Contribution submitted by Fastenaktion[[1]](#footnote-1)

in response to the call for inputs for the report

**“The nature, degree, and cause of violence present in food systems”**

by the Special Rapporteur on the Right to Food.

21. November 2022

*Nature and degree of violence prevalent in different parts of the food system in your country/community:*

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| The following manifestations of violence have occurred in Guatemala.  **Suppression:**  Because the Government of Guatemala, through the Congress of the Republic, has attempted to create laws that demonstrate violence against the right to food, for example:  **The Law for the Protection of Plant Varieties**  This law was intended to privatize the native seeds (mainly corn and beans) of the original Mayan peoples. This law is also called "Monsanto Law" by its detractors, in allusion to a transnational company that is accused of taking advantage of this type of regulation to patent seeds in the countries. The regulation proposes the privatization of the country's genetic resources, which will leave farmers vulnerable to price speculation, shortages and food crisis in the short term.  **The Governmental Agreement No. 97- 2020[[2]](#footnote-2)**  This agreement repealed Governmental Agreement No. 136-2002 and its respective reforms, which created the Secretary of Agrarian Affairs of the Presidency of the Republic. This violates the rights of the original Mayan peoples, mainly in **access and defense of Mother Earth**, since the Secretary of Agrarian Affairs SAA performed a mediating and accompanying function between farmers and peasants in cases of agrarian problems. It is of great concern that the disappearance of the secretariat will have the following implications: Increased agrarian conflict in Guatemala. Increase in evictions and violation of the human rights of peasants over access to land. Currently, peasants do not have a government institution to turn to in case of violation of land rights, since the SAA is no longer in place.  **The Decree 4-2020[[3]](#footnote-3) on the NGO law**  Reforms to the **Non-Governmental Organizations Law**, decree 2-2003. The NGO law is unconstitutional and violates the fundamental rights of the population. The NGO law is a perverse law that wants to restrict the fundamental rights of all Guatemalans. Considering that most NGOs defend the fundamental rights, such as the right to Food, promotion of development, education, health, right to land and prevention of violence against women. This decree violates human rights, especially the right to freedom of association, peaceful assembly, and expression; several unconstitutionality actions have been filed before the Constitutional Court, but the highest court has not yet issued a ruling.  **The law on biodiversity and ancestral knowledge[[4]](#footnote-4)**  Likewise, elements of life of the Mayan population are being suppressed by not recognizing their own organization and not approving legislative proposals that try to recover the organization, knowledge, and protection of biodiversity (**Initiative law 6086**). Currently there is no control over the entry of transgenic seeds into the country in place, which is threatening the food sovereignty of the people. This is complemented by the lack of attention and political position of the State of Guatemala by not ratifying UNDROP.  **Discrimination:**  There has been **discrimination and ecological violence** because the Guatemalan government has responded only to the interests of the traditional Guatemalan oligarchy (sugar mills, factories, maquilas, cement factories, local landowners), interests of transnational corporations (hydroelectric, monoculture, mining) and interests of the officials in office (presidential cabinet, deputies, ministers, secretaries). Meanwhile, the original Mayan, Garifuna and Xinca peoples have been excluded and marginalized.  In addition, the degree of **violence** is high, since state resources are invested in agro-exporting companies of coffee, honey, cardamom and other non-traditional products, leaving aside the needs and conditions of poverty that are aggravated at the rural level and mainly in areas with a high indigenous population. |

*Examples of laws, policies, or campaigns that have successfully prevented or reduced violence in a food system, held perpetrators accountable, or provided reparation*

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| The campaigns at national and regional level that have been successful have been all those developed by alliances and non-governmental social collectives, for example the case of the repeal of the law on the protection of new plant varieties.  At the local level, the campaigns on the “buen vivir”, supported by Fastenaktion and its local partners, have been successful because the projects promote the conservation, production and consumption of healthy food produced through agroecological systems. |

*Population groups and peoples that are targets of this violence*

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| The affected population are native Mayan, Garifuna and Xinca peoples, mainly because the majority of the Guatemalan population lives in poverty and extreme poverty, basing their economy on subsistence agricultural production, services and a few on commerce.  The experience of accompanying community agricultural and women's organizations in communities of the department of Quetzaltenango, Kiché and Mam population, is taken as a reference.  Discrimination prevails in the following sectors: women and small-scale (subsistence) farmers, since they are not subject to technical assistance and other programs that provide them with livelihoods to increase access to and availability of food. The women are mainly adults (30 to 70 years old), indigenous, with little schooling; up to third grade. They are unmarried or married and have an average of 5 children. Without land ownership, they dedicate their time to household chores and produce handicrafts, mainly textiles.  The small-scale producers are adult men and women (30 to 70 years old), indigenous, located in mountainous areas, with low schooling, the men up to 6th grade, the women some up to 3rd grade and others do not know how to read and write and mainly speak their mother tongue (Mam). They have an average of 5 “cuerdas”[[5]](#footnote-5) of land where they produce food and where they live. Generally, their children build their house on this same land, their economic income is diverse: they sell their labor, trade through door-to-door sales, handicrafts, receive remittances (average of 100 dollars per month). |

*Spaces of sanctuary or protection from violence within food systems*

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| The majority of people have turned to social organizations that defend rights and at the same time, social organizations have created networks and alliances in order to advocate for the repeal of proposed laws that threaten the rights of the population.  The organized communities have always worked on the care of their territory and their food culture. There are actions of solidarity in the face of food shortage problems, they exchange food and seeds.  State authorities are not a protective actor within food systems. |

Lucerne, 21.11.2022

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1. This submission is based on information of our partner organizations Asociación Aj Awineleb' Re Tzuul Taq’a and Asosiación para el Desarrollo Comunitario (ASERJUS) in Guatemala. [↑](#footnote-ref-1)
2. The Governmental Agreement 97-2020 was created in the year 2000. During his political campaign, the current president had promised to eliminate the secretariat of administrative affairs and security SAAS, considering that the budget assigned to it was high and that its function was unnecessary. However, by political strategy he continued with the SAAS and with this agreement he made the SAA, which is the Secretary of Agrarian Affairs, disappear by mistake or due to the influence of the landowners of Guatemala. The Secretariat determined and promoted, through the corresponding legal instances, the necessary actions to define the institutional legal framework related to the development and strengthening of land ownership and has effective participation in the search for conciliatory solutions related to the exercise of the right of possession and ownership of land. [↑](#footnote-ref-2)
3. Article 23 of Decree 4-2020 states that organizations that do not update their data within 6 months will be cancelled. According to information from the Registry of Legal Entities (in charge of registering CSOs) only 198 out of 1412 organizations updated their data. It is expected that 1214 organizations will be cancelled, which makes the presence of legal professionals necessary for many organizations that will find themselves helpless in the cancellation process (situation in April 2022, might have slightly changed since then). [↑](#footnote-ref-3)
4. The law on biodiversity and ancestral knowledge was elaborated in a participatory process by indigenous communities and their traditional authorities, by peasant movements, social organisations, academia and lawyers. The law has not yet been approved by the government of Guatemala. [↑](#footnote-ref-4)
5. Over 400 square meters; measure for land used in Guatemala and Southern Mexico. [↑](#footnote-ref-5)