

Sakharov Prize Finalists 2017

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Lolita Chávez Ixcaquic, human rights defender from Guatemala

Jesper TVEVAD

Aura Lolita Chávez was born on 12 September 1972. A former teacher, she is one of the most prominent human rights and environmental activists in Guatemala. Ms Chávez belongs to the Ki'ché (or Quiché) indigenous community, one of Guatemala's Maya communities. The Ki'ché live predominantly in central Guatemala, most of them in the departments of El Quiché, Totonicapán and Quetzaltenango. [Official data](#) indicates that 11 % of Guatemala's population, or approximately 1.6 million people, belong to the Ki'ché linguistic community.

Aura Lolita Chávez is a member of the Council of the Ki'ché People (*Consejo del Pueblo Ki'ché*, CPK), one of the constituent councils of the Council of the Maya People (*Consejo del Pueblo Maya*, CPM). The CPK was [established in 2008](#) to defend indigenous communities' identity and traditional ways of life, and rights to their territories and natural resources. The Council has opposed mining and hydroelectric projects and industrial agriculture.

The CPK and its members have suffered frequent attacks and harassment. In November 2005, the Inter-American Commission on Human Rights (IAHCR) — an autonomous organ under the Organization of American States (OAS) created to promote and protect human rights in the Americas — [granted precautionary measures](#) to protect Ms Chávez, after she and several members of social movements in the El Quiché department had received threats by a local mayor. With this, the IACHR requested that the Guatemalan government adopt the necessary measures to protect the 'lives and personal integrity' of Aura Lolita Chávez and to investigate the incidents that led to the adoption of the precautionary measures. Most recently, on 7 June 2017, Ms Chávez and a group of CPK members were attacked by a group of armed men after they had intercepted a lorry with a cargo of allegedly illegally logged timber. After this incident, she left Guatemala.

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The growth in mining, energy and other extractive projects in Guatemala in recent years has increased the potential for human right violations, related social conflicts over land ownership, and the management of natural resources. These social and environmental conflicts, often caused by the failure to inform or consult local communities, are closely linked to the historically unsolved problems of Guatemala's indigenous population. A [report](#) from the Inter-American Commission on Human Rights (IACHR), issued in December 2015, noted the 'ongoing lack of protection for the human rights of indigenous peoples and communities in accordance with international standards, which is causing social and environmental harm in indigenous areas, including the dispossession of their lands and contamination of their water sources'. It also found that, although discrimination is prohibited by law in Guatemala, indigenous peoples continue to face obstacles to having their complaints regarding discrimination accepted and investigated. The IACHR report concluded that public policies to address the discrimination and exclusion of Guatemala's indigenous population had been fragmented and that the indigenous peoples had not been previously consulted. It also found that a lack of political will and adequate funding hampered the implementation of these policies.

Human rights defenders are frequently targeted by organised crime and, allegedly, by elements within the security forces. Various reports suggest that attacks against human rights defenders have increased in recent years. According to the NGO, the [Unit for the Protection of Human Rights Defenders in Guatemala](#) (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala*, UDEFEGUA), 11 human rights defenders were killed in the first 10 months of 2017, while overall, 328 suffered different forms of attack or harassment. The corresponding figures for the whole of 2016 were 14 and 263, respectively.

The [IAHCR stated in June 2017](#) that defenders of the environment in Guatemala were among those at greatest risk worldwide, due to their activities defending their territory and the environment against large-scale projects. Among other cases, it cited the attack against Aura Lolita Chávez and other members of the Council of the K'iché People, in June 2017. In light of these events, three experts (the IACHR's special rapporteur on human rights and the environment, the IACHR's rapporteur on human rights defenders and the UN Human Rights Council's special rapporteur on the situation of human rights defenders) called on Guatemala's government to 'urgently address' the increase in violence against environmental defenders and adopt a policy to protect human rights defenders.

More recently, following a visit to Guatemala by an IACHR delegation from 31 July to 4 August 2017, [the Council reported](#) that human rights defenders are at 'extreme risk' due to the ongoing violence and the criminalisation to which they are exposed. This includes the improper use of criminal charges, groundless arrest warrants, arbitrary arrests and pre-trial detention. The IAHCR delegation also observed that most cases of violence against, and criminalisation of rights defenders, are related to their defence of the environment and of their territory against hydroelectric and mining projects. It noted that defenders of the rights of indigenous peoples are 'especially subject to stigma, attacks, arrests, and killings'.

The issue of the indigenous communities' defence of their rights to territories and natural resources is closely related to the right to free and informed prior consultation on measures affecting their lands and territories, as recognised in [Convention 169](#) of the International Labour Organisation (ILO). Although Guatemala ratified the Convention in 1996 and has given it constitutional status, it is widely recognised that the practical implementation of the right to consultation is deficient. This is due, among other reasons, to the lack of guidelines or a legal and institutional framework for prior consultation. In this regard, the IACHR report on its recent visit to Guatemala stated that it had received information regarding mining, hydroelectric, and single-

crop farming projects being developed without prior consultation. It also noted that social unrest associated with land tenure and control, stemmed 'fundamentally from a lack of respect for the right of indigenous peoples to prior, free, and informed consultation'.

Similarly, [the 2017 annual report of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala](#) (OHCHR-Guatemala) highlighted concerns about the impact on human rights of natural-resources exploitation projects, including mining and hydroelectric projects. It stated that the Guatemalan state had yet to ensure adequate consultation procedures for future permits, or those under consideration, in order to guarantee protection of the rights of affected indigenous peoples.

In a [resolution on Guatemala](#), notably the situation of human rights defenders, tabled by six political groups and passed on 15 February 2017, the European Parliament condemned the killings of human rights defenders and journalists in Guatemala. Recalling the need for a public policy to protect them, it called on Guatemala's government to ensure that such a policy addresses the structural causes that increase the vulnerability of human rights defenders. It also invited the business community to support such efforts. Similarly, it called for the 'urgent and mandatory implementation' of the precautionary measures recommended by the IACHR. The Parliament also called on the Guatemalan government to accelerate the procedures to ensure the creation of a mechanism for free and informed prior consultations, in line with ILO Convention 169. It also called for the launch of 'wider social consultations' concerning hydroelectric plants, mining projects and oil companies. Finally, it called on the EU institutions to ensure that no assistance or support from the EU promotes or permits development projects without meeting the obligation of prior, free and informed consultation with indigenous communities.

Dawit Isaak, human rights defender from Eritrea

Marika LERCH

Dawit Isaak, a Swedish-Eritrean playwright, journalist and writer, was born in October 1964 in Asmara. In 1987, Dawit Isaak moved from Eritrea to Sweden, where he acquired Swedish citizenship. In 1993, following Eritrea's independence from Ethiopia, he returned to Eritrea to co-found the first independent newspaper '*Setit*', of which he later became co-owner. In September 2001 Dawit Isaak reported on an open letter from a group of 15 politicians (later known as the G 15), which criticised Eritrean President Isaias Afwerki and called for democratic reforms. The government cracked down by arresting 11 of the politicians and 10 journalists, including Dawit Isaak. Mr Isaak has been imprisoned since without charge or a trial, and was last seen in 2005. He has not been allowed any contact with his lawyer, or with his family. Eritrean authorities refuse to provide any clear information about his health or whereabouts. According to some sources, Isaak has been held in solitary confinement and tortured. There have also been reports that he was admitted several times to hospital for medical treatment. His wife and his three children currently live in exile in Sweden.

The European Parliament has followed his case closely, and called repeatedly for his release, most recently in the [urgent resolution](#) of 6 July 2017 on Eritrea, notably the cases of Abune Antonios and Dawit Isaak. Mr Isaak's case has also regularly been raised during meetings of the ACP-EU Joint Parliamentary Assembly. Isaak has already been a finalist for the Sakharov prize, in 2009. Many others have undertaken initiatives and diplomatic efforts to push for his release. The African

Commission on Human and People's Rights assessed the case twice and recommended the release of Mr Isaak and other journalists held arbitrarily. Dawit Isaak's work and courage have been recognised by several awards, including the UNESCO/Guillermo Cano World Press Freedom Prize 2017. The Eritrean government has ignored all these interventions.

Eritrea became independent in 1993, after a 30-year liberation war, in which the current Eritrean president, Isaias Afwerki, fought side-by-side with Ethiopia's former president and prime minister, Meles Zenawi, in toppling the brutal regime of Mengistu Haile Mariam. Eritrea's transitional parliament ratified a democratic constitution in 1997, but the democratic process was interrupted when a conflict with Ethiopia over border demarcation, including the disputed village of Badme, escalated into a full-scale war. It ended with the signing of the 2000 Algiers Agreement, and the setting up of the Ethiopia-Eritrea Boundary Commission (EEBC), which assigned Badme to Eritrea, which was initially rejected by Ethiopia, which considered it unjust. The conflict remains unresolved, and has been used by the Eritrean government as a pretext for delaying democratic reforms and parliamentary elections, for pursuing militarisation of society and for exercising total control over its citizens. Eritrea has become a country with one of the worst human rights records worldwide: it ranks 179th out of 180 countries in the [World Press Freedom Index](#) of Reporters without Borders, and 52nd out of 54 countries on the [2017 Mo Ibrahim Index of African governance](#). The country has never had national elections, and no political parties are permitted other than the president's People's Front for Democracy and Justice (PFDJ). President Isaias Afwerki was elected interim president in 1993 by the transitional National Assembly and has remained in power since. There is no independent justice system, lack of transparency of public finances, and no space for independent civil society. Forced military service is often extended for indeterminate periods of time, despite a maximum legal limit of 18 months. Restraints on religious freedom, arbitrary detention and torture, inhumane prison conditions and sexual violence against women, are also among the widespread human rights violations occurring daily. There is a lack of data on the economic and social situation, but UNICEF estimates that 50% of children suffer from stunted growth. In the 2016 UNDP [Human Development Index](#), Eritrea ranked 179th out of 188 countries and territories. Although the government grants access to bilateral and international delegations — in particular with a view to assessing information for asylum decisions — it denies full access to human rights organisations and independent humanitarian organisations.

The UN's Commission of Inquiry on human rights in Eritrea noted in its [final report of June 2016](#) that crimes against humanity had been committed in a widespread and systematic manner in Eritrean detention facilities, military training camps and other locations across the country over the past 25 years. The UN Special Rapporteur on the situation of human rights in Eritrea, in her [latest report of July 2017](#), found that the government of Eritrea had not made any effort to address the human rights concerns highlighted by the Commission of Inquiry, and that it had shown no willingness to tackle impunity with regards to perpetrators of past and ongoing violations. One of her recommendations to the international community is for the Security Council to refer the situation in Eritrea to the International Criminal Court.

Due to the dire human rights situation, Eritrea is one of the main countries of origin of refugees fleeing to other parts of Africa and to Europe. According to the [UNHCR](#), Eritrea was the ninth largest country of origin with 459 400 refugees at the end of 2016. While the EU has regularly criticised the human rights situation in Eritrea, development cooperation has intensified since 2016, with the signing of a [National Indicative Programme \(NIP\) 2014-2020](#), under the European Development Fund (EDF), worth EUR 200 million. Cooperation shall focus on renewable energy

and governance, including supporting the implementation of recommendations accepted by Eritrea during the 2014 [Universal Periodic Review](#), under the auspices of the UN Human Rights Council. The EP [criticised](#) the fact that the NIP was signed without further discussion, given that Parliament had expressed strong concerns over the seriousness of the human rights violations committed by the Eritrean regime, the pervasive corruption and the absence of transparency in public finance management. In its [urgent resolution of July 2017](#), Parliament called 'on the EU to ascertain conditionality of its aid, including that the Government of Eritrea should adhere to international obligations on human rights and that the political prisoners should be released before any further EU aid is given to Eritrea'. It also called on the EU to consider the launch of consultations under Article 96 of the Cotonou Agreement. Eritrea is also involved in the EU's dialogue process on migration and human trafficking with countries in the Horn of Africa (the Khartoum process). It also benefits from the EU Trust Fund for Africa through a [project](#) supporting the creation of employment opportunities and skills development in Eritrea.