

Regional Consultation with Latin American and Caribbean Civil Society

April 19, 2023, Santiago, Chile

The situation of the demonstrations in Guatemala:

The Guatemalan context presents a complex panorama for exercising the right to demonstrate peacefully, in which the State exercises intimidating actions against the popular sectors that demonstrate, and there is an atmosphere of fear to demonstrate and organize, due to the repression and criminalization processes that have been experienced in recent years against activists and human rights organizations.

Article 37, Political Constitution of the Republic of Guatemala establishes: *Any part of the people may assemble and demonstrate publicly and peacefully. Only the law may expressly establish the cases in which the exercise of this right may be limited.*

Thousands of people took to the streets in the capital and different parts of the country, with the aim of overthrowing the government of former military man Otto Pérez Molina, who along with part of his cabinet is still in prison. These massive demonstrations, which led to the dismissal and imprisonment of the President and Vice-President, set a precedent that subsequent authorities have avoided repeating at all costs.

An example of this is that the first mass demonstrations demanding the current ruler were violently repressed (two demonstrators lost an eye during the demonstrations due to the impact of tear gas bombs in November 2020).

These massive demonstrations included a fire at the Congress building during a dubious incident. As a result of these demonstrations, two women, a young student and an indigenous activist, are being tried for crimes of depredation of property, in malicious prosecutions.

These actions clash with the permissive attitude of the authorities towards former civil patrolmen, who have been carrying out demonstrations for years with practically no opposition from the authorities¹, nor from the economic sectors that usually speak out whenever the right to demonstrate is exercised by popular sectors.

¹"The OHCHR also noted that former military demonstrators assaulted members of the police during a demonstration" Report of the United Nations High Commissioner for Guatemala, on the Situation of Human Rights in Guatemala 2022.

Commented [D1]: Would it still be possible to obtain consent from them or their lawyers to mention their names?

Commented [2]: Reply to UNKNOWN (04/16/2023, 18:25):
"..."
I was trying to get the consents but could not.



A factor that has been observed in the last demonstrations held outside the capital is the presence of the PGN, with the argument of protecting children who may participate in the demonstrations, to date no action has been taken by the PGN, but the organized sectors see it as a coercive measure to limit the right to demonstrate of women mothers, who usually participate with their children.

The role of the Human Rights Ombudsman's Office (PDH) is worrisome, since the current Human Rights Ombudsman has spoken in multiple media about the need to defend the right to freedom of movement, with preeminence over the right to demonstrate. In March 2023 he filed an injunction against peaceful blockades by peasant organizations.

Other protest demonstrations such as the takeover of the university campus of the University of San Carlos de Guatemala, USAC, which in the month of May celebrates its first anniversary, has been criminalized by criminal and civil prosecution and administrative offenses against students and teachers involved in the movement, one of the most notable actions has been the expulsion of the student **Camilo García**², leader and student representative to the University Superior Council³.

With the dubious election of the Rector of the University of San Carlos, a series of demonstrations were generated which were violently repressed by police authorities, the opposition to the election resulted in a series of demonstrations and later the takeover of the Campus and several university buildings. During the peaceful occupation, university students have been repressed by private security agents.

At the level of the territories and resistances, they continue to be victims of violent evictions in which people of all ages are repressed and violated. Dozens of defenders are criminalized and criminally prosecuted.

The current congress has made several attempts to enact laws that criminalize demonstrations and give the police and authorities the power to act violently against demonstrators. One of them is initiative 6076, "Law for the Strengthening of the Public Security Forces and the Guatemalan Army", which was intended to allow police and military to use force during public demonstrations, but thanks to social pressure from indigenous leaders, it was shelved. However, there is no guarantee that it will not be taken up again.

² The ombudsman's consent to be named in this report has been obtained.

³ Ibid, OHCHR received information on reprisals such as intimidation, harassment, coercion, surveillance, criminal complaints and dismissal from employment at against students, faculty and administrative staff of the University of San Carlos de Guatemala for having exercised their right to peaceful assembly and freedom of expression during the election process of the Rector of the university (2022-2026).

Commented [D3]: Same comment: It is better if we have their consent. In all cases where this is achieved, it is important to say so explicitly when naming them or at the end of the intervention.

Commented [4]: Reply to UNKNOWN (04/16/2023, 18:30):
"..."

We already have your consent to publish your name.



During the government of current President Alejandro Giamatei, the right to demonstrate has regressed and actions to limit it are permanently evident. In July 2021, the President decreed a state of prevention, to limit demonstrations throughout the country and declared "I think enough is enough, enough was enough", after hundreds of Guatemalans came to demonstrate against the management of vaccines during his government.

In October 2021 in Estor Izabal, Q'eqchi's inhabitants who opposed the operation of the Fénix mining project, whose license had been suspended since February of that year by a resolution of the Constitutional Court, had been in an improvised camp for 21 days, protesting against the operation of the mine, were repressed by the police, which they confronted and as a result the President and the Congress of the Republic decreed a state of siege.

In September 2022, the Ancestral Authorities of the municipality of Nebaj, Quiché suffered an attempt of violent eviction from their offices in the municipal mayor's office, in this action, women were beaten by municipal employees and were stripped of part of their property and information contained in the computers of the Indigenous Mayor's Office. On this occasion, a shock group of women who were sympathetic to the municipal authorities was used to attack the indigenous authorities.

It is the demonstrations of women's organizations -who have been stigmatized- that achieve a wider call, but are permanently harassed. The demonstrations on March 8 and November 25 are generally negatively qualified by the media, which are close to the Government and sectors of power, due to the public actions they carry out questioning patriarchy, authoritarianism and corruption.

Commented [D5]: Could we say "harassed"?

Today it is necessary to establish mechanisms to protect the collectives that demonstrate publicly in the country, since up to now it was institutions such as the PDH that guaranteed this right, but in this context it is not possible to count on this institution.

The report of the United Nations High Commissioner for Guatemala 2022, on the Situation of Human Rights, in reference to Freedom of Peaceful Assembly, states that the OHCHR observed, in person and remotely, 137 mostly peaceful demonstrations, called by a variety of actors, among which stand out those of indigenous authorities, peasant movements and students. OHCHR documented the use of tear gas, on some occasions, against peaceful demonstrators despite their willingness to dialogue; a disproportionate deployment of elements of the National Civil Police; the taking of photographs of participants with intimidating effect, and the presence of Military Police in citizen security tasks.

The report also states that OHCHR advised members of the Inspector General's Office of the National Civil Police on the human rights approach to policing, particularly on the proportional use of force.

Protection International proposes the need for action to defend the right to freedom of peaceful assembly and demonstration.

Exerting international pressure, so that the Guatemalan State commits to respect this right.

Surveillance of police actions.

Human Rights Training for Police Officers

Protection International Mesoamerica