in Guatemala

10.25.07 According to a report on the global environment presented by the United Nations' Environment Program (UNEP), Guatemala is at risk for serious flooding and imminent drought in the department of Petén due to climatic changes. Soil erosion in the region, caused by deforestation, is a very serious problem affecting 26% of the land in Central America. Ricardo Sánchez, the UNEP representative in Mexico, added that Central America uses and burns high volumes of firewood, which is the reason that the region has the highest levels of respiratory diseases. The region is also more vulnerable to climatic changes, as reflected in more intense hurricane activity in recent years.

Mining Company to Prolong its Work

10.31.07 The Montana Exploradora mining company, a subsidiary of Goldcorp, Inc., is seeking to extend its permission to mine in the San Marcos region of Guatemala beyond the initial thirteen-year agreement. Recent explorations reveal that the precious metal reserves are actually double the original estimate.

Natalia Atz, member of the Environmental Coalition, said that the presence of the mining operation contradicts the seventeen popular referendums held in Huehuetenango and in San Marcos in recent years. She added that the mining operation is not being carefully supervised.

The company began its operations at the end of October 2005, when a feasibility study estimated that there were 2.3 million ounces of gold and 30.3 million ounces of silver. The mining company extracted more than 23,000 ounces in 2005 (70% silver and 30% gold) in addition to 337,055 ounces extracted in 2006 and 2007, according to Eduardo Villacorta, the executive director of Montana Exploradora in Central America.

OTHER INFORMATION

Free Trade Costly for Small Businesses

10.22.07 Edwin Ortega, coordinator for Mesa Global, said that the Dominican Republic / Central American Free Trade Agreement (DR-CAFTA) with the United States only benefits the economic sectors that have the capacity to undertake the qualitative and quantitative requirements demanded

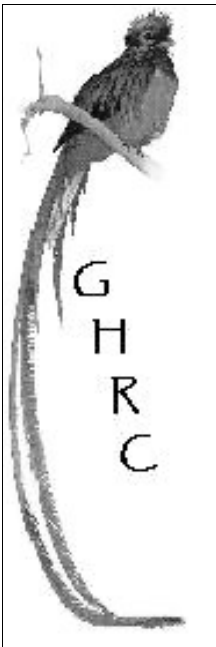
by foreign investors. Small and medium-sized businesses and agricultural producers have not benefited from free trade, he said.

Hélmer Velásquez, director of the Coordination of Non-Governmental Organizations and Cooperatives (CONGCOOP), said that the disparities among commercial and small businesses are significant. In Europe and the US, for example, producers have greater economic and technological support. In Guatemala, however, production methods are rudimentary and are not conducive to competing in a global market. These comments were made on the same day that the European Union (EU) and Central America began trade negotiations in San José, Costa Rica. These negotiations will also focus on political issues.

(*Note: For a more in-depth look at DR-CAFTA's impact on Guatemala's economy and small agricultural producers, visit www.ghrc-usa.org and click on "DR-CAFTA's Impacts on the Guatemalan Agricultural and Food Sector")

Jurists Concerned About Impunity

10.26.07 The International Jurists Commission (IJC) sent an open letter to the two presidential candidates, Otto Pérez Molina and Álvaro Colom, expressing concern for the high levels of violence and impunity in Guatemala. The IJC asked the candidates to ensure an independent justice system and urged candidates to commit to respecting human rights, guaranteeing the independence of the International Commission against Impunity in Guatemala (CICIG), and respecting popular referendums and indigenous communities. The letter also asked them not to promote the use of military tribunals to try common crimes committed by the army. The IJC reiterated a concern for femicide, domestic violence, and the lack of respect for the rights of children and youth.



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: Colom Wins Presidency in Guatemalan Runoff,
Covered by the *Washington Post***