



Press statement of the Special Representative of the UN Secretary-General on the situation of human rights defenders

Guatemala, 20 February 2008

The Special Representative of the UN Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, issued the following statement on her preliminary findings of her official visit to Guatemala.

The Special Representative of the UN Secretary-General on the situation of human rights defenders finished today her official visit to Guatemala started on 18 February 2008.

The visit is a follow up mission aimed at identifying progress and challenges in the situation of human rights defenders 6 years after the visit undertaken by the Special Representative in June 2002.

The Special Representative thanks the Guatemalan Government for inviting her to visit the country and is particularly grateful to the collaboration extended by the Presidential Commission for the Coordination of Human Rights Policies (COPREDEH) in the preparation of her programme. She also thanks the Office of the High Commissioner for Human Rights (OHCHR) for the commendable support provided in organizing the visit. The report on the visit will be presented and discussed at the UN Human Rights Council in Geneva at the next interactive dialogue with the Special Representative that will be scheduled after the one taking place in March 2008.

During the visit, the Special Representative met with Government representatives, members of the judiciary and the Congress, the Ombudsperson, the international community, and human rights defenders.

Guatemala is a country confronted with daunting challenges. It ranks among the most unequal in terms of income distribution. Violence and organized crime are rampant, the level of impunity is almost total and the influence of parallel powers impairs change. This has dramatically deteriorated the environment in which defenders operate.

In such a difficult context, the Special Representative has however recognized some progress since her first visit in 2002, particularly in the area of establishing institutions, mechanisms and procedures. This includes:

- The establishment and strengthening of the NGO Unit for the Protection of Human Rights Defenders as a monitoring entity set up by the civil society sector to enhance the protection of human rights defenders from within the human rights community;

- The achievements of the Ombudsperson's Office in addressing complaints and in gaining people's trust;
- The establishment of the Commission against Impunity in Guatemala (CICIG) in December 2006, tasked with the investigation of illegal and clandestine security groups with a view to dismantle them;
- The creation of a Body for Analyzing Attacks against Human Rights Defenders in Guatemala under the Ministry of Interior (January 2008); and
- The draft public policy on the protection of human rights defenders and other vulnerable groups currently being discussed under the leadership of COPREDEH.

However, these and other initiatives have not resulted in actual improvements on the ground. On the contrary, the number and intensity of attacks against human rights defenders increased and basically doubled in the last 5 years with an average of one attack against defenders every other day. 50 defenders were killed between July 2002 and December 2007, and 23 killings took place in the last two years. Equally alarming is the level of impunity for attacks and violations against human rights defenders. The reported figure of 98% of impunity for attacks against human rights defenders makes justice an empty word in Guatemala.

All sectors of the human rights community are affected by attacks and violations against them. Defenders working on economic, social and cultural rights are among the most affected groups. Organizations working on justice and the right to truth are particularly targeted. This also includes some defenders of the Public Penal Defense working on sensitive cases. Other sectors of the defenders' community suffer attacks specific to their area of work. These are, among others, trade unions, journalists, women defenders, peasants' organizations, indigenous organizations, youth defenders, as well as international NGOs.

Two State institutions that should be in the frontline in providing protection and redress against these attacks are part of the problem. These are the police and the Attorney General's Office.

The police are in charge of providing protective measures to defenders at risk. This protection is nevertheless selective, inefficient and at times it is even a cause of further risk when the police themselves are believed to be involved in the attacks against defenders.

Despite the establishment of specialized units within the Attorney General's office to facilitate the investigation of attacks against defenders and the increase in the resources made available to carry out investigations, the inaction of the prosecutors in investigating cases reported by or concerning defenders is disappointing. Strong and firm measures are to be taken to redress the deficiency of the investigative mechanism.

Constant campaigns of stigmatization and criminalization of defenders in media and in some sectors of the political establishment open the way to

more threats and attacks against defenders and show, once more, the lack of political will to redress the situation registered so far.

The Special Representative is encouraged by the commitment expressed by the new Government and hopes it will be sustained and determined enough to take the country through the reform processes and transformation that will enable Guatemala to tackle structural problems, like inequalities, violence and impunity, that impede the enjoyment of human rights of the people of Guatemala and put those who defend these rights at great risk.

The Special Representative wishes to make the following preliminary recommendations:

To the Government and relevant State actors:

- Take concrete and visible steps to give political recognition and legitimacy to the work of human rights defenders. This can be made by way of firmly condemning attacks against defenders and by acknowledging the importance of their work.
- Adopt a governmental policy on the protection of human rights defenders in consultation with human rights defenders and relevant stakeholders.
- Ensure coordination among institutions responsible for the investigations of cases, particularly between the police and the Attorney General's office.
- Assess the current system of protective measures to introduce measures for quick response and effective protection
- Take measures to ensure and monitor the full collaboration of relevant institutions, particularly the Attorney General's office, in the implementation of the recommendations and findings of the Ombudsperson and the CICIG.

To the international community:

- Continue monitoring the situation of human rights defenders and express support for their work through, *inter alia*, the interventions of international and regional human rights mechanisms, the work of the OHCHR Office in Guatemala, and the actions envisaged in the European Union Guidelines on human rights defenders.

To human rights defenders:

- Strengthen networks and coalitions of defenders both within and outside the country to enhance the protection that defenders can provide to each other through these networks.
- Seek and use all available opportunities to participate and be consulted in decision-making processes of public institutions, including approaching the Commission on Human Rights of the Congress.