

# Joint Civil Society Statement in Support of Sugarcane Workers of Chichigalpa, Nicaragua

March 13, 2014

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**O**n January 18, 2014, after weeks of sporadic protests, an organized commission of more than 300 men and women sick with Chronic Kidney Disease gathered in Chichigalpa to demand compensation from Ingenio San Antonio (ISA) for almost 500 sick workers suffering from Chronic Kidney Disease from nontraditional causes (CKDu), also referred to as Mesoamerican endemic Nephropathy (MeN). Tragically, the peaceful protest devolved into police violence against protesters. Thirteen year old Juan Ignacio Valladores Méndez was shot in the head. Forty eight year old Juan de Dios Cortez, who also suffered from CKDu, was shot and killed by police forces. Many more were injured, some critically. More than 30 sick workers were detained without access to medical attention or the ability to contact friends and family. **We believe the protests and violent police response illustrate the increasing frustration inevitably erupting from a community constantly under pressure with few options for justice.**

Every day, men and women are forced to choose between dangerous, grueling work in the sugarcane fields and destitution. These workers and their families in Chichigalpa struggle under the crushing weight of poverty and deprivation of their rights. Increasingly, workers must also contend with the likelihood that they will develop CKDu, a degenerative occupational illness with few accessible options for treatment that often results in a slow, painful death.

In October 2013, the Pan American Health Organization (PAHO) called upon Member States to recognize CKDu as a “serious public health problem.” In Nicaragua, CKD has been declared as an occupational illness and is primarily associated with sugarcane work. According to experts who gathered in November 2012 at the First International Research Workshop on Mesoamerican Nephropathy, the epidemic has been strongly linked to harsh working conditions involving repeated episodes of heat stress and chronic dehydration. Western Nicaragua, where Chichigalpa is located, is one of the regions most severely impacted by Chronic Kidney Disease. According to the Pan American Health Organization, **Nicaragua has the highest mortality rate from kidney disease in the Americas. In Western Nicaragua, the death rate is five times the national average.** We contend that the impact of these high rates of kidney disease among the agricultural communities of western Nicaragua has been exacerbated by low pay, poor social security coverage, impeded access to education, and limited health care options.

**We are a group of concerned civil society organizations that share the common goals of supporting and empowering Nicaraguans, who lawfully demand respect for their rights. At the same time, we do not condone illegal action. The government of Nicaragua has stated its intention to investigate excessive use of force by the police. However, more needs to be done. The government should provide victims of this excessive action with unfettered access to justice. In conjunction with its investigation, the government of Nicaragua should address the underlying structural factors that leave workers vulnerable to exploitation and ensure that private entities that violate the labor rights and constitutional protections of Nicaraguans are held accountable before the law.**

*Recalling PAHO Resolution CD52.R10 on Chronic Kidney Disease in Agricultural Communities in Central America,*

*Recognizing the state of Nicaragua's international commitments to protect the health and human rights of all of its citizens as enshrined in the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; and the American Convention on Human Rights,*

*Aware of Nicaraguan constitutional protections for decent working conditions, health care, free expression, peaceful assembly, and due process,*

*Taking into account Nicaragua's recognition of CKD as an occupational illness as demonstrated by Ley No. 456, Ley de Adición de Riesgos y Enfermedades Profesionales a la ley No. 185, Código del Trabajo [Law Adding Occupational Risks and Diseases to Law No. 185, Labor Code],*

*And affirming the protections of workers as enshrined in the 1996 Labor Code, including those related to working conditions, occupational health and safety, social security coverage, disability insurance, freedom of association, and child labor.*

**We call upon the government of Nicaragua to do the following:**

- 1) Ensure that the victims of excessive police action are afforded fair and appropriate civil remedies and protect the rights of those engaged in future legal protests.
- 2) Currently and in future legal protests, where protesters and leaders have been detained and charged, provide adequate medical treatment and allow them to communicate with their families.
- 3) Ensure the conduct of fair negotiations between those who are sick with CKDu,

ISA/Pellas Group leadership, and ministerial representatives; and oversee the development of an enforceable legal settlement that protects the interests of affected workers.

4) Respond to outstanding legal claims related to those who are sick with CKDu within a reasonable time period, not to exceed 7 days.

5) Guarantee due process and equal treatment before the law for affected sugarcane workers and ex-workers, with outstanding claims and future claimants.

6) Review disability social insurance requirements for sugarcane workers suffering from CKDu, and where workers qualify, ensure that they receive their **full entitlements**.

7) Ensure the ability of current and former sugarcane workers to easily access the highest available standard of preventive and specialized medical care and treatment for CKDu.

8) Conduct an immediate and transparent inspection of ISA sugar production facilities under the special inspections provision of Ley No. 664, 26 June 2008, Ley General de Inspección del Trabajo [General Work Inspection Law], ch. II, art. 7, in conjunction with an independent observer; and where violations are found, require ISA compliance within a minimum specified time of no less than 6 months, and levy appropriate economic sanctions.

We, the undersigned civil society organizations, make this joint statement with the vision that there will be speedy and peaceful resolution of this matter.

**Asociación para el Desarrollo Comunal con  
Solidaridad Internacional (ASDECOSI) de  
Chichigalpa** - *Chichigalpa, Nicaragua*

**Asociación Nicaragüense de Afectados y Amigos  
de Personas con IRC (ASNAPIRC)** - *Chichigalpa,  
Nicaragua*

**Asociación de Teólogos de León** -  
*León, Nicaragua*

**Biofuelwatch** - *United Kingdom/United States*

**Centro de Investigaciones de la Comunicación  
(CINCO)** - *Managua, Nicaragua*

**Centro Cristiano de Derechos Humanos** -  
*León, Nicaragua*

**Consejo de Iglesias Evanélicas Pro-Alianza  
Denominacional (CEPAD)** - *Managua, Nicaragua*

**Comité Sí a la Vida, No a la Destrucción del  
Medio Ambiente** - *Sutiaba, Nicaragua*

**Consejo de Ancianos Tradicional del  
Pueblo de Sutiaba** - *Sutiaba, Nicaragua*

**La Isla Foundation** - *León, Nicaragua/United States*

**Liter of Light of Chichigalpa** -  
*Chichigalpa, Nicaragua*

**Movimiento Comunal of Chichigalpa** -  
*Chichigalpa, Nicaragua*

**Nicaragua 2.0** - *Managua, Nicaragua*

**Radio Program “Campanazo Leonés”** -  
*León, Nicaragua*