

International legal experts call for urgent action to protect Indigenous peoples; express grave concern at impact of violent forced evictions in Guatemala

- Group observed apparent ‘systemic failures’ in the protection of Indigenous rights;
- Indigenous land defenders in the firing line after opposing extractive projects and unsustainable agricultural developments;
- The human rights experts urge the need to guarantee access to justice;
- Widespread criminalisation of human rights defenders is an obstacle to ensuring accountability and the rule of law;
- Full findings to be published in an expert report in September.

Guatemala City, 31 March 2023

This week an independent fact-finding mission of international human rights lawyers travelled to Alta Verapaz to meet Indigenous communities, civil society organisations and government representatives to understand the structural causes of rural violence. They urged the state to prioritise Indigenous rights to ancestral land and to cease violent evictions which deepen the agrarian conflict.

“Indigenous communities in Guatemala face disregard for communal territorial rights, unequal land distribution, racism, violence, and a clear lack of access to justice”, said Camila Zapata Besso, a UK human rights expert. “An effective response is of the utmost urgency, because this betrays the same agrarian dilemmas that the peace agreement sought to repair.”

The lawyers observed widespread criminalisation arising from complaints from private landowners against communities. They also were concerned about the lack of legal clarity regarding how Indigenous people can claim their rights and defend them within a fragmented system.

Daniel Cerqueira, a Brazilian expert on international law, said “The international community and businesses with investment in Guatemala must be attentive to legislative setbacks and the criminalisation of Indigenous communities that are claiming their right to live on their ancestral territories”.

The lawyers visited Guatemala due to their collective concern around recent UN and civil society reports of violent evictions, human rights abuses, and threats to the rule of law. They met with Indigenous communities and organisations, including imprisoned community members, civil society actors, lawyers representing affected communities, the private sector, the diplomatic community and State authorities responsible for land titling, human rights, and public security. The delegation would like to express their gratitude to all the local people and officials who took time to speak to the delegation.

“Guatemala urgently needs to initiate a holistic review of its laws and practises in favour of its Indigenous peoples - upholding their right to the territory in order to rescue their cultural identity and preserve their traditional knowledge”, said Silvana Baldovino, a Peruvian legal expert in Indigenous rights.

The delegation expressed particularly urgent concerns regarding:

- The widespread criminalisation of Indigenous communities and human rights defenders asserting their rights.
- The eviction and displacement of Indigenous communities from ancestral land and the lack of legal, institutional and practical recognition of their collective rights, including the right to decide about the use of their land and resources.
- The failure of the State to prevent the use of unlawful force and violence against Indigenous families and rural communities, particularly during evictions.
- Reported issues with supply chain due diligence conducted by multinational companies who do business in certain areas, and with Guatemalan counterparts allegedly involved in agrarian conflicts.
- The drastic increase in poverty suffered by Indigenous communities, related to weakening food sovereignty and limited access to water and natural resources.
- Gendered and sexual violence, labour exploitation, violations to the right of the child, and the right to education.
- The lack of access to justice for Indigenous communities.

The following delegation members are available for interview:

- *Silvana Baldovino Beas*, Program Director, Peruvian Society for Environmental Law (SPDA) (Peru)
- *Daniel Cerqueira*, Program Director at the Due Process of Law Foundation (USA and Brazil)
- *Ben Cooper KC*, Barrister and King’s Counsel, Doughty Street Chambers (UK)
- *Margherita Cornaglia*, Barrister, Doughty Street Chambers (UK and Italy)
- *Steve Cragg KC*, Barrister and King’s Counsel, Doughty Street Chambers (UK)
- *Haydee Dijkstal*, Barrister, 33 Bedford Row Chambers (Netherlands and USA)
- *Camila Zapata Besso*, Barrister, Doughty Street Chambers (UK and Colombia)

Email: IDILGuate@protonmail.me **Telephone:** +447426335784