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Civil Society Organizations Brand Guatemalan Government's Report to U.N. "Superficial"

By Louisa Reynolds

On Oct. 24, the UN's Human Rights Council (UNHRC) assessed Guatemala to establish whether the 43 recommendations made by its members in 2008 had been heeded, a process known as the Universal Periodic Review (UPR).

Guatemala's official delegation listed the country's achievements in advancing human rights in the country. However, civil society organizations said that the presentation was "superficial" and "incomplete" as it failed to include a number of key issues such as indigenous rights.

Guatemala's second UPR began with a 70-minute presentation delivered by Peace Secretary Antonio Arenales Forno, who highlighted three pacts put forward by the administration of President Otto Pérez Molina on fiscal reform; peace, justice, and security; and the fight against hunger, a program known as Hambre Cero (Zero Hunger).

Based on a government program with the same name (Fome Cero in Portuguese) that was implemented in Brazil under the administration of former President Luiz Inácio Lula da Silva (2003-2010), Hambre Cero seeks to end chronic malnutrition in the country's 166 poorest municipalities by ensuring access to food resources for lactating mothers and children under two years of age.

The delegation also mentioned the creation of the Ministerio de Desarrollo Social (MIDES), which manages an array of social programs created under the previous administration, such as the conditioned cash transfer program Mi Familia Progresiva, now known as Bono Seguro, the creation of police task forces to fight specific crimes such as femicide, contract killing, and cell phone thefts, among other achievements.

The countries that took part in Guatemala's UPR also had access to an alternative report presented by the Office of the UN High Commissioner for Human Rights (UNHCHR) containing the concerns voiced by 30 civil society organizations.

The content of this document differs greatly from the report delivered by the official delegation as it draws attention to a number of key human rights issues on which little or no progress has

been made, such as: that Guatemala is still one of the most violent countries in the world with a total of 30,212 murders reported between 2007 and 2011; the violations of labor rights; the government's systematic failure to consult indigenous people on all issues affecting their welfare, including mining and hydroelectric projects, in accordance with International Labor Organization (ILO) Convention 169; and the attacks on human rights activists, journalists, and members of the homosexual community.

Little progress on indigenous rights

After listening to Guatemala's official presentation, the 55 participating countries were given a minute and half each to make comments and recommendations. Most countries welcomed Guatemala's decision to adhere to the Rome Statute of the International Criminal Court (ICC), allowing it to prosecute war crimes and genocide and crimes against humanity when member states are unable or unwilling to do so themselves.

The approval of a law against femicide and gender-based violence in 2008 and a law against sexual exploitation and people trafficking were also welcomed, as was the creation of MIDES and the government's three pacts.

However, concern was expressed that Guatemala has failed to abolish the death penalty and 13 prisoners remain on death row although no executions have been carried out since 2001 (in fact, Pérez Molina's Partido Patriota advocated the death penalty during the 2011 election campaign).

The international community also urged Guatemala to assign more resources to the police and the judiciary as the country's crime rates remain unacceptably high and to investigate and prosecute the intimidation and assassination of human rights activists and journalists.

The local nongovernmental organization Unidad de Protección a Defensores y Defensoras de Derechos Humanos (UDEFEQUA) says that 409 human rights activists were attacked in 2011. A recent case was the attempted killing of Telma Oquelí, a leader of the Frente Norte del Área Metropolitana, a movement that seeks to stop mining activities in the municipalities of San José del Golfo and San Pedro Ayampuc in the department of Guatemala. On June 13, Oquelí was driving away from a peaceful-protest site in the village of La Puya, near San José del Golfo, when she was shot by two men on a motorcycle.

Several countries also mentioned the killing of eight indigenous protestors who were demonstrating against high energy prices in the highland department of Totonicapán on Oct. 4. The Guatemalan government received strong criticism for its heavy-handed approach to crowd control and was urged to prosecute police and Army officers responsible.

Arenales Forno said that the government would unquestioningly accept 111 of the 138 recommendations that were made and that the remaining 27 would be submitted to closer scrutiny as some of them could be incompatible with the Guatemalan Constitution.

Regarding the death penalty, Arenales Forno emphasized that no executions have been carried out in the past 11 years. He added that the government would approve the necessary congressional decree for ILO Convention 169 to be enforced, although he did not set a deadline for this.

Although Guatemala has ratified ILO Convention 169 and all international conventions are above domestic law, the country's legal framework requires the approval of a congressional decree (reglamento) for an international convention or treaty to be enforced. The government has failed to do this, and more than 60 indigenous plebiscites (consultas populares) in which Mayan communities have rejected oil, mining, and hydroelectric projects have been declared nonbinding by the Guatemalan government.

Civil society organizations acting as observer agreed with the recommendations that were made but branded the delegation's presentation as "superficial" and "incomplete."

"The report was very vague. Our rights have been violated by oil and mining corporations, and the conflicts that arise will only worsen if the government continues to impose such projects against our will," said Udiel Miranda, a representative of the Consejo de Pueblos de Occidente (CPO).