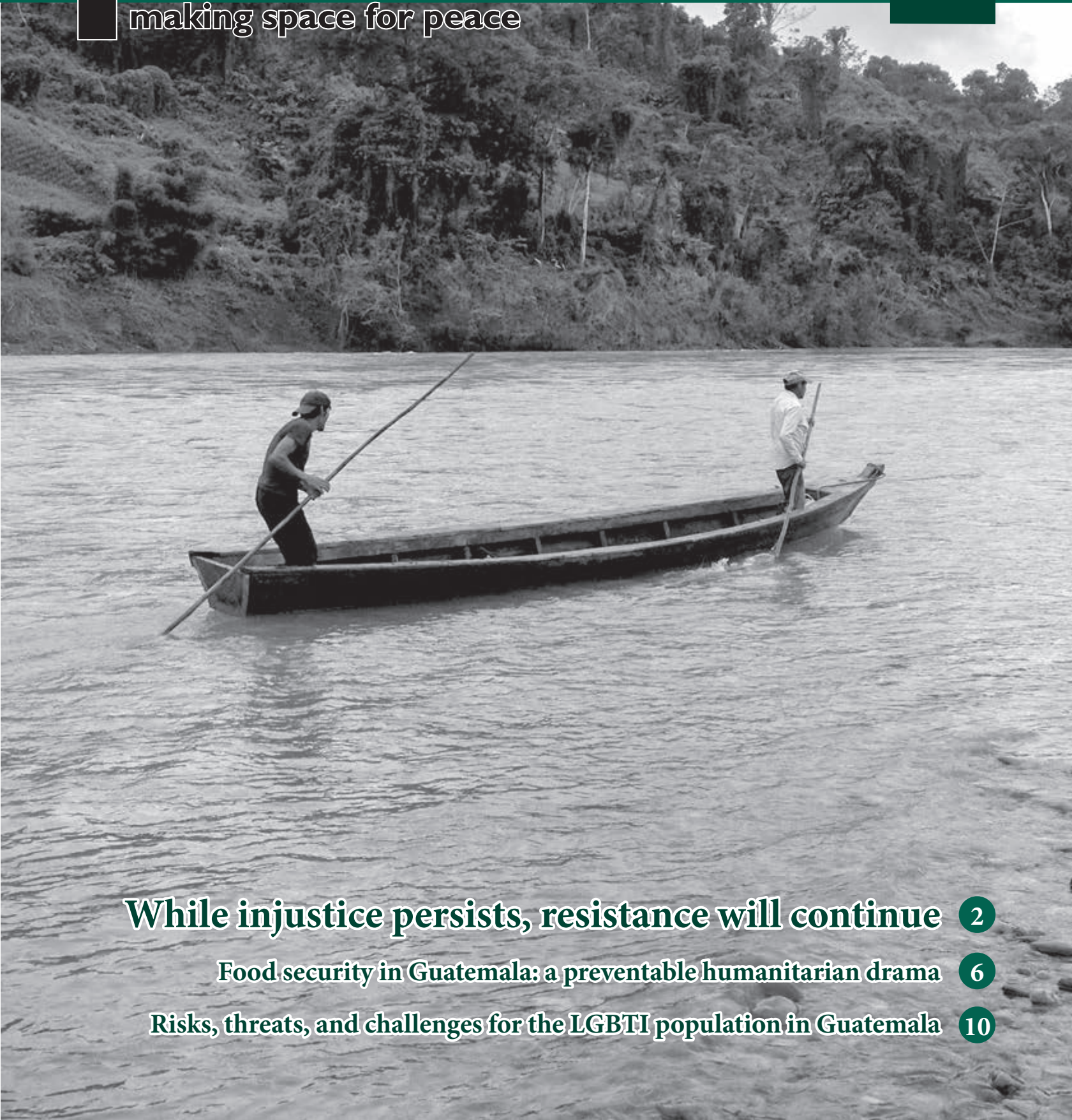




PEACE BRIGADES INTERNATIONAL
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Bulletin
No. 38

making space for peace



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While injustice persists, resistance will continue

February 2, 2018 is the twenty-fourth anniversary of coming out of hiding for the Communities of Population in Resistance (CPR) Ixcán. The CPR is a great example of organization and peaceful resistance not only in the history of Guatemala, but for humanity as a whole: (...) *they were a challenge to established order, to the de-facto violence, and State terrorism. And not only for being survivors, but because they organized to reject what their aggressors represented: death, violence, humiliation (...)* The CPRs are an example of valiant community organization that is peaceful and lives in harmony with nature¹.

The origins of Primavera del Ixcán

The Primavera del Ixcán CPR community continues to be organized and their development model is an alternative proposal that is closely linked to its history: the colonization of Ixcán lands, cooperativism, years of resistance in the jungle and their time out of hiding. Throughout time land has been and continues to be the main cause for struggle and resistance for the community.

The colonization process of Ixcán lands started in the 60s: *Before arriving to the Ixcán we lived in our home towns² (...). We did not have lands to work, the majority of us went to work on large plantations on the South Coast to maintain our families (...). At the beginning of the 1960s, Catholic Priest Eduardo Doheny started a project to divide land to give to poor campesinos in Ixcán. We decided to come to Ixcán to have plots of land. When we arrived everything was overgrown³ (...) there were no roads nor food or towns nearby to buy things (...), then we all organized and formed the Multiple Services R.L. Cooperative of Ixcán Grande⁴.*

In our first statement on January 9, 1991, we affirmed our existence as a civil population in resistance to the attacks that were suffered. At that time they had already lived for 9 years in the jungle: *from 1975, the army started to enter our cooperatives and from that time we started to suffer repression from the army. We were brutally submitted to military control. A situation of terror was imposed on our cooperatives. Little by little the situation deteriorated and at the*

beginning of 1982 the army launched its criminal scorched earth policy. (...)

They looted and burned our houses, stores, schools, clinics, markets, offices, warehouses, churches etc. Those of us who are currently in the CPR Ixcán we hid in the mountain on our own plots to defend our rights because we did not want to be killed or massacred by the army, because we did not want to abandon our lands and to defend our rights. (...) We organized to defend our lives, our communities and to be able to work and maintain our families. (...) Without resistance and struggle not only were we able to survive but (...) we have been able to develop in different aspects of our lives.

With the upcoming 24th anniversary of their coming out of hiding, we visited the Primavera del Ixcán community, where we could speak several community members. Mateo Baltazar Mateo shared with us part of the history and the communities' way of organizing: *upon arrival to (Primavera del Ixcán) we organized and structured our community. Next year we are going to celebrate 22 years here. At the beginning we were 250 families and now we are more than*

1 Moller, J., Menchú, R., Falla, R., Goldman, F. y Jonas, S., *Nuestra cultura es nuestra resistencia. Represión, refugio y recuperación en Guatemala*. Editorial Océano de México. México, 2004.

2 In the Highlands, mainly in the departments of Huehuetenango and Quiché.

3 According to informed sources consulted, the term mountain is synonym for jungle.

4 Declaration 1991.

520. We are organized in four groups and each group has a name with significant dates in the history of the community so that we do not forget. There is the September 20th group that marks the day in 1987 when the first army battalions started to persecute the CPR. The Union 87 group is because at that moment there were between 18 and 25 small disperse groups hidden in the mountain due to attacks. When the army launched its offensive, there were camps and families that fell to the army's attacks. It was very difficult to tend to their crops because the military would come and destroy them. So these groups and families joined together in 5 large camps. This was the year to unite to take care of each other and better defend themselves. The November 2nd group marks the date of the attack on the community. During our time in the mountains, we cooked at 2 or 3 in the morning so that everything was ready by 5am to prevent smoke or fire that military planes or helicopters could see. On that November 2, the community was in a gully and the smoke did not go away. Early in the morning a helicopter flew overhead and saw the smoke and flew over the CPR camp twice and retreated. Fifteen minutes later there were A-37b Guatemalan Air Force (FAG) combat planes firing and bombing the camp. In the attack a man and a woman died while others were injured. For this reason the group has this name, November 2nd to remember that day and those who fell. Lastly, the February 2nd group was the day that we left the jungle and clandestine living in 1994 with international accompaniment and under the protection of Human Rights entities⁵.



CPR – Ixcán members who founded Primavera del Ixcán community. From left to right: Eulalia Matías Francisco, Gabino Calmo Medoza, Domingo Esteban Francisco, Gregorio Ramos, Juan Gaspar Juan Diego, Mateo Baltazar Mateo, Celeciano Sica Itzep.

Coming out of hiding

The conditions to come out of hiding and be able to settle definitely came about little by little. Gabino Calmo Mendoza remembers that in 1990 they declared publicly, on the national and international level, that they were a civil population denouncing the army and telling their version of the bombing of the guerrilla camp: there was a multi-partita verification commission that went via air and later by land. They saw that we were civilians, they saw boys, girls, women,

men and elders that lived moving around escaping from the army⁶. Mateo Baltazar adds that in January 1993 the first refugees returned from Mexico. Today the community where they returned to is called *Victoria 20 de Enero (Victoria January 20th)*. Then came more returns to the five Ixcán Grande Cooperatives. In September 1993 a negotiation commission was formed to meet with the State and seek official recognition of the CPR. This allowed us to come out of hiding. The right conditions were present

5 Interview with Mateo Baltazar Mateo, inhabitant of Primavera del Ixcán. He participated on the Cooperative's board of directors and in negotiating commission of the Peace Accords, November 18, 2017.

6 Interview with Gabino Calmo, current President of the Coordinating Committee of the Primavera del Ixcán (CCPI), November 19, 2017.

and communities, national and international organizations, and churches gave us the necessary backing to come out. So we made the decision. On February 2, 1994 we abandoned the mountain. When refugees returned we had to look for new lands for families without land or those that were lost during the war. The Bishop of Quiché and Caritas, helped a CPR Ixcán delegation to make contacts with churches in Europe. We requested support and loans to buy new land. We were able to get a no-interest loan and with effort buy 1,890 hectares of land that allowed us to develop our community and ensure rights to education, health, housing and food, among others.

Primavera del Ixcán, a model of organization and resistance

After coming out of hiding, reconstructing the community and social fabric was the next step: *when we were in the mountains, the first thing we focused on was collective work. We all worked, planted, harvested, we were always watching the advances of the army, we cooked and taught people to read and write. It was the collective work that allowed us to survive and resist the twelve years that we were in the mountains. When we arrived here, the collective work turned into cooperative work. In assemblies we founded the Resistance Cooperative as the economic arm of the community. This was the only way we could have a collective land title in the name of the Cooperative with the aim of development, youth employment, so that we did not have to work as cheap laborers for other people or on large plantations. The cooperative has 231*

associates with the aim of developing the community⁷ and safeguard the land so that we all are united⁸.

One thing to point out is the multiethnic and multilingual nature of the Primavera, which was never an obstacle to organizing, development and cohesion in the community. A statement made in 1991 made reference to this: *(...) we have made our co-habitation laws and we resolve our problems with good ideas and not with prison. Among us there is no repression or discrimination, there is democracy because there is equality, all of us can express our opinions and we have the right to all services. (...) In our social life we have managed to live united even though we have different religions and ethnicities. Today this diversity persists as the essence and origins of our community: La Primavera is a little Guatemala, with more than 11 indigenous groups and different languages. There are Q'anjob'ales, Akatekos, Kichés, Mames, Q'eqchies, Ixiles, Kaqchikeles, Chuj, Popties, Achies, Poqomchis and Mestizos. Recently Tzeltales arrived from México⁹. This strong social cohesion is due to the community consciousness product of the CPR's organized experience: *this conscience is the little motor that moves us all¹⁰* according to several of the people interviewed.*

The cooperative has several productive projects which are key to the economic sustainability of the community. The food sovereignty and food security project is an example of self-sustainability: *everyone learns to plant fruit trees and to raise animals on their land. They are basic crops.*

*This is done thinking about the future. The idea is that people do not have to buy fruits in the market as we can plant them here¹¹. In this same fashion other important characteristics that make the Primavera special is that they have achieved high levels of autonomy: *the municipality does not come here to impose their law, here the community leads, the voice of everyone says what service need to be changed. Here we do not receive projects from the municipal mayor¹².**

Things that were learned in the jungle are also important to what Primavera gives to education and health, key pillars to well-being, caretaking and development of the community just as Eulalia states: *the seeds that we have always reproduced in the CPR are education and health. Children were taught to read and write in the mountains. Today, there are three levels of education in Primavera. If one does not know how to read and write they are easily fooled and for this reason it is still necessary to carry out this struggle. If one does not know. We dream of having a university in our community. And not only for our community. Children from nearby communities come here because there are no schools and because Primavera provides better schooling for children. Likewise, this way of functioning in solidarity goes beyond service in the community, it is extended to health, despite limited resources. Likewise, the words of Domingo Esteban, *the clinic is not only at the service of Primavera, but for all of the neighboring communities. For this reason, the community health center has great need. Only 25% of**

7 Interview with Juan Gaspar Juan Diego, member of Primavera del Ixcán, November 18, 2017.

8 Interview with Domingo Esteban Francisco, Coordinator of health post in Primavera de Ixcán, November 18, 2017.

9 Interview with Eulalia Matías Francisco, member of Primavera del Ixcán, November 18, 2017.

10 Interview with Celiciano Sica Itzep, member of Primavera del Ixcán, November 18, 2017.

11 Interview with Gregorio Ramos, member of Primavera del Ixcán, November 18, 2017.

12 Interview with Domingo Baltazar, member of Primavera del Ixcán, November 18, 2017.

medicines are provided for by the State. We also need that Primavera community members are trained to work here and also in villages. This clinic belongs to the community, not the Ministry (of Health) and we need more training and personnel.

Juan Gaspar highlights the importance of how decisions are made in the community. First, *is the community consultation prior to annual general assembly. Everything is discussed during the consultations, looking for equilibrium in community development. We know all too well that the government does not want the same thing to happen in other communities. But we have a desire: "we want a dignified life with fair and sustainable development."* What we seek is Good Living. We want to strengthen our own life, the life of our organization. Also because our vision is that we have to create a different world. Mateo Baltazar comments that under this worldview of equitable community development, they carried out a Good Faith community consultation in 2007 in the municipality of Ixcán, where 95% of the population voted NO to megaprojects: *for this reason the Xalalá project was suspended which is 25 to 30 kilometers upstream from the community.*

Fair reparations never came

One of the ongoing struggles of the community is reparations and collective redress as victims and survivors of the internal armed conflict. Eulalia Matías summarizes it in the following manner: *reparations were part of the Peace Accords, they have to fulfill for the uprooted populations. But the government does not have interest nor political will, they are never going to comply. They told us "there is no land for*



Mural in community hall, Primavera del Ixcán.

you all. You have land. Why do you want more (land)?" Funds exist however there is no political will to bring development to the masses who deserve it. Juan Gaspar adds that they have worked through the National Reparations Program (PNR) for years demanding compliance: 35 years ago we lost all of our belongings. We had to leave everything and all that they did to us. The community calculated how much land was lost at the fault of the army. We need 8,900 acres. And the Program told us that "if you all find a piece of land with 8,900 acres, we will purchase it". We found several pieces of land and they told us that it had to be one large plantation. Later they said there were no funds.

According to the Human Rights Law Firm (BDH), *the State has a large debt to these victims. In the case of Primavera, the reason for lost assets was due to State violence, mass repression and displacement. If it had not been for these policies, maybe the lifestyle of these communities would be different. The fact that the State will not comply with reparations of damages and losses incurred, is a denial of justice and a re-victimization. This is a legitimate right that victims are demanding. Men,*

women, children and senior citizens we subject to all kinds of cruel treatment and generalized violence. The Program should ensure part of the healing. Although almost 30 years have passed, people do not forget and constantly are reminded of what happened. And they consider the State is responsible in fixing the situation by returning what people lost. Lives cannot be returned, but at least the things that can be restored. In the case of Primavera their demands are land restitution, as well as psychological components including memorials and other measures that reparations contemplate¹³.

The CPR's resistance continues in time and is an example for the past, present, and future: *from the violence of yesteryear a pueblo has been born which embodies its identity in resistance, resistance to live and resistance to be what it is, which does not mean a lack of flexibility to change, yet all to the contrary. Resistance to survive ethnically as a pueblo and indigenous peoples and national resistance as Guatemalan people who fight for their dignity and liberty in thousands of ways¹⁴.*

13 Interview with BDH lawyer, November 29, 2017.

14 Falla, R., *Masacres de la Selva*. Editorial Universitaria. Guatemala, 1992.

Food security in Guatemala: a preventable humanitarian drama

Despite being home to more than 70% of biological diversity on the planet and being one of the 18 countries recognized as megadiverse by the United Nations Development Programme (UNDP)¹, Guatemala has the fourth highest rate of chronic malnutrition in the world and the highest in Latin American and the Caribbean according to U.S. Agency for International Development (USAID). In addition, approximately 50 percent of children under the age of five suffer growth delays due to chronic food insecurity with indigenous areas being the most affected. Seventy percent of the indigenous population currently suffer from chronic malnutrition². This is not a problem that solely affects children, but entire families and communities. As Omar Jerónimo states *where there is a boy or girl with chronic malnutrition, there is a family with food problems*³.

The human right to adequate food forms part of the catalogue of rights recognized by the State of Guatemala

on all legal fronts –international, constitutional and ordinary legislation–, thus the government has the responsibility to guarantee this right to the entire Guatemalan population. Furthermore, the State of Guatemala has an ample institutional structure that should presume acceptable degrees of validity and effectiveness of this right⁴.

None-the-less, reality shows that guaranteeing the right to food for the Guatemala population is not a priority for the State of Guatemala, even though in 2013 there was a judgement against Guatemala for the violation of the right to food for five minors in Camotán, Chiquimula⁵. The judgment mandated that 10 government institutions take 26 specific measures to restore the violated human rights. However, Mavelita Interiano, a minor who had a judicial order in her favor to guarantee her right to life, died in August of this year due to health complications due to chronic

malnutrition⁶. This is not an isolated case, this is the tip of the iceberg of a collective drama just as Centro de Reportes sobre Guatemala (CERIGUA) shows in figures it published: *so far this year the Public Health and Social Assistance Ministry reported to September 16 that 9,547 children under the age of five years were treated for acute malnutrition; health officials also reported to September 9, seventy-seven boys and girls died due to malnutrition*⁷.

Due to the alarming rate of malnutrition cases in Guatemala, it is important to know that this disease acts as a vicious cycle because malnourished women have babies with low birth weights which increases the possibility of malnutrition in future generations. Acute malnutrition increases significantly the risk of death and chronic malnutrition has irreversible consequences that can be felt throughout a person's life, increasing their risk of contracting

1 PNUD, *Guatemala Megadiverso, Secretario del Convenio de Diversidad Biológica estudia avances y retos*, March 3, 2014.

2 USAID, *Food Assistance Fact Sheet Guatemala*, September 6, 2017.

3 Interview with Omar Jerónimo, Campesino Central Coordinator New Day' Chortí (CCCND), October 2017.

4 FIAN et. al., *El Derecho a la Alimentación en Guatemala. Informe Final Misión Internacional de Verificación*. Guatemala, March 2010.

5 Baires Quezada, R., *Cinco niños olvidados ganan juicio al Estado*, Plaza Pública, July 8, 2013.

6 Prensa Libre, *Fallece Mavelita Interiano, niña que tenía medidas de protección*, August 14, 2017.

7 CERIGUA, *La situación de la niñez continúa siendo sumamente grave*, October 2, 2017.

diseases, stunts growth, physical and intellectual development of the child. The intellectual and cognitive capacity affects their school performance and the acquisition of skills in life, thus inhibiting, the minor's capacity to be an adult who can contribute to the progress of their community or country through human and professional development. Thus, when malnutrition perpetuates from generation to generation it becomes a serious obstacle to development and sustainability according to figures of the United Nations Children's Fund (UNICEF)⁸.

In light of such a discouraging outlook, it is necessary to delve into the causes as Guatemala has a wide gamma of natural resources, as well as governmental resources destined to guarantee the right to food. According to scientist César Azurdia *the bottom of the matter is that wealth is not distributed in a just manner, because our country is one of the most unequal in regards to resource distribution. What happens is that biodiversity is used by developed nations, ones that give it a value added and it stays there. Sometimes it comes back, but one must pay for this. For example, modified seeds and patents. We can also have good corn, but what lands are available to our farmers? Small plots, two small plots... if they have land, so what is that richness if they cannot develop it. This is a topic that goes beyond biodiversity, it is a*



Beans planted by a family in Chinique, Quiché. November 22, 2017.

*matter of politics, strategy, resource distribution and justice*⁹.

Omar Jerónimo who accompanied the families of Camotán during

the legal complaint process for the violation of the right to food agrees with this point when he states: *the main cause of food insecurity is due to the lack of public policies that protect*

8 UNICEF, *La desnutrición infantil: causas, consecuencias y estrategias para su prevención y tratamiento*. Madrid, November 2011.

9 Martínez, F.M., *Mucha riqueza para pocos y poca para muchos*, Prensa Libre, March 27, 2016.

and promote the capacity and ways in which families feed themselves. This is key and happens because after there is deregulation on economic and environmental matters, the topic of the populations' right to property and defining their own development. He also points out the importance of Article 11 of the International Covenant on Economic, Social and Cultural Rights which states that the right to food is put forth as something inherent for the population and that the State should guarantee this, and in the twelfth comment of article 11 he states what should be the ways to access food: one of those is access through purchasing food because you are a salaried worker; another is producing your own food, but when doing so in the short term, with insufficient programs, not transformative, but also undermine the capacity and creativity of the population to feed themselves, and this violates their human rights as such.

Another main cause of chronic malnutrition is campesinos lack of access to land and potable water which Norma Sancir states, many populations were razed during the armed conflict, some returned to their lands, others did not and others were seized. One of the main causes of the war was land dispossession on behalf of the State and its different military governments. Thus, the

problem is not just that lands are in the hands of large landowners but that they have the best lands, the plains on the riverbanks where one can have up to three harvests a year because of their proximity to water. Communities who are in the mountains have to wait for rain and suffer the consequences of climate change in the area and on the global level. The few existing water springs are used for potable water and in summer they dry up. Women have to walk three or four kilometers to fetch water. For this reason when a person wants to have a bit of land to plant something this generates conflict. The problem of water turns into a problem of nutrition and for community peace¹⁰.

The lack of water is also due to deforestation and uncontrolled clearcutting by lumber companies. As César Azurdia states the loss of forests is high, even though the National Forest Institute develops paid incentive programs the lost rate cannot be recovered. Reforestation does not converse biodiversity because only one species of tree is planted and a forest is not comprised of just one species, it is an ecosystem. When trees are cut down we do away with trees, herbs, insects, shrubs, animals, bacteria and microorganisms. When we plant trees, a fragile ecosystem is restored, because a single crop will never replace a mountain¹¹.

Another problem that impacts access to land for communities is industrial monocultures, like African palm and others that have expanded in several regions of Guatemala in the last few years which is worrisome. According World Rainforest Movement (WRM), Sayaxché Petén is one of the regions with increased monocultures. Companies have defined lands as optimal for the production of African palm and families who resist selling their lands become surrounded by palm plantations. When companies buy land, they take away the access easement which prevents neighbors from accessing their own lands via paths where they traditionally used to carry out their harvests which forces them to use longer paths which are not in adequate conditions and mean walking for hours to get to their destination. This makes it almost impossible for them to enter their lands to plant and leave to sell their harvest or buy basic goods. Also, campesinos suffer pressure which aims to push them to abandon and sell their lands. There have been reports of burnt and fumigated land and crops as well as theft of harvest¹².

Inequality in land access and ownership especially affects rural women. According to the Network of Rural, Indigenous and Campesino Women in Central American

¹⁰ Interview with Norma Sancir, community communicator with Campesino Central Coordinator New Day' Chortí (CCCND), October 2017.

¹¹ Martínez, F.M., Op. Cit.

¹² Movimiento Mundial por los Bosques Tropicales (WRM), *Guatemala: la palma africana promueve un nuevo desplazamiento de comunidades rurales*, May 30, 2013.

(RECMURIC), women possess only 15 percent of land in Guatemala, which has disastrous consequences for them, their families, their communities and the country as a whole: The lack of land impedes women from accessing other resources and essential services like credit and technical assistance. Without a plot of land as collateral it is not possible to obtain a formal loan. Also, it excludes them from the majority of state programs for productive investment and technical assistance, which often require beneficiaries to have their own land to produce. On the other hand, land is one of the main factors that condition power relations. It has been demonstrated that women without land are more subordinate to men and participate less in family and community decisions. When women do not have their own assets their ability to safeguard their wellbeing is weaker which makes them more vulnerable to sexist violence. On the contrary, when women exercise their right to land other rights are strengthened, their self-esteem and social acceptance increase. Given the limited possibilities that rural women have to obtain their own income, owning an asset like land translates into a significant change which allows them to advance in their economic autonomy. It has been shown that this also impacts family wellbeing when women have a say in family spending as they usually prioritize investment



Recently picked corn for family consumption in Chinique, Quiché.
November 22, 2017.

in food, health and education. But beyond personal and family benefits, increasing women's access to land and other productive assets like technical and financial assistance improves agriculture productivity by up to 30% which would help eradicate hunger and rural poverty. This would allow for more food and lower market prices, contributing to attain food sovereignty. This would also improve employment and income levels in the local economy¹³.

Food insecurity and its consequences constitute a problem of great magnitude in which there is a need

for solid commitment and action on behalf of the State to guarantee the rights that are being violated. However, this is still to come, causing a vacuum that with great effort and facing risks and threats, human rights defenders try to fill accompanying the most disadvantaged populations in claiming their rights in general and the right to food in particular. Nonetheless, this work of incalculable value is threatened in contexts where hostility and violence towards human rights defenders is very present, especially when there are legal resolutions in favor of indigenous communities and peoples¹⁴.

13 Guereña, A., *Tierra para Nosotras. Propuestas políticas de las mujeres rurales centroamericanas para el acceso a la tierra*. RECMURIC. Guatemala, El Salvador y Nicaragua, 2015.

14 Samayoa, C. y Santos, J., *Informe sobre Situación de Defensoras y Defensores de Derechos Humanos en Guatemala. Un Reflejo del Deterioro de los Derechos Humanos en el País*. UDEFEGUA, Guatemala, August 2017.

Risks, threats, and challenges for the LGBTI population in Guatemala

LGBTI¹ people in Guatemala encounter great risks and threats. Since the Liberal Reform of 1871 homosexuality is not illegal in Guatemala, like it unfortunately is in other countries, however many LGBTI people are subjected to discrimination, inequality and violence which translates into a frequent violation of their human rights. According to the Inter American Commission on Human Rights (IACHR), the *State itself has indicated that in Guatemala there is no express recognition of the rights of the LGBTI community. (...) According to the Trans Murder Monitoring Project, Guatemala occupies second place for relevant figures (percentage of trans people murdered per million inhabitants)*².

Given this worrisome situation and in order to learn more about the different problems that the LGBTI population in Guatemala face, we spoke with several members of organizations in this sector who

shared their concerns as well as the challenges that this population and the organizations that defend their rights encounter.

From the perspective of Lambda³ and the National Network for Sexual Diversity and HIV in Guatemala (REDNADS), the priorities of LGBTI struggles should be access to justice, health, work and education, without which one cannot exercise their full citizenship. However, the agenda of many organizations is centered, almost exclusively, on the issue of HIV/AIDS⁴, which limits greatly their capacity to act and to some extent contributes to the pathologization of LGBTI sectors⁵.

In 1984 the first case of HIV was reported in Guatemala, starting to adopt preventive and intervention measures. In this context is when LGBTI people started to be viewed as a problem for public health⁶. Jorge López, Director of the Organization to Support an Integral Sexuality in

the Face of AIDS (OASIS), states that in 2005, 40 million dollars were given to Guatemala from The Global Fund to Fight AIDS, Tuberculosis and Malaria to carry out actions to treat HIV/AIDS⁷. With the objective of managing these funds, multiple organizations were created which has not always been viewed as something positive. Carlos Romero of REDNADS states that *at present there are about 25 or more organizations immersed in the frenzy of tests and condoms*.

In some ways, funding is viewed as a limiting factor in the work of LGBTI organizations. According to Lambda, *advances in the topic of human rights are not seen by international funding agencies as a priority, most focus on the topics of prevention and HIV/AIDS attention and few organizations are outside this circuit*. On the other hand, REDNADS considers that *this responds to a State void, as in other countries the dynamics of functioning of groups are "self-*

1 Acronym that collective designates lesbians, gays, bisexuals, trans (transgender, travesties and transsexuals) and intersex.

2 CIDH, *Human Rights Situation in Guatemala: Diversity, inequality and exclusion*. December 31, 2015.

3 According to their Facebook page, the organization was founded on January 10, 2010 whose mission is to promote the inclusion and civic participation of sexually diverse people in Guatemalan society, committed to the exercise of human rights.

4 HIV signifies human immunodeficiency virus, causes an infection by the same name. AIDS signifies acquired immunodeficiency syndrome and is the most advanced phase of the HIV infection.

5 Interviews with Lambda and REDNADS members, October and November 2017.

6 Hivos, Fundación Myrna Mack y Red Legal y su Observatorio de Derechos Humanos y VIH, *Discriminación por orientación sexual e identidad de género y una aproximación a la interseccionalidad con otras formas de discriminación en Guatemala*. Guatemala, April 11, 2012.

7 Interview with Jorge López, Director of OASIS, September 2017.

financed” or funded by the State, this in Guatemala has been impossible to make happen and for this reason the majority of organizations depend on international funding that on one hand has its own agenda. The resources to do testing and distribute millions of condoms for example, allows organizations to subsist, but undermines their possibility to have impact in the human rights agenda beyond that of HIV/AIDS. Furthermore, the dependence on external sources in the fight against HIV/AIDS is an element of concern. Thirty-one percent of resources come from international sources, for which it is recommended that the country have a sustainability plan that reflects its commitment and will to guarantee the functioning of the HIV program, especially with organizations with key populations,

*because the majority is financed by external funds*⁸.

Also according to Carlos Valdéz, Director of Lambda, this focus on the fight against HIV/AIDS, makes part of the LGBTI collective invisible, as it makes the work of organizations focus mostly on the population where the epidemic is focalized. That is to say, *trans women who are prostitutes and men who have sex with men*. Due to this direct established relationship between the LGBTI and HIV/AIDS sectors, some people, *as not to be stigmatized, live in clandestine making their situation worse*.

Another challenge that the LGBTI sectors face in Guatemala is the weakness of an organized movement. For Patricia Vargas⁹,

one of the greatest challenges is the lack of critical mass as 80% of the population is not organized and does not want to organize. Also, she states other factors that weaken this organization like the clandestine nature and lack of visibility that many people of this sector live, out of fear; or legacy from the internal armed conflict, which in their own words *damaged the foundation of the social movement*. Also, she points out the fact that many organizations that work on sexual diversity are led by homosexual men and therefore oriented, in most cases, toward this population, making other groups such as lesbian women invisible. Along the same lines, Jorge López affirms that lesbian women are totally invisible in society, *while there cannot be a lesbian women*



Congresswoman Sandra Morán presents bill on gender identity. Guatemala, August 3, 2017.

⁸ Ministry of Public Health and Social Assistance, *Informe de la Medición del Gasto en Sida Guatemala 2015*. Guatemala, November 2016.

⁹ Interview with Patricia Vargas, researcher and advisor on human rights in the Facultad Latinoamericana de Ciencias Sociales (FLACSO) de Guatemala and coordinator of the Observatory on Human Rights and Social Inclusion for LGBTI People. October 2017.

in society, men are in a position of privilege and have the option to have a “second life”. Women on the other hand, get married and are secluded to their homes preventing them from enjoying any type of outlet. Patricia Vargas also sees a strong weakness in leadership in organized LGBTI sectors: they are people who have been doing this for more than 20 years, which impedes a true generational handover in the interior of the movement.

From the point of view of those interviewed, something that is especially worrisome is the lack of political will. Despite the fact that the State created an Office on Sexual Diversity, as a dependency in the Ombudsman on Human Rights’ Office (PDH), Patricia Vargas states that it has never had the results that it should. Also, from its start this office was tasked with developing LGBTI public policy, which has been worked on since 2012 and is still unfinished. It is worth noting that during this process one of the drafts presented in 2015 was rejected after discovering many similarities with the LGBTI public policy from Bogota, Colombia. However, Carlos Romero of REDNADS recognizes that in recent years some headway has been made in State institutions. They have included variables like sexual orientation, gender identity and recognition of the social name of trans people in police records at the time of filing a complaint. Also, headway has been made in the penitentiary system where a few years ago a needs assessment



Sign denouncing the murder of Evelyn Alegria Robles, Guatemalan trans activist, as part of International Day for the Elimination of Violence against Women. Guatemala, November 25, 2016.

was conducted and later analysis for the construction of a model with standards to tend to LGBTI people in prison. Although the police have no attention protocols with differential focus, the Prosecutors Office (MP) does and the LGBTI focus is mentioned in the MP’s Criminal Democratic Policy which is part of the strategic planning for the institution during the period 2015-2035.

In regards to the international community, Carlos Romero applauds *specific actions in favor of the LGBTI population from countries like Norway, the United States, Canada and Holland, as well as the active participation of OHCHR and UNHCR in the implementation of protection protocols for refugees and asylum requests from LGBTI in Guatemala. Also the production of awareness raising materials on their*

displacement and refuge. On behalf of Guatemalan organizations, REDNADS and Lambda share an important achievement being the creation of a political training school with LGBTI leadership which is recognized by the school of psychology of the San Carlos University (USAC) which strives to empower new leadership.

All of the people we spoke to agree that being a LGBTI human rights defender in Guatemala implies great risks since this work confronts and challenges prejudices and stereotypes deeply rooted in society, the State and its institutions¹⁰. Although progress has been made, the road ahead is long and complicated¹¹. Therefore, the work of defenders and organizations that promote these rights is fundamental and reverts to the benefit of the country and society as a whole.

¹⁰ Prensa Libre, “Accidente biológico de mujer” y “banderita arcoíris”, las polémicas frases de diputados, Guatemala, October 18, 2017.

¹¹ Cumes, W., *Bandera de la diversidad sexual en el MP y embajadas genera polémica*, Prensa Libre. Guatemala, June 21, 2017.

News of our work

Accompanying the Peaceful Resistance of Cahabón

The municipality of Santa María Cahabón, Alta Verapaz, ancestral territory of the Q'eqchi' peoples, is traversed by the Cahabón and Oxec Rivers. The water from these rivers and a dozen of streams have been historically used by 195 Q'eqchi' communities as a source of subsistence:

We live near the river. I have two brothers who like to fish and when they go fishing, they run them off with rocks and firearms. I think they are killing us, they are taking away our water because we are accustomed to going to the river to get our food, like snails. We are used to going to the river and now we cannot go to the river when we want to. We have to drink that water or buy water, but we have to go to town and it is 45 minutes away by foot¹.

In the last 20 years, Alta Verapaz is the department with the most hydroelectric plants in operation, however it is also where the greatest number of inhabitants (more than 60%) do not have electricity in their homes². This is the paradox of the poorest department in Guatemala,

with a poverty index of 83.1% and 53.6% live in extreme poverty³ and electricity coverage at the lowest rate in the country (44.36%)⁴. These figures do not seem to match the promise that the development of hydroelectric megaprojects improves living conditions in communities:

They say that this is development, but this is not development – it is theft of resources. That is why we the 195 communities affected by the hydroelectric are upset⁵.

OXEC

“Oxec means three wise men who came in Q'eqchi’: Where the three hills come together is a sacred place where communities used to go to have ceremonies. Two of the hills were destroyed by the company. In Sepoc, the damage is something that no one forgives”⁶.

What is happening today with the waters of Oxec is far from the wise ancestral ways of the indigenous



Community consultation Cahabón. Salac I community, Guatemala, August 25, 2017.

- 1 Interview with female member of Cahabón communities in resistance, November 2017.
- 2 PNUD, *Más allá del conflicto, luchas por el bienestar. Informe Nacional de Desarrollo Humano*. Guatemala, 2016.
- 3 INE, *Encuesta Nacional de Condiciones de Vida 2014*. Guatemala, December 2015.
- 4 MEM, *Índice de cobertura eléctrica 2016*. Guatemala, September 5, 2017.
- 5 Interview with members of Cahabón communities in resistance, November 2017.
- 6 Members of Cahabón communities in resistance, Cit.



Community consultation Cahabón. Pinares community, Guatemala, August 25, 2017.

We are not in agreement that the company continues to manipulate our brothers. With lies they are gaining the trust of people. Since 2012 they have offered large projects and they do not follow through. A few people benefit, but everyone else stays the same. For this reason, many people who signed, now do not believe in the company¹¹.

The other side of the river

While the legal resources continued their course in Guatemala City, in May 2016 the communities of Cahabón asked the municipal Mayor to carry out a community consultation as stipulated in the Municipal Code. The Mayor authorized the consultation for 195 communities in the municipality. Everything was prepared for the communities to pronounce their opinions on the issue, but only two days before the consultation Oxec, S.A. filed an injunction which caused the Judge from the First Circuit Civil Court in Coban suspend the consultation¹².

The debate in Guatemala City continued

In February 2017, the suspension of activities of this hydroelectric project was ordered. The business sector rejected this judicial decision and started a public campaign calling for legal security for investment targeting the high courts and environmental authorities¹³. On May 26, 2017 in the

peoples. The Oxec S.A Company is part of Energy Resource Capital Corporation (ERCC)⁷, which was granted an environmental license to build the dam with the same name. The license was granted by former Minister Erick Archila who is currently under investigation for money laundering and illicit association cases. He is a fugitive from the law in these cases⁸.

In November 2015 the “OXEC I” hydroelectric dam started working and the second plant started working in 2018⁹.

In December 2015, Bernardo Caal, inhabitant of Cahabón, filed an injunction before the Supreme Court of Justice (CSJ) to suspend the work of the mine arguing that

the license was granted without prior consent¹⁰.

According to a member of the resistance, OXEC and the Ministry of Energy and Mines (MEM) tried to use an agreement signed in 2012 between the company and a few inhabitants of eleven communities “directly affected” as prior consultation. In the agreement the communities promised to their unconditional support for OXEC, to abstain from involving themselves in organizations and communities in opposition to the hydroelectric dam. The company promised to bring infrastructure, economic support and jobs, but none of this happened. On the contrary, divisions among communities intensified:

7 Solano, L., Destrucción en el río Cahabón, CMI. January 12, 2015.

8 Sánchez, G. y Ramos, J., MP investiga los bienes de exministro, Prensa Libre. Guatemala, July 1, 2017.

9 Pradilla, A., Oxec se convierte en la batalla por las consultas a los pueblos indígenas, Plaza Pública. August 26, 2017.

10 Ibid.

11 Members of Cahabón communities in resistance, Cit.

12 Pradilla, A., Op. Cit.

13 Bolaños, R.M., Empresarios piden consultas reparadoras para hidroeléctricas, Prensa Libre. Guatemala, May 18, 2017.

midst of numerous public statements demanding that the court guarantee the legal security for businesses and development in the country, the Constitutional Court (CC) finally handed down its decision admitting that indigenous communities were not consulted, but authorized the company to continue operations for one more year¹⁴. However, communities in resistance consider that this decision contravenes the rights of communities: (...) *after they denied us the consultation based in Municipal Code, a verdict is handed down which recognized the violation of rights in Cahabón, but they give MEM one more year to carry out the consultation and they let the company continue to operate. This is against ILO Convention 169.*

Amidst protests rejecting the court's decision, the Labor Ministry presented a guide on how to carry out prior consent with indigenous peoples. This guide was also rejected by different indigenous organizations¹⁵.

The other side of the river II

Due to the suspension of the community consultation authorized by the Mayor, provoked by the injunction put forth by OXEC, the Santa María Cahabón communities decided to convoke a new consultation with the 195 villages in the municipality on August 27, 2017. The Ministry of Energy and Mines (MEM) classified it as a *parallel consultation lacking legal sustenance*¹⁶. However, the institutional rejection

was insufficient to stop the consultation in which 26,537 people voted against the Oxec 1 and 2 projects and eleven people voted in favor. Nevertheless, the MEM continues preparing a new consultation that several communities reject: *The MEM is going to carry out a consultation with the 11 communities, we have already conducted our own consultation, in accordance with our own principles and values as native peoples. They want to harm our struggle by manipulating people, saying that there is going to be another consultation, but we are going to make the consultation that we carried out be binding, backed by Convention 169*¹⁷.

The increase in threats and attacks against members of the resistance is

worrisome since the consultation that took place on August 27: *I received threats and insults via telephone. They tell me I should stop fighting and if not they are going to kill me. The companies reject our struggle. The company says that organizations are of no use – that the organizations are made of delinquents. We are not delinquents, we are human rights defenders and defenders of Mother Nature. They have fired shots at the COCODE of one community, another person's door to their house was struck by machete, and they tried to set fire to another person's home*¹⁸.

PBI was present at the community consultation on August 27. This was the start of our accompaniment to the Peaceful Resistance of Cahabón.



Panoramic view of Oxec hydroelectric dam. Guatemala, May 12, 2017.

¹⁴ Cumes, W. y Toc, M., Hidroeléctricas Oxec seguirán operando por un año mientras se realizan consultas, Prensa Libre. Guatemala, May 26, 2017.

¹⁵ Rivera, N., Autoridades ancestrales rechazaron la guía y reglamento de las consultas, CMI. July 2017.

¹⁶ Ministerio de Energía y Minas, Comunicado de prensa MEM 37-2017.

¹⁷ Members of Cahabón communities in resistance, Cit.

¹⁸ Ibid.



PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

PBI is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, PBI continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, PBI began receiving a number of requests for international accompaniment. Due to these requests, **PBI** carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international

accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

Mandate and Principles

Contribute to improve the human rights situation in Guatemala, and hereby strengthen the social and political processes that promote the enhancement of democracy and participation in the country and the region. Therefore **PBI** employs an international presence to create and maintain open political space for human rights defenders, lawyers, union members, campesino and indigenous organizations, and civil society groups that are suffering repression due to their work supporting human rights.

PBI follows the principles of non-violence, non-partisanship and non-interference.

Team office in Guatemala

3a. Avenida "A", 3-51 zona 1, Ciudad de Guatemala
Tel: (00502) 2220 1032 / 2232 2930
correo-e: equipo@pbi-guatemala.org

Coordination Office

Avenida Entrevías, 76, 4º B, 28053 Madrid, Estado Español
Tel: (0034) 918 543 150
correo-e: coordinacion@pbi-guatemala.org

Web: www.pbi-guatemala.org
Facebook: [pbiguatemala](https://www.facebook.com/pbiguatemala)
Photos: PBI Guatemala

TEAM IN GUATEMALA:

Stephanie Brause (Germany), Catriona Rainsford (United Kingdom), Gustavo García (Colombia), Francisco Vanegas (Colombia), Jan Sabbe (Belgium), Anabel Butler (United Kingdom), Emanuela Lamieri (Italy), Andreas Lo Grasso (Germany), Laura Gomariz (Spain), Ricardo Henao (Colombia), Dylan Lebecki (Ecuador) and Pilar Tablado (Spain).



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