



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

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Just Atonement Inc. (JAI) is a legal non-profit that connects and trains advocates to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Guatemala.

SUMMARY OF CONCLUSIONS

1. **Guatemala suffers from inequality that is likely to deepen further due to climate change.** COVID-19 has already had a negative impact especially on the poor communities in Guatemala. The situation is likely to worsen, as the natural disasters and extreme weather events make farming more challenging and damage the infrastructure of rural communities. The Guatemalan government has not been able to provide support to areas that have suffered from recent extreme weather events, leading to increased inequality. Growing climate impacts may result in a massive migration crisis.
2. **Indigenous peoples continue to be at a disadvantage.** Guatemalan indigenous peoples are disproportionately poor, impacted by businesses involved in natural resources extraction, and are more likely to suffer from extreme weather events. The Guatemalan government has violated indigenous peoples' rights, including their right to self-determination, by failing to give title to their lands and by preventing the operation of



indigenous media.

3. **The conditions for human rights defenders and environmental activists in Guatemala have worsened.** The number of killed and attacked activists in Guatemala has increased in the recent years and the Guatemalan government has not taken any meaningful action to provide protection to the activists. The activists are threatened especially in conflicts involving indigenous communities and extraction of natural resources. Given Guatemala's natural resources and the increasing need of minerals, Guatemala must avoid creating conditions that could increase conflicts in the future.

CLIMATE CHANGE

Impacts of Climate Change

4. **Guatemala is particularly impacted by climate change.** Because of its location between the Caribbean Sea and the Pacific Ocean, Guatemala is very vulnerable to natural disasters and extreme weather events such as tropical storms, hurricanes, droughts, and earthquakes. Extreme weather events are predicted to become more common and more intense because of climate change. This is already visible in the area: for example, the 2020 Atlantic hurricane season was the most active season and the 2021 Atlantic hurricane season became the third most active season on records.

Natural Disasters

5. **Natural disasters are likely to cause major damage, impair access to and delivery of basic needs, and deepen inequality in Guatemala.** Natural disasters especially impact the rural communities, who are already poor and have less stable infrastructure. This makes them particularly vulnerable to natural disasters. Natural disasters may severely impede the communities' access to basic necessities, such as potable water or food, and cause major material damage that further deepens inequality.
6. **Support from the government to help with the consequences of natural disasters has been scarce.** For example, in late 2020, Guatemala suffered from two major hurricanes, Eta and Iota. The heavy rainfall caused landslides and flooding, severely damaging tens of thousands of homes and infrastructure. Over 1.9 million people were affected by the Eta and Iota hurricanes, and 1.2 million people needed humanitarian assistance. However, the government has not provided any substantial support that would help the



locals repair the damage.¹

Agriculture

7. **Guatemala's economy is very dependent on agriculture.** In 2020, 10.24% of Guatemala's GDP came from agriculture, forestry, and fishing. In addition, in 2019, 31.3% of all employment was in the sector of agriculture. Agriculture is the main source of income especially in rural communities that are poorer than urban centers.
8. **Climate change reduces the amount of land suitable for farming in Guatemala.** Extreme weather events caused by climate change, such as heatwaves, drought, hurricanes, heavy rainfall, and landslides, already have a devastating effect on agricultural land in Guatemala. This has a direct impact not only on the livelihood of the farmers and the entire economy of the country, but also on the already high malnutrition rate among the population.²
9. **The detrimental impact of climate change especially on agriculture may result in a major migration crisis.** Farmers who are struggling with changes in agricultural and environmental conditions are tempted or even forced to leave Guatemala in the hope of a better future. This migration is further contributed to by deep inequality and worsened conditions during COVID-19.

Deforestation

10. **Guatemala has witnessed major deforestation and forest degradation.** Forest area has steadily declined year by year, from 42.092 km² (39% of total area) in 2000 to 35.278 km² (32% of total area) in 2020. Agriculture has been the leading cause of deforestation, with increased industrial agriculture, palm oil and rubber plantations, and cattle farming. Deforestation accelerates global warming, as there are less trees capturing greenhouse gases and the carbon stored in the cut trees is released into the atmosphere. Deforestation also makes the consequences of extreme weather events locally even more severe, as the

¹ See, e.g., New York Times, "2 Hurricanes Devastated Central America. Will the Ruin Spur a Migration Wave?" (4 December 2020). Available at: <https://www.nytimes.com/2020/12/04/world/americas/guatemala-hurricanes-mudslide-migration.html>, <https://www.vox.com/policy-and-politics/2021/3/22/22335816/border-crisis-migrant-hurricane-eta-iota> and <https://www.devex.com/news/months-after-hurricanes-guatemalans-face-a-choice-stay-or-migrate-100160>. The lack of Guatemalan government aid was partially offset by aid from the U.S. and the EU: see United Nations, OCHA Services, *United States Announces Additional Humanitarian Aid to People Affected by Hurricanes Iota and Eta* (4 December 2020). Available at: <https://reliefweb.int/report/honduras/united-states-announces-additional-humanitarian-aid-people-affected-hurricanes-iota>; See also, *Hurricane IOTA: EU Channels Additional Emergency Assistance to Central America and Colombia* (24 November 2020). Available at: <https://reliefweb.int/report/honduras/hurricane-iota-eu-channels-additional-emergency-assistance-central-america-and>.

² According to the World Food Programme, approximately 47% of children aged 6-59 months suffer from chronic malnutrition: see "WFP Guatemala Country Brief" (February 2022). Available at : https://docs.wfp.org/api/documents/WFP-0000137901/download/?_ga=2.71129296.1794043384.1650854436-497701137.1650148458. In addition, almost half the population cannot afford a basic food basket: World Food Programme, "Guatemala" (2022). Available at: <https://www.wfp.org/countries/guatemala>.



likelihood of mudslides increases. Deforestation may also impact the rights of Guatemala to enjoy a clean, healthy, and sustainable environment.

Tourism

11. **Climate change can negatively impact Guatemala's tourism industry.** Guatemala has a lot of potential in tourism because of its great biodiversity, comfortable weather, rich history, and indigenous cultures. International tourism grew in Guatemala in the recent years before being affected by COVID-19. It could become an important source of income, employment, and development for Guatemala in the future. The economic growth driven by tourism would provide additional resources that could be used to support better respect of human rights in general and particularly, the right to development. However, the risk of extreme weather events and damaged infrastructure will decrease Guatemala's attraction as a tourist destination.

Guatemala's Climate Change Policies

12. **We commend Guatemala for signing an agreement in 2021 with the World Bank's Forest Carbon Partnership Facility to reduce emissions from deforestation and forest degradation.** Under the agreement, Guatemala will be rewarded for reducing 10.5 million tons of carbon emissions during 2020-2025.
13. **Guatemala has not carried through its initial commitment to advance transparency and public participation in environmental matters.** Guatemala signed the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement) in September 2018. The Escazú Agreement seeks to reinforce Principle 10 of the 1992 Rio Declaration on Environment and Development and improve the public engagement in environmental matters especially at local and regional levels. The Escazú Agreement entered into force in April 2021 and 12 countries have ratified it to date, but Guatemala is not among the ratifying countries. This impacts rights to public participation protected by the International Covenant on Civil and Political Rights.

HUMAN RIGHTS

Malnutrition

14. **Half of all children in Guatemala suffer from chronic malnutrition and the number of children with acute malnutrition has doubled from 2019 to 2020.** Malnutrition stems from inequality and lack of governmental actions and has worsened due to extreme weather events caused by climate change, deterioration of agriculture conditions, and COVID-19. This impacts the right to life in Guatemala.

Indigenous peoples



15. **Indigenous peoples continue to face discrimination and are disproportionately affected by poverty and inequality.** Nearly half of the Guatemalan population identifies themselves as indigenous. Indigenous peoples are overrepresented among those affected by poverty and chronic malnutrition and underrepresented in Guatemalan politics and leadership positions in the public sector. COVID-19 has increased the gap further, impacting severely the indigenous and rural communities in Guatemala. This has serious implications for the right to self-determination of indigenous peoples.
16. **Guatemala has not respected indigenous peoples' right to land and right to be heard prior to granting environmental permits.** The government has prioritized the interests of multinational corporations over the rights of indigenous peoples, especially in the mining industry. The conflict has culminated to a case currently pending in the Inter-American Court of Human Rights, where an indigenous community demands that the government give them title to the land that they have inhabited for generations and that is currently being used for mining purposes.³
17. **Guatemala has unlawfully restricted indigenous peoples' freedom of expression and cultural life.** The Inter-American Court of Human Rights found in 2021 that Guatemala had violated the indigenous peoples' rights to freedom of expression, equality before the law, and participation in cultural life when it had prevented the operation of community radio stations operated by indigenous peoples.⁴ To date, these concerns have yet to be rectified.

Human Rights Defenders and Environmental Activists

18. **Guatemala is one of the most dangerous countries for human rights defenders and environmental activists.** In 2020, 15 human rights defenders were killed and more than 1000 attacks were registered against human rights defenders. The registered attacks have increased significantly from 493 attacks in 2017. In addition, 13 environmental activists were recorded to be killed in 2020, 12 in 2019, 16 in 2018 and 3 in 2017. The statistics show that the situation of human rights defenders and environmental activists has deteriorated. Especially indigenous-led movements regarding human rights violations and projects involving natural resources extraction have faced a lot of resistance that has escalated to threats and open violence. The inability to protect human rights defenders impacts the right to public participation protected by the ICCPR and the right to life of human rights defenders.

RECOMMENDATIONS

19. **Guatemala should support adaptive measures in agriculture and seek to diversify the country's economy.** Given the impact of climate change on agriculture, farmers in Guatemala will need to learn how to conserve water, farm more efficiently and cultivate

³ Case of the Maya Q'eqchi' Indigenous Community of Agua Caliente v. Guatemala.

⁴ Case of the Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala. The judgment is available in Spanish at https://www.corteidh.or.cr/docs/casos/articulos/seriec_440_esp.pdf.



crops that can better survive extreme weather events. Guatemala should also seek to decrease its dependence on agriculture and look for other sources of income and employment.

20. **Guatemala should take stronger measures to combat inequality.** The poor rural and indigenous communities should be given special consideration in public policies. Guatemala should also seek to provide targeted support to those that have been suffering due to COVID-19 and extreme weather events.
21. **Guatemala should protect the rights of indigenous peoples.** Guatemala should ensure that its public policies are in line with the Indigenous and Tribal Peoples Convention (ILO No 169) as well as the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous peoples should be given title of the land they inhabit and be consulted prior to granting any environmental permits for an operation that has an impact on their land, consistent with their right to self-determination. Guatemala should also comply with the recent ruling by the Inter-American Court of Human Rights and ensure that there is no hindrance to indigenous media.
22. **Guatemala should ratify the Escazú agreement and draw up public policies to ensure protection of human rights and environmental activists.** Ratifying the Escazú agreement would guarantee access rights for the public in environmental matters and improve the protection of activists. Public involvement at local and regional levels is crucial to recognizing the various impacts that mining and other natural resources activities have in Guatemala.
23. **Guatemala should address growing climate impacts in its actions and in its budgeting.** Guatemala should mitigate climate change by reducing deforestation and forest degradation, restrict monoculture and consider all possible impacts on climate change in granting environmental permits for new operations. Guatemala should also take the risk of natural disaster into account in planning and building infrastructure, provide guidance on how to prepare for disasters, and reserve budget for recovery efforts after natural disasters.

Acknowledgements

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