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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1855 Gateway Blvd., Suite 850
Concord, CA 94520**

In the Matter of)
)
Crystel Lima)
)
In Removal Proceedings)
)
_____)

File No. A. 245-647-045

Immigration Judge: Nava, Marlem

Next Hearing Date: June 26, 2029 at 8:30 AM

**RESPONDENT'S COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND
WITHHOLDING OF REMOVAL**

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Exhibit 1

BRIEF EXPLANATION REGARDING GANG-RELATED PERSECUTION AND LACK OF STATE PROTECTION IN GUATEMALA

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1. GENERAL OVERVIEW OF PUBLIC SECURITY IN GUATEMALA

Guatemala faces a severe public security crisis that places it among the countries with the highest violence rates in Central America. According to the Overseas Security Advisory Council (OSAC) report, crime in the country stems from multiple sources, with its impact magnified by corruption, an inadequate justice system, and the prevalence of gang and narco-trafficking activity across the national territory (CC1).

The situation is so critical that even the most upscale residential and commercial areas of Guatemala City experience violent crimes in broad daylight, demonstrating that no area in Guatemala is immune to crime, including popular tourist destinations (CC1).

This reality of widespread violence has resulted in massive displacements, with more than 1.2 million people forced to leave their homes in Central America as of June 2024 due to violence, insecurity, and persecution, mainly by criminal organizations and gangs (CC12).

2. THE ROLE OF “MARAS”

The “Maras” constitute highly violent organized criminal groups that perpetrate criminal activities with particular brutality in Guatemala, operating primarily in drug trafficking markets but also participating in arms trafficking, human trafficking, smuggling, and extortion (CC6; CC8).

The two main criminal organizations are Mara Salvatrucha (MS-13) and Barrio 18 (18th Street or Mara 18), which stand out as the largest and most powerful street gangs in the Northern Triangle countries, including Guatemala, El Salvador, and Honduras (CC6; CC8).

Barrio 18 has been designated as a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT) by the U.S. Department of State due to its extent, influence, and dangerousness (CC7).

These organizations exercise extremely high levels of social control over the population in their territories through threats and violence, even having the ability to influence local political life (CC; CC6).

Their modus operandi includes coercing young people to join their ranks, extorting money from those they believe have financial resources, and applying severe punishments, including death, to those who refuse to cooperate or resist their authority, extending reprisals to victims' families as well (CC4).

3. SPECIFIC TARGETS: WOMEN

Guatemala is consistently ranked among the countries with high rates of violent deaths of women. The World Bank's Gender-Based Violence Country Profile documents an increase in violent deaths of women from 1.3 per 100,000 in 2020 to 1.6 in 2021, with 527 femicides in 2021 and 534 in 2022; by March 2023, dozens more cases had already been reported. In 2021, at least one woman or girl died violently every day, with young women ages 18–24 the primary victims of lethal violence (CC10).

UN Women underscores that gender violence has been a persistent continuum in Guatemala's history, used as a tool of submission and control over women's bodies and lives. This is reinforced by a patriarchal and conservative culture and fragile security and legal systems that breed impunity. Although complaints increased after the 2008 femicide law, accusations and sentencing remain low compared to the volume of complaints; femicide impunity has been described as extremely high (CC10).

Despite the existence of protective legislation, Guatemala's institutions frequently fail to prevent or redress gender-based violence. Law enforcement and judicial systems are unable to hold criminals accountable, noting corruption, inadequate justice mechanisms, and the widespread presence of organized crime as magnifiers of harm; police response capacity to serious crimes is limited (CC1; CC4).

The World Bank finds that roughly 71% of murders of women remain unpunished and, crucially, that in about 40% of femicides the victim had filed a complaint within the two years prior to being killed. These figures strongly suggest that prior reporting and the protective measures theoretically available often fail to prevent lethal outcomes under current

enforcement conditions (CC10). The fragile security and legal systems breed impunity, reinforcing the perception that survivors cannot rely on state institutions for timely and effective protection (CC4; CC5).

Moreover, gangs specifically direct their actions against vulnerable groups, with children and women being the primary targets. Women are kidnapped, raped and killed for not cooperating or as reprisal for the family's conduct (CC8).

Armed gangs operate with near impunity in certain parts of the region, frequently targeting youth and women who refuse to join their gangs or participate in criminal activities, with their families also not being safe, as in many cases they are attacked as a result of revenge or retaliation.

Gang recruitment, death threats, extortion, and other forms of violence were identified as factors leading families to cross borders in search of safety, with 20% of the more than 3,100 respondents in a UN survey indicating violence as the main reason for migrating with their families (CC9).

4. STATE INEFFECTIVENESS AND SYSTEMIC IMPUNITY

The Guatemalan State demonstrates a systemic inability to protect its citizens and effectively combat organized crime. The record reflects enduring impunity within the security and judicial mechanisms, unlawful detention practices, and an inability or unwillingness to curtail criminal activity emanating from detention facilities

The lack of judicial independence remains a critical issue in Guatemala, undermining the rule of law and threatening human rights protections, stemming from systemic problems in the judicial selection process, including non-transparent nomination procedures, political meddling, and undue influence from corrupt actors (CC2).

Victims generally do not report mara crimes to the police for fear of reprisals and because they distrust authorities whose protection is ineffective, with maras escaping the control of security forces and the judicial system (CC4).

Guatemala has extremely high rates of impunity for crimes committed by gangs, with the main reason being the level of corruption within the various branches of government and the influence that organized crime has gained in other spheres of society, even extending into sectors of the police and the judiciary (CC6).

5. CONCLUSION

The evidence presented demonstrates that Guatemala is experiencing a profound security crisis characterized by the systematic failure of state institutions to provide basic protection to its citizens.

The proliferation of highly organized criminal groups, particularly Barrio 18, has created a climate of widespread fear and violence that affects the entire national territory, with no area being immune (CC1; CC8; CC9).

The targeting of vulnerable populations, especially women, by these organizations reveals the depth of the humanitarian crisis, as hundreds of thousands are forced to flee their homes in search of safety (CC9).

The combination of endemic corruption, judicial inefficiency, and the near-total impunity enjoyed by criminal organizations has created a scenario where the state has effectively lost control over significant portions of its territory to organized crime (CC1; CC2; CC4; CC6; CC8). This is particularly true regarding gender-based crimes, which surpass State authority as undetected and unpunished, in a context of enduring patriarchal cultural norms and lack of governmental transparency, accountability and directly targeted laws and protection mechanisms (CC2; CC10; CC11).

This systematic breakdown of state protection mechanisms not only violates the fundamental human rights of Guatemalan citizens but also perpetuates a cycle of violence and displacement that extends throughout the Central American region.

Exhibit 2

EXCERPTS FROM COUNTRY CONDITIONS REPORTS

CC 1

COUNTRY SECURITY REPORT: GUATEMALA - U.S. DEPARTMENT OF STATE'S OVERSEAS SECURITY ADVISORY COUNCIL (OSAC)

The U.S. Department of State has assessed Guatemala City as being a CRITICAL-threat location for crime directed at or affecting official U.S. government interests.

The U.S. Department of State has included a Crime "C" Indicator on the Travel Advisory for Guatemala, indicating that there may be widespread violent crime and/or organized crime present in the country, and/or that local law enforcement may have limited ability to respond to serious crimes.

Crime in Guatemala stems from many sources, its impact magnified by corruption, an inadequate justice system, and the prevalence of gang and narco-trafficking activity across the country. The most common crimes against expatriates and foreigners include petty theft and armed robbery.

Even the most upscale residential and commercial areas of Guatemala City (Zones 4, 10, 14, 15, and 16) experience violent crimes in broad daylight. These trends are not isolated to one specific part of the country. No area in Guatemala is immune to crime, including the most popular tourist destinations such as Antigua and Tikal.

Guatemala has historically had one of the highest violent crime rates in Central America [...].

Despite the downward trend in homicides, Guatemala remains dangerous. Endemic poverty, an abundance of weapons, a legacy of societal conflict, and the presence of organized criminal gangs like Barrio 18 (18th Street) and Mara Salvatrucha (MS-13) all contribute to violent crime. Guatemala's high murder rate is driven by narco-trafficking activity, gang-related violence, a heavily armed population, and a law enforcement and judicial system unable to hold criminals accountable.

WORLD REPORT 2025: GUATEMALA - HUMAN RIGHTS WATCH

The lack of judicial independence remains a critical issue in Guatemala, undermining the rule of law and threatening human rights protections. It stems from systemic problems in the judicial selection process, including non-transparent nomination procedures, political meddling, and undue influence from corrupt actors. The judiciary often fails to hold powerful interests accountable, instead serving to protect them.

High levels of poverty and inequality, structural discrimination, and corruption limit access to fundamental rights, especially for groups that have historically faced exclusion, including Indigenous peoples as well as Afro-descendant and rural communities. According to the official figures, 56 percent of the population was living in poverty in 2023, including 16 percent in extreme poverty, as defined by the national poverty line.

Guatemala grapples with organized crime, drug trafficking, and institutional weaknesses in the justice system. The homicide rate, which peaked in 2009 at 46 per 100,000 people, has since declined steadily, reaching 16.1 per 100,000 in 2023. During the first half of 2024, there was a seven percent decrease in the homicide rate in the country compared to the same period the previous year, according to government data. There are also other significant challenges, including high levels of human trafficking, extortion, and violence against women.

The 2023 National Survey of Household Quality and Well-being (ENCABIH) revealed that 48 percent of women have suffered some type of gender-based violence at least once in their lifetime. In the first half of 2024, civil society groups reported 206 violent deaths of women, with 44 percent classified as femicides. Impunity in cases of violence against women remains the norm.

The State Department has imposed visa restrictions on Attorney General Porras, former President Giammattei, and their families, citing corruption and rule of law concerns. In December 2023, it also restricted visas for nearly three hundred Guatemalans, including over one hundred congressmembers, for undermining democracy during the presidential transition.

GUATEMALA 2024 HUMAN RIGHTS REPORT - U.S. DEPARTMENT OF STATE

Significant human rights issues included credible reports of: arbitrary or unlawful killings; cruel, inhuman, and degrading treatment or punishment; arbitrary arrest or detention; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists and censorship; significant restrictions on workers' freedom of association; and violence and threats against labor activists or union members.

Criminal groups exerted influence on media outlets and reporters by frequently threatening individuals for reporting on criminal activities. Reporters covering criminal groups, including their links to corrupt public officials, acknowledged practicing self-censorship due to the danger investigative journalism created for them and their families.

CC 4

GLOBAL ORGANIZED CRIME INDEX 2023: GUATEMALA - GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME

Foreign actors, including Mexican drug cartels and transnational criminal gangs, are dominant in Guatemala's criminal landscape. Mexican cartels control much of the drug trafficking in the country, collaborating with local drug cartels and criminal groups. These international criminal groups mostly collaborate with their local counterparts in Guatemala, which is mainly a transit country for the drug trafficking markets. Meanwhile, local criminal networks participate in various criminal markets, such as marijuana, poppy and coca cultivation, human trafficking, kidnapping and money laundering. They consist of former military members, police officers, public officials and drug traffickers who work with groups from other Central American countries. Smaller criminal gangs are known for their extreme violence, including torture, and involvement in sexual exploitation and human trafficking. While criminal networks lack the means to influence Guatemala's democratic process at the national level, they are believed to have influenced local mayoral elections.

Corrupt state-embedded actors support Guatemala's criminal markets by facilitating or engaging directly in illegal operations.

Mafia-style groups, including drug cartels and international gangs, operate in Guatemala, engaging in drug trafficking, arms trafficking, contraband, human trafficking and human smuggling, as well as extortion. These groups are highly organized and hierarchical, with many leaders and large memberships, and operate in Guatemala's main cities.

Guatemala's judiciary struggles to manage complex cases, despite receiving international cooperation funding. The departure of the UN-backed anti-corruption body has left investigative and judicial authorities vulnerable to criminal organizations entrenched in state institutions and deprived them of international support. In fact, attacks on prosecutors and judges investigating corruption and organized crime have increased since its shutdown. In addition, the prison system is inadequate and has issues with overcrowding, corruption and a lack of resources. Organized crime is flourishing in prisons and gang leaders coordinate illegal activities from within.

Guatemala's victim support services are insufficient, but some programmes exist to assist victims and witnesses. The public prosecutor's office has a unit to provide support to victims and a witness protection programme, and the government recently established an institute for victims. However, these programmes lack transparency and the country's weak institutional framework creates a climate of impunity that diminishes the effectiveness of victim support initiatives.

CC 5

PRELIMINARY OBSERVATIONS ON-SITE VISIT TO GUATEMALA 2024 - INTER-AMERICAN COMMISSION OF HUMAN RIGHTS

Regarding the situation of ESCR, the IACHR observed during its visit the persistence of structural and historical challenges that limit adequate living conditions for the majority of the population, especially for groups in a historical situation of exclusion [...].

High levels of poverty and inequality, structural discrimination and structural corruption limit access to fundamental rights.

In the framework of the IACHR visit, the Guatemalan State acknowledged that Guatemala has faced a long history of violence that deeply affects society. In this regard, it noted that some of the factors contributing to this problem are poverty, economic inequality, gender inequality, and lack of opportunities; the aftermath of the internal armed conflict, as well as the lack

of justice and reconciliation that has exacerbated social tensions and encouraged a culture of revenge and retaliation. Likewise, the proliferation and strengthening of organized crime groups that have transformed Guatemala into a strategic point for drug trafficking; in particular, the activities of these groups such as kidnappings, murders and extortion. All of the above, in a context of institutional weakness of the justice system, limited access to education, scarce job opportunities and the proliferation of a culture of violence, among others.

The 2023 National Survey of Household Quality and Well-being (ENCABIH) revealed that 48.8% of women have suffered some type of gender-based violence at least once in their lives.

Added to this figure is the alarming number of 206 violent deaths of women, girls and adolescents registered by civil society in the first six months of 2024, of which 44% have been categorized as femicides.

The United Nations Development Program (UNDP) recorded around 19 cases of sexual violence against women and girls per day during 2022. Of these cases, 9.6% corresponded to girls between 0 and 12 years old, including an intersex girl. According to data from the National Institute of Forensic Sciences of Guatemala (INACIF), in 2023, 6,610 expert examinations were performed for sexual crimes, of which 32% were performed on girls aged 0 to 17 years (2,136). The Commission heard repeatedly that violence against women and girls is the most prevalent of all forms of violence in Guatemala.

Despite the progress achieved with the adoption of the Law against Femicide and other Forms of Violence against Women, during its visit, the Commission was informed about a pattern of impunity in cases of violence against women, as well as the lack of budget and support from the State for the mechanisms of justice and care for victims and their families. Although the Public Prosecutor's Office indicated having 12,453 convictions in cases of gender-based violence against women between 2017 and 2021, during the visit, civil society organizations reported that 768,552 complaints were dismissed between 2018 and April 2024.

During the visit, the IACHR also received information on serious cases of rape against women and girls on the move, committed by groups of people, including police officers.

Since its last visit to the country in 2017, the rule of law and democratic institutionality in Guatemala have severely deteriorated... criminalization is a generalized phenomenon. [...] It also noted that criminalization is a generalized phenomenon that affects all persons who participate in the civic

and democratic space, with the purpose of favoring a context of corruption, lack of accountability, and structural impunity.

CC 6

A STUDY OF GANG DISENGAGEMENT IN GUATEMALA: KEY TAKEAWAYS - U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

***Gangs in Guatemala.* Barrio 18 and Mara Salvatrucha (MS-13) are the dominant street gangs in Guatemala, with Barrio 18 as the largest one.**

Street gangs in Guatemala are concentrated in the country's main urban areas, especially around Guatemala City, Escuintla, and Quetzaltenango. They are comprised of neighborhood cliques, which enables them to operate with local autonomy while adhering to the organization's norms and rules.

Both MS-13 and Barrio-18 control territories using extortion, drug trafficking, and violence. For gang members, such activities are critical components in the process of climbing the gang structure ranks.

Barrio 18 and MS-13 have national councils comprised of imprisoned leaders in the main penitentiaries. Activities by the cliques are controlled by imprisoned senior members who constitute the Rueda del Barrio (the neighborhood's circle), the top decision-making board of each gang.

Gang Member Profile. Guatemala gang members are mostly male. Male members joined the gang around the age of 13 and, on average, remained in the clique for eight years.

CC 7

TERRORIST DESIGNATION OF BARRIO 18 - U.S. DEPARTMENT OF STATE

Today, the Department of State is designating Barrio 18 as a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT).

Barrio 18 is one of the largest gangs in our hemisphere and has conducted attacks against security personnel, public officials, and civilians in El Salvador, Guatemala, and Honduras.

CC 8

MAPPING MS13, BARRIO 18 TERRITORY IN GUATEMALA CITY “INSIGHT CRIME” NEWS PORTAL

The MS13 and Barrio 18 are the largest and most powerful street gangs in the Northern Triangle countries of Guatemala, El Salvador, and Honduras. Although members of the same gang in different countries communicate — and may even exchange weapons and intelligence information — there are also differences in the way the gangs operate from country to country.

CC 9

NORTHERN CENTRAL AMERICA SAW CONTINUATION OR EVEN WORSENING GANG VIOLENCE - “UN” NEWS PORTAL

United Nations agencies have called on states to fulfill their international obligations by ensuring that people forced to flee gang violence in northern Central America fully enjoy their rights.

This Thursday, a survey identified death threats, gang recruitment, extortion, and other forms of violence as factors leading families to cross borders in search of safety.

Communities in El Salvador, Guatemala, and Honduras are the most affected by the problem, according to the survey by the UN Refugee Agency, UNHCR, and the United Nations Children’s Fund, UNICEF.

Violence was the main reason that led 20% of the more than 3,100 respondents to migrate with their families from their communities. The study highlights the variations of this practice such as death threats, extortion, gang recruitment, and domestic work.

CC 10

GENDER-BASED VIOLENCE COUNTRY PROFILE: GUATEMALA - WORLD BANK

Guatemala has one of the highest rates of femicide in the world, with violent deaths of women increasing from 1.3 per 100,000 women in 2020 to 1.6 per 100,000 women in 2021, resulting in 527 femicides reported in 2021 and 534 in 2022, and 69 femicides reported by March 2023. Adult women continue to exhibit the highest rate of violence against women; however, young women aged 18-24 were the primary victims of lethal violence in 2021. Moreover, in 2021, there was a rise in the number of women victims of all ages, particularly girls aged 0-14.

Guatemala has one of the highest rate of femicide in the world.⁸ By 2021, violent deaths of women increased by 1.6 deaths per 100,000 women compared to 2020 (1.3 deaths per 100,000 women) and according to official statistics by the end of 2021, 527 femicides were reported. As for 2022, the Statistical Portal of the Women Observatory reported 534 femicides and by March 2023 there are already 69 femicides reported.

In 2021, at least one woman or girl died violently every day in Guatemala. The violent death rate of women and girls in 2021 was 4.8 per 100,000 women, the highest compared to 2020; however, this is lower than pre-pandemic levels. Of these victims, young women ages 18 – 24 were the primary victims of lethal violence. Accordingly, the Public Ministry typified 38.9% of these homicides as femicides as compared to the last six years.

Despite the fact that adult women continue to exhibit the highest rate of violence against women, 2028 young and adolescent girls entered the cycle of the continuum of Violence Against Women. In 2020, there were 1,012 recorded cases of domestic/ intrafamily violence and 8,767 cases of sexual violence in Guatemala. High-risk groups that face multiple and intersecting forms of discrimination include young and adolescent girls, indigenous women, those who have experienced adolescent pregnancies, those in early unions or marriages, women and girls living with disabilities, and LGBTQ+ groups. Moreover, in 2021 as compared to the previous year, there was a rise in the number of women victim of all ages, particularly of girls ages 0 – 14 (23%).

THE INE PRESENTS INDICATORS OF THE PREVALENCE OF VIOLENCE AGAINST WOMEN IN GUATEMALA - GUATEMALA'S NATIONAL INSTITUTE OF STATISTICS (INE)

INE Manager Brenda Miranda mentioned that the ENCABIH was administered by a technical team made up exclusively of women, with the purpose of achieving high levels of empathy and openness, so that the respondents felt confident in reporting incidents of violence against women throughout their lives and in the last twelve months.

Among the most significant findings, 48.8% of women reported experiencing at least one instance of violence against women in their lifetime. Furthermore, 34.48% of women reported experiencing some form of sexual violence, and 31.67% reported experiencing psychological violence. 18.14% of women experienced physical violence, and 14.93% experienced economic violence.

CC 12

DISPLACEMENT IN CENTRAL AMERICA - UNHCR, THE UN REFUGEE AGENCY

The ultimate choice for thousands of families and young men and women in Central America is to leave or die. They are forced to leave their homes and risk their lives on dangerous journeys, just to find a safe place to live. Often they arrive with only the clothes they are wearing, traumatized and in need of urgent care.

More than 1.2 million people have been forced to leave their homes in Central America as of June 2024 due to violence, insecurity, and persecution, mainly by criminal organizations.

More than 1.2 million people have been forced to flee their homes in Central America by June 2024 due to violence, insecurity and persecution, mainly by criminal organizations. El Salvador, Guatemala and Honduras have some of the highest rates of violence in the world.

Gang violence, political turmoil, threats, extortion, harassment and sexual violence have forced hundreds of thousands of people to flee their homes in search of safety and a better life. Approximately 926,000 people are seeking refuge in neighboring countries and more than 318,000 are internally displaced within the region.

Exhibit 3



OSAC Country Security Report Guatemala

Published: May 15, 2025

This report is intended to supplement the U.S. Department of State Guatemala Travel Advisory and [Guatemala Country Information Page](#).

Embassy & Consulate Contact Information

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OSAC Country Chapter(s)

The Guatemala City Country Chapter is active and meets quarterly.

Contact [OSAC's Americas team](#) with any questions.

Guatemala Travel Advisory

The current U.S. Department of State [Travel Advisory](#) at the date of this report's publication assesses that travelers should reconsider travel to Guatemala due to crime.

Crime

The U.S. Department of State has assessed Guatemala City as being a **CRITICAL**-threat location for crime directed at or affecting official U.S. government interests.

The U.S. Department of State has included a Crime "C" Indicator on the Travel Advisory for Guatemala, indicating that there may be widespread violent crime and/or organized crime present in the country, and/or that local law enforcement may have limited ability to respond to serious crimes.

Crime in Guatemala stems from many sources, its impact magnified by corruption, an inadequate justice system, and the prevalence of gang and narco-trafficking activity across the country. The most common crimes against expatriates and foreigners include petty theft and armed robbery.

It is important to be vigilant of surroundings and report any crime incidents promptly to the police. Theft and armed robbery are the most common crimes committed against U.S. travelers. Members of the expatriate community can fall victim to these crimes due to a

perceived display of affluence, or by not following sound personal security practices. The threat stemming from gang rivalries and extortion occurring in areas controlled by gangs has become a major issue in some communities.

Many robberies occur during daylight hours while victims are walking or driving in well-known, well-traveled areas, including markets, public parks, and popular restaurant districts. Even the most upscale residential and commercial areas of Guatemala City (Zones 4, 10, 14, 15, and 16) experience violent crimes in broad daylight. These trends are not isolated to one specific part of the country. No area in Guatemala is immune to crime, including the most popular tourist destinations such as Antigua and Tikal.

A common trend in the commission of armed robberies is the use of motorcycles. Typically, two men on a motorcycle accost the driver of a car or pedestrian and demand valuables and cell phones. Often, a second pair of armed individuals accompany the assailants, functioning as lookouts. If the assailants encounter any resistance, they escalate the situation through extreme violence (e.g., stabbings, shootings). The use of motorcycles allows the assailants to flee quickly; police rarely apprehend them. Additionally, pickpockets and purse-snatchers are active in all cities and tourist sites. Petty criminals frequently target high-traffic tourist areas for petty crime. Markets, national parks, crowded venues, and shopping areas are all major areas of operation for criminals.

Guatemala has historically had one of the highest violent crime rates in Central America, but progress has been made at lowering the homicide rate in recent years. 2024 closed with 2,869 homicides nationally, a 3.6% decrease from 2023 with 2,944 homicides. The 2024 homicide rate is estimated at 16.1 homicides per 100,000 residents. This marks a 5-year period where the homicide rate has fluctuated around 15-17 homicides per 100,000 residents. The last year the homicide rate exceeded 20.0 was in 2019. The departments of Guatemala and Escuintla department accounted for about 50% of homicides in the country in 2024. The number of missing persons in 2024 was 2,007, a 13.1% decrease from 2023 with 2,311 missing persons. This followed a 13.6% decrease from 2022 to 2023, with 2,675 missing persons reported in 2022. In 2024, assaults increased by 15.8% with about 56% of reported assaults occurring in the Guatemala department. Note: police do not record crimes as homicides if the victim left the crime scene alive but subsequently died from injuries elsewhere.

Despite the downward trend in homicides, Guatemala remains dangerous. Endemic poverty, an abundance of weapons, a legacy of societal conflict, and the presence of organized criminal gangs like Barrio 18 (18th Street) and Mara Salvatrucha (MS-13) all contribute to violent crime. Guatemala's high murder rate is driven by narcotrafficking activity, gang-related violence, a heavily armed population, and a law enforcement and judicial system unable to hold criminals accountable.

The two primary gangs in Guatemala terrorize businesses and private citizens through targeted extortion attempts. Reported extortion increased significantly from 2022 to 2023, with 14,725 incidents in 2022 and 18,096 reported incidents in 2023, or a 18.6% increase. There was a

further 38% increase in extortion from 2023 to 2024 with 24,978 reported incidents. This increase may also suggest that the public is becoming more comfortable reporting extortion.

Extortion is common and affect all sectors of society, with public bus and taxi drivers being the most common victims. However, local small businesses, the U.S. private sector, and local national employees of the U.S. Embassy were all frequent targets. The gangs also target schoolchildren, street vendors, and local residents. In recent years the number of reported extortions has increased, although most incidents go unreported and there is uncertainty about the true magnitude of the problem. Further complicating the widespread issue of extortion is the presence of persons who imitate gang members to threaten and receive extortion payments, despite not belonging to gangs. Gang members usually punish non-compliant victims with violent assault or murder and victimize their family members as punishment. Extortion tactics have expanded using social media in recent years. Gang members and imitators will use various types of social media to threaten their targets and receive extortion payments.

Home invasions by armed groups continue to occur in upscale neighborhoods. Reports of home invasion increased 50% from 2023 to 2024, with 747 total cases in 2024. This followed a decline from 2022 to 2023, with 556 and 496 reports, respectively. Similarly, there were 590 reports in 2021 and 517 in 2020. Thieves gain access by enticing a resident to open the door for a delivery or rushing in when family or staff open the door. Household staff may also sometimes be complicit in home invasions, acting as insider threats and informants to criminals.

While reported cases of sexual assault decreased year-on year from 2022 to 2024, the Embassy believes that the actual number of sexual assaults, including against foreigners, is far greater than reported numbers. Cultural stigmas and sporadic police presence in rural areas cause significant underreporting. Most reported victims are female. There were 178 reported cases of sexual assault in 2024, 200 in 2023, and 221 in 2022.

The bulk of crimes related to drug trafficking occur near the Mexican border. As such, the departments of San Marcos and Huehuetenango are considered Level 4: Do Not Travel locations due to the prevalence of criminal groups operating in these areas and limited law enforcement capacity. Guatemalan criminal organizations usurp the territories of more established Mexican cartels, inciting violent standoffs. Narcotraffickers are heavily armed and operate with relative impunity. Limited Guatemalan resources make it difficult to combat narco-trafficking and the violence associated with it.

Although there is widespread trafficking in Guatemala most activity does not affect the general populace. There have been instances of homicides near clandestine airfields and areas in Petén near the Mexican border, particularly along CA-13 between La Libertad and El Ceibo. Narcotraffickers tend to avoid confrontation with security forces when unprovoked.

Of particular concern to businesses and landowners in remote regions of Guatemala is the threat of narco-traffickers forcibly seizing land to facilitate the landing and offloading of aircraft transporting large amounts of cocaine. Heavily armed narco-traffickers invade properties, restrain all residents and/or employees, and clear an area to land aircraft. Narcotraffickers then

release the families and employees and depart the area after offloading all drugs onto transport vehicles.

Traffic congestion in urban areas and the highways leading out of the capital is extremely heavy, and severely impacts travel time between destinations. Traffic is often at a standstill for hours at a time; such congestion exacerbates the threat to motorists from armed criminals on motorcycles. Use vehicles with all windows tinted. Criminals often look for drivers using cell phones at night and easily identify their targets due to the illumination of smartphones or tablets. One of the newer tactics being utilized in heavy traffic situations is thieves using Bluetooth to identify vehicles that contain high-value phones. By using Bluetooth, thieves can locate “Sam’s iPhone 16” and the vehicle the phone is in. It is recommended that you change your phone name on your device to not include the model, if possible, as well as disable Bluetooth if you are not using it to link to the car for navigation.

Emboldened armed robbers sometimes attack vehicles on main roads in broad daylight. Travel on rural roads increases the risk of encountering a criminal roadblock or ambush. Driving outside of urban areas at night is dangerous and not recommended—do not conduct intercity travel after dark. Caravan with at least two cars when traveling outside of Guatemala City. The Inter-American Highway (CA-1) and the road from Guatemala City to the Caribbean coast (CA-9) are especially dangerous due to heavy traffic, including large trucks and trailers, and poorly maintained vehicles that often lack properly functioning lights. The main road to Lake Atitlán via CA-1 and Sololá is safer than the alternative secondary roads near the lake.

In the past, armed attacks occurred on roads between Guatemala City and Petén, as well as between Tikal and the Belize border. Plan and research routes prior to departing for your destination. Although many GPS applications work in Guatemala, they may not accurately reflect road conditions. Roads and routes identified on a GPS may be nothing more than a poorly built dirt road accessible only by 4x4 vehicles. GPS applications trying to minimize travel times can also route drivers through gang-controlled neighborhoods.

Informal bus lines are the most common mode of public transportation in Guatemala. These bus routes are serviced by brightly colored, poorly maintained, recycled U.S.-style school buses. Driver qualification levels vary, creating an untenable safety situation. Additionally, these bus lines are prime targets for extortions and robberies. Criminals habitually assault and murder bus drivers because of non-compliance with extortion demands. The official U.S. government community in Guatemala is prohibited from using public buses as a means of transportation.

Taxis are also unsafe. Unlicensed taxis and taxi companies serve metropolitan areas. The U.S. government prohibits its personnel present in Guatemala from hailing taxis on the street. Taxi drivers can be targeted for or complicit in criminal activity. Only use pre-arranged and radio-dispatched taxi services.

Uber operates in Guatemala City, Antigua, and some other urban areas. Uber is a reliable source of transportation, and U.S. government personnel may use the service. It is important to note, however, that local taxi operators do not support Uber and have engaged in physical

confrontations with Uber drivers. Wait in a secure location for an available Uber; expect the driver to request that a passenger ride in the front seat to mask the appearance of being a car service.

The principal international airport, La Aurora International Airport (GUA) is in Zone 13, an area of Guatemala City that suffers from elevated levels of crime. Remain cautious when leaving the airport, as assailants may steal money, passports, or luggage. In some cases, taxi drivers rob travelers of their possessions. Pre-arrange transportation arrangements to and from the airport using pre-screened, vetted transportation services, including Uber. A pre-screened, vetted taxi service is available at the airport. Travelers can hire a vetted driver at the kiosk under the “SAFE” sign. Assailants have worn full/partial police uniforms and have used vehicles that resemble police vehicles, indicating that some elements of the police might be involved.

Kidnapping Threat

The U.S. Department of State has not included a Kidnapping “K” Indicator on the Travel Advisory for Guatemala.

Kidnappings are not as prevalent in Guatemala in recent years as in the past. Given the complexity of kidnapping and police attention to this type of crime, kidnapping is not as viable a criminal enterprise as extortion.

The kidnappings that do occur generally involve victims who are involved or perceived to be involved with drug trafficking. In these instances, traffickers will use brutal force to extort, kidnap, and kill victims. Some kidnapping groups kill their victims regardless of a paid ransom. In 2024 there were 9 reported kidnapping cases, a decrease from 13 in 2023. Reporting in previous years show similarly low numbers of reported kidnapping with 11 in 2022, 9 incidents in 2021, and 15 in 2020.

Terrorism

The U.S. Department of State has assessed Guatemala as being a **LOW**-threat location for terrorism directed at or affecting official U.S. government interests.

The U.S. Department of State has not included a Terrorism “T” Indicator on the Travel Advisory for Guatemala.

There are no known transnational or domestic terrorist organizations present in Guatemala.

However, in February, the U.S. Department of State designated eight Latin American transnational criminal organizations (TCOs) as Foreign Terrorist Organizations (FTOs) and Specially Designated Global Terrorists (SDGTs). This listed the six Mexican groups, including the Cartel de Sinaloa and Cartel de Jalisco Nueva Generación (CJNG), which have ties to Guatemalan criminal groups. The Central American street gang Mara Salvatrucha (MS-13) was also designated as an FTO and is one of the predominant criminal gangs in Guatemala.

In relation to the FTO designations, U.S. organizations should be aware of criminal penalties associated with providing material support to FTOs. The primary criminal statutes OSAC members need to be aware of regarding FTOs include 18 U.S.C. § 2339 A-D. These statutes define material support such as (tangible or intangible) property, monetary instruments, lodging, training, advice, equipment, transportation, and other goods or services. This can include paying extortion demands to criminal groups designated as FTOs. Compliance departments should ensure that an organization does not knowingly, or unknowingly, provide material support to any FTO or FTO-affiliated entity.

Political Violence and Civil Unrest

The U.S. Department of State has assessed Guatemala City as being a **MEDIUM**-threat location for political violence directed at or affecting official U.S. government interests.

The U.S. Department of State has not included a Civil Unrest “U” Indicator on the Travel Advisory for Guatemala. Civil unrest can develop quickly without prior notice, often interrupting logistics and services. Avoid demonstration activity, as even those planned to remain peaceful have the potential to turn violent.

Elections/Political Stability

Guatemala is a multiparty constitutional republic. They last held a general election on June 25, 2023, with a subsequent presidential run-off on August 20 that year. The general election occurred largely without incident despite isolated cases of electoral violence, intimidation of poll workers, and the disqualification of multiple opposition candidates. Current President Bernardo Arevalo unexpectedly finished second in the presidential primary and qualified for the run-off which he also won before being inaugurated in January 2024. Since before his inauguration he has faced legal challenges from the Attorney General’s office, led by Consuelo Porras – who is considered to have been involved in instances of significant [corruption](#).

Protests and demonstrations continue to occur regularly, often related to issues such as corruption, pensions, and other government services.

The next general election is expected to occur in June 2027.

Protests & Demonstrations

Large demonstrations occur, sometimes with little to no notice, and can cause serious traffic disruptions. In recent years, Guatemala has experienced a variety of protests demonstrating against topics ranging from public corruption and the cost of living to motorcycle restriction laws and veteran employment. Although most demonstrations are peaceful, they can turn violent.

Protests in Guatemala City tend to occur near government buildings in the historic center or Zona 1. This includes locations near Plaza de la Constitución, the National Palace, and Congreso de la República.

Travelers must also be aware of the high frequency of demonstrations/protests in Guatemala. Several highly organized groups are capable of drawing thousands of people to support their cause. Protests often lead to disruption in public infrastructure such as blocking roads like the CA1, CA5, and the Pan American Highway. Some protesters have started small fires and clashed with police during their demonstrations. The use of roadblocks and/or blocking of public facilities, including airports, may delay or prevent tourists from reaching their destination.

A good resource for updated information regarding traffic concerns throughout Guatemala is PROVIAL, a roadside assistance force that routinely provides updates on significant issues related to accidents, traffic conditions, and road blockades.

Notably, following the 2023 presidential runoff, large protests and road blockades took place throughout Guatemala against efforts by the Attorney General to disqualify Bernardo Arevalo's election. This resulted in significant disruptions to the movement of goods and people throughout the country.

Anti-U.S./Anti-Western Sentiment

There is not significant anti-U.S. or anti-Western sentiment in Guatemala.

Law Enforcement

Victims of crime should contact the police emergency line **110** or **120**; in the event of fire emergencies, call **122** or **123**. Tourist groups should request security escorts—security information and escorts are available from the Tourist Assistance Office (ASISTUR) of the Guatemalan Tourism Institute (INGUAT).

The Interior Ministry (*Ministerio de Gobernación*) oversees Guatemala's law enforcement forces. Its remit includes law and order, national security, border control, and prison services. The Policía Nacional Civil (PNC), or National Civil Police, serve under the Interior Ministry and are responsible for maintaining public order, preventing and investigating crimes, and ensuring the safety and security of citizens throughout Guatemala. In 2024, the PNC established the Special Counter-Extortion Group (GECE) to combat extortion in the country.

The National Defense Ministry oversees the military, which focuses primarily on operations in defense of the country, but the government also uses the army to support the National Civil Police in internal security operations, as permitted by the constitution.

There is no roadside assistance club in Guatemala. However, PROVIAL patrols most major highways; contact them by calling **1520** from a local phone. Their vehicles are equipped with basic tools and first aid supplies, and their services are free. Police patrol major roadways

sporadically and may assist travelers. For roadside assistance, call the police at **110** or **120**, or the fire department at **122** or **123**. Cellular service covers most areas tourists frequent. Some reports of highway robberies include accusations that police, or assailants dressed as police, have been involved.

Police Response

The police lack sufficient personnel and training to accomplish their mission. They suffer from a lack of supplies (e.g., vehicles, fuel, and ammunition) with little improvement from year to year. Often, police investigations fail to result in an arrest, much less a conviction. Apart from impunity, a principal reason that the government is unable to respond to the needs of crime victims, or to prevent crime in the first place, is that the police force significantly lacks training and funding. The average officer should have at least a high school degree (some have much less), has as little as six months of police training before being sent out on the streets, and receives only a small monthly salary. Moreover, the annual police budget is inadequate to support its personnel, vehicles, training, and other infrastructure needs. Although some units have adequate equipment and training, they do not have the capacity to handle multiple taskings or cases at the same time.

Travelers with Special Considerations

For [specific traveler concerns](#) in Guatemala, review the local laws and circumstances on the Department of State's Country Information Page.

- [Women Travelers](#)
- [LGB Travelers](#)
- [Travelers with Disabilities](#)
- [Student Travelers](#)
- [Faith-Based Travelers](#)

Rule of Law, Arbitrary Detention, Official Harassment, Corruption, & Transparency

The U.S. Department of State has not included a Risk of Wrongful Detention “D” Indicator on the Travel Advisory for Guatemala.

The law prohibits arbitrary arrest and detention, but there are credible reports of extrajudicial arrests, illegal detentions, and denial of timely access to a magistrate and hearing as required by law. Suspects are entitled to challenge in court the legal basis or arbitrary nature of their detention. There is no compensation for those ruled unlawfully detained.

The law provides criminal penalties for official corruption, but officials frequently engaged in corrupt practices with impunity. Despite numerous allegations of corruption among the legislative and executive branches of the government, few high-profile are prosecuted with anticorruption efforts within the judiciary stalled. Prominent anticorruption prosecutors have

been fired or removed from significant cases in the past, and corrupt actors have threatened independent judges.

The Arevalo administration made several campaign promises to combat corruption. However, he still faces several challenges to execute them due to entrenched corrupt actors.

The law provides for freedom of expression, including for the press, and the government generally respects this right. The intimidation of, and violence against, journalists results in significant self-censorship. Independent media are active and express a wide variety of views. Nonetheless, reporters covering organized crime, including its links to corrupt public officials, acknowledge practicing self-censorship due to the danger investigative journalism creates for them and their families. The risk of lower advertising revenue from some companies, has resulted in media outlets becoming less independent and hesitant to report on corruption.

Members of the press report receiving pressure, threats, and retribution from public officials and criminal organizations regarding the content of their reporting. Online attacks against independent journalists and media outlets continue. These include hacking journalists' private social media accounts, publishing stolen or falsified personal information, and conducting apparent coordinated attempts to undermine specific journalists and the press. The government takes little action to protect these individuals.

Observers note that net centers, or collections of social media accounts operating from office buildings associated with government information sources, have increased activity, creating fake social media accounts to criticize and defame journalists.

Cybersecurity

Exercise standard precautions when using public Wi-Fi services in Guatemala.

Import/Export Restrictions

Guatemalan customs authorities may enforce strict regulations concerning temporary importation into or export from Guatemala of items such as antiquities and other cultural property. There are no known issues bringing in satellite phones.

A country-specific listing of items/goods prohibited from being exported to the country or that are otherwise restricted is available from the U.S. International Trade Agency [website](#).

Additional resources and reports can be found in the [OSAC Traveler Toolkit](#).

Exhibit 4

World Report 2025: Guatemala | Human Rights Watch



Bernardo Arévalo, Guatemala's president, is sworn in during the inauguration ceremony in Guatemala City, Guatemala, January 15, 2024.

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In January, President Bernardo Arévalo took office, overcoming numerous attempts led by Attorney General Consuelo Porras to unlawfully overturn the election.

The Attorney General's Office continued a campaign of politically motivated prosecutions against independent journalists, prosecutors and judges as well as Arévalo administration officials.

Judicial Independence and Corruption

The lack of judicial independence remains a critical issue in Guatemala, undermining the rule of law and threatening human rights protections. It stems from systemic problems in the judicial selection process, including non-transparent nomination procedures, political meddling, and undue influence from corrupt actors. The judiciary often fails to hold powerful interests accountable, instead serving to protect them.

In September, two “nomination committees,” formed by law school deans, judges, and bar association representatives, submitted to Congress a list of candidates for all [13 Supreme Court](#) and [156 Court of Appeals](#) positions for the 2024-2029 term—a critical opportunity to bolster judicial independence in the country. [In October](#), Congress appointed new judges to the Supreme Court and Courts of Appeals. Many had been under criminal investigation for alleged influence peddling in previous judicial selection processes.

In March, President Arévalo [asked](#) the Organization of American States (OAS) to send an observation mission to monitor the justices’ selection process. [In September](#), the OAS mission published a preliminary report noting conflicts of interest, the nomination of candidates reported to be involved in corruption or human rights abuses, and inadequate vetting procedures.

Arbitrary Criminal Prosecutions

Under Porras, the Attorney General’s Office has for years orchestrated spurious criminal prosecutions against justice officials, human rights defenders, anti-corruption activists, and officials of the Arévalo administration. In 2023, Porras’s office conducted bogus criminal investigations aimed at preventing President Arévalo from taking office.

Prosecutors have also asked the Supreme Court to lift President Arévalo’s immunity from criminal prosecution and have sought to proscribe the ruling party, Movimiento Semilla.

In July, Virginia Laparra, a former anti-corruption prosecutor, [fled](#) Guatemala after nearly two years imprisoned on spurious charges. Laparra had been under house arrest since January. Her prosecution was [widely seen](#) as retaliation for her work on high-profile corruption cases against public officials and organized crime.

Former anti-corruption prosecutor [Stuardo Campo](#) remained in prison at time of writing, on charges of “abuse of authority” and “breach of duties,” among others. The hearings in his case have been postponed multiple times, undermining his right to due process.

According to the nongovernmental organization (NGO) Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala (UDEFEHUGUA), at least 91 people fled into exile due to criminal prosecution, threats, or harassment since 2022. These included 44 legal professionals and 26 human rights defenders.

Civic Space

UDEFEGUA [documented](#) over 9,000 instances of aggression—including criminalization, harassment, defamation, stigmatization, threats, intimidation, and violence—against human rights defenders, journalists, organizations, and communities working to defend human rights, the highest recorded number to date.

The Attorney General's Office and a section of the judiciary have created a hostile environment for the exercise of freedom of expression and the press. Journalists face arbitrary detention, restrictions on news coverage, and online harassment. According to the NGO [Journalists' Observatory](#), at least 25 journalists fled the country in the last few years.

In [late](#) December, journalist César Leiva was shot to death in the department of Jutiapa and journalist Gleymer Villeda was killed in Izabal department. Three other journalists were murdered in 2023. [Impunity](#) for crimes against the press, particularly targeting those investigating public interest issues like corruption and human rights violations, remains the norm.

UDEFEGUA reported that, between March 2023 and August 2024, at least 18 human rights defenders were murdered in Guatemala. [In June](#), José Domingo, a lawyer and human rights defender, was murdered. Domingo worked closely with the United Farmworkers Committee (CUC), one of the country's most prominent peasant organizations. He was known for his advocacy on behalf of farmworkers and Indigenous groups, providing legal support to these communities in their struggles for land rights and better working conditions. Another CUC leader, Gustavo Yaxón, was [injured in the same attack](#) and died from the injuries a few days later.

[In November](#), a Guatemalan appeals court ordered journalist José Rubén Zamora back to prison, overturning an [October](#) court decision that had granted him house arrest after determining his two-year pre-trial detention was excessive. Zamora, 68, founder of *El Periódico* was initially arrested in July 2022 on money laundering charges and sentenced to six years in prison. In October 2023, an appeals court overturned the verdict, ordering a retrial. Prior to his transfer to house arrest, several UN experts had [raised concerns](#) about his detention conditions. At time of writing, his retrial was pending.

[In March](#), the UN Working Group on Arbitrary Detention said Zamora's detention was arbitrary, and called for his immediate release.

Economic, Social and Cultural Rights

High levels of poverty and inequality, structural discrimination, and corruption limit access to fundamental rights, especially for groups that have historically faced exclusion, including Indigenous peoples as well as Afro-descendant and rural communities. [According to the official figures](#), 56 percent of the population was living in poverty in 2023, including 16 percent in extreme poverty, as defined by the national poverty line.

Acute and chronic malnutrition affect children at alarming rates. As of October, over 25,000 cases of acute malnutrition in children were reported by the government. By October, reported cases were significantly higher than what was typically seen at this time of year in 2021-2023 (18,500 cases on average). [According to government figures](#), chronic malnutrition affects 46.5 percent of children under five years old nationwide and according to the [World Bank](#), Guatemala has one of the highest such rates globally.

Between January and [October](#), 278 children under five died in cases associated with malnutrition. The Arévalo administration launched the “Mano a Mano” Intersectoral Initiative, aiming to reduce chronic malnutrition by ten percentage points during its four-year term.

The [Office of the High Commissioner for Human Rights](#) (OHCHR) reported an increase in forced evictions and land conflicts in 2023, primarily affecting Indigenous communities. In July, [the Inter-American Commission on Human Rights](#) (IACHR) expressed concern about the lack of mechanisms for recognizing and titling ancestral lands, allowing for the advancement of hydroelectric, mining and oil company, and monoculture projects without free, prior and informed consultation. Indigenous leaders defending their land and environment face criminalization, [harassment](#), and threats. According to media reports, the [evictions that have been carried out have](#) often [involved](#) abuses by police and private security agents, resulting in the destruction of homes and property, forced displacement, and other ESCR violations for the affected communities.

[In December](#), the Inter-American Court of Human Rights ruled that Guatemala violated multiple rights of the Indigenous Maya Q’eqchi’ people in the El Estor municipality, Izabal state, including by failing to properly title their lands and conduct adequate prior consultation regarding mining activities affecting their territory.

Migrants and Asylum Seekers

Guatemala serves as a country of origin, destination, transit, and return for migrants and asylum seekers. In [2023](#), Guatemala experienced a high influx of migrants, with over one million people entering the country. The majority of these people were from Venezuela and Honduras.

In June 2023, Guatemala and the United States launched “safe mobility offices” to facilitate legal pathways for Guatemalans to enter the US, including family reunification and temporary work visas. In May, the program was [expanded](#) to include Hondurans, Salvadorans, and Nicaraguans present in Guatemala.

[In September](#), Guatemala welcomed 135 Nicaraguan political prisoners, whom the Nicaraguan government released and expelled as part of an agreement with the US and Guatemala. The prisoners will stay in Guatemala temporarily, where they will be able to apply for resettlement in the US or elsewhere.

Public Safety

Guatemala grapples with organized crime, drug trafficking, and institutional weaknesses in the justice system.

The homicide rate, which peaked in 2009 at 46 per 100,000 people, has since declined steadily, reaching 16.1 per 100,000 in 2023. During the first half of 2024, there was a seven percent decrease in the homicide rate in the country compared to the same period the previous year, [according](#) to government data. There are also other significant challenges, including high levels of human trafficking, extortion, and violence against women.

The 2023 [National Survey of Household Quality and Well-being](#) (ENCABIH) revealed that 48 percent of women have suffered some type of gender-based violence at least once in their lifetime. In the first half of 2024, civil society groups [reported](#) 206 violent deaths of women, with 44 percent classified as femicides. Impunity in cases of violence against women remains the norm.

Sexual Violence Against Girls

Pregnancy during adolescence and early parenthood affects thousands of girls in Guatemala. The Observatory for Sexual and Reproductive Rights (OSAR) reported 37,190 pregnancies among adolescents and girls ages 10 to 19 between January and August 2024, including 1,298 among girls ages 10 to 14. Under Guatemalan criminal law, all pregnancies among girls under age 14 are considered the result of sexual violence.

Access to maternal health care for pregnant girls is hindered by both inadequate healthcare goods and services and physical, economic, and discriminatory barriers. In rural areas, some health centers lack the necessary supplies, including prenatal vitamins, to properly care for pregnant girls. Girls and their families travel long distances, sometimes for hours or even days, to reach healthcare facilities where they can receive necessary medical treatment, further depleting many households' already-limited financial resources.

Girls who experience pregnancies as a result of sexual violence often encounter discriminatory treatment from healthcare professionals. In some cases, during and after pregnancy and childbirth, girls do not receive specialized care commensurate with their age.

Pregnancies under the age of 14 carry significant risks to girls' physical and mental health and put girls' lives at risk. In Guatemala, abortion is criminalized, except when the life of the pregnant woman, girl, or person is in danger, and penalties vary from one to twelve years in prison. Most medical professionals interpret this exception to include only cases where death would be immediate or imminent. Safe and legal abortion for girls under 14, whose pregnancies are a result of sexual violence—and inherently put their lives at risk because of age—remains unavailable.

Gender and Sexuality

Guatemala does not allow same-sex marriage or legal gender recognition for transgender people, and lacks comprehensive anti-LGBT discrimination legislation.

In June, Guatemala's Constitutional Court [called](#) on authorities to uphold “spiritual and moral values” and for participants to observe “good morals” during the annual Pride Parade.

Sanctions

In January, the European Union established a dedicated [individual sanctions regime](#) and [sanctioned five individuals](#) for undermining democracy and the rule of law before and following the 2023 presidential election.

Also [in January](#), the US State Department imposed visa restrictions on former President Alejandro Giammattei and three of his children, citing his involvement in “significant corruption.” The State Department has imposed [visa restrictions](#) on Attorney General Porras, former President Giammattei, and their families, citing corruption and rule of law concerns. In December 2023, it also restricted visas for nearly three hundred Guatemalans, including over one hundred congressmembers, for undermining democracy during the presidential transition.

Exhibit 5

Guatemala 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Guatemala during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; cruel, inhuman, and degrading treatment or punishment; arbitrary arrest or detention; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists and censorship; significant restrictions on workers' freedom of association; and violence and threats against labor activists or union members.

The government took credible steps to identify and punish officials who committed human rights abuses; however, these steps were often restrained due to actions of the Public Ministry.

Section 1. Life

a. Extrajudicial Killings

There were reports the government or its agents committed arbitrary or unlawful killings during the year.

A national human rights organization alleged 20 rural and Indigenous activists were killed or died in disputed circumstances between January and August. For example, in May, two activists were killed in incidents that appeared to be motivated by their role as leaders in the rural community of Escuintla. The victims, José Domingo Montejo and Marcelo Yaxón, were members of the Committee of Rural Workers Unity. As of September, the case remained under investigation.

b. Coercion in Population Control

There were no official reports during the year of coerced abortion or involuntary sterilization on the part of government authorities.

c. War Crimes, Crimes against Humanity, and Evidence of Acts that May Constitute Genocide, or Conflict-Related Abuses

The Public Ministry continued investigating the genocide case involving high-ranking military officers Manuel Callejas y Callejas and Manuel Benedicto Lucas García. A trial scheduled to begin on January 9 was suspended due to appeals presented by the defense lawyers. On May 3, the High-Risk Court “A” declared that Callejas y Callejas was incompetent to face a criminal trial due to health problems. The trial against Manuel Benedicto Lucas García began on April 5. On August 10, Lucas García’s legal defense filed a written

recusal requesting to remove the judge, which led the case to be suspended for several weeks. On November 28, the First High-Risk Court of Appeals granted the recusal motion in the case accusing him of the massacre of dozens of persons from the Ixil region during the government of Romeo Lucas (1978-82). This nullified the trial, requiring it to restart under a different High-Risk Tribunal. Lawyers for the victims filed an appeal on December 10.

Section 2. Liberty

a. Freedom of the Press

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right, although intimidation of journalists by the Public Ministry, police, the judiciary, and internet trolls continued during the year and resulted in significant self-censorship.

During the first quarter of the year, the Journalists Observatory of the Association of Journalists of Guatemala registered 22 abuses of freedom of expression, including judicial harassment, threats, defamation, attempted homicide, intimidation, and blocking access to a source of information by law enforcement agents, the Public Ministry, and the judiciary.

Physical Attacks, Imprisonment, and Pressure

Pressure on leading independent outlets, journalists, and justice defenders decreased sharply with the Arévalo administration. The executive branch (except for the independent Public Ministry) was open toward journalists, with officials more receptive to interviews and requests for information. Restrictions on recording inside the National Palace ceased; however, other institutions, such as the Public Ministry and the judiciary, as well as some members of congress, continued to exercise limitations on journalistic work and continued to threaten and criminalize journalists.

The nongovernmental organization (NGO) UDEFEGUA registered 12 attacks against journalists and communicators during the first six months of the year, compared with 393 attacks during the first seven months of 2023.

According to media rights advocates, attempts to limit freedom of expression undertaken by the Public Ministry included spurious lawsuits, subpoenas, telephone confiscations, and the execution of search warrants and home searches of media members and justice defenders. On April 27, the Association of Journalists of Guatemala reported congressman Oswaldo Rosales from Vamos Party forced two journalists to stop recording him as he entered a meeting with President Arévalo in Quetzaltenango.

Censorship by Governments, Military, Intelligence, or Police

Forces, Criminal Groups, or Armed Extremist or Rebel Groups

According to media advocates, restrictions on contractual bidding for radio frequencies and broadcast time allowed for the monopolization of media communications, particularly radio and television, limiting the space for diverse reporting. Dependence on private-sector funding with strong business or political interests also influenced reporting. Some companies decreased their media advertising to exert pressure on media against reporting corruption, resulting in media outlets becoming less independent.

On July 18, a security incident prompted restrictions on journalists after a person posing as a journalist tried to enter the National Palace with a firearm. The government implemented a series of new provisions, including special credentials for journalists covering activities at the National Palace. On July 31, the government rolled back the provisions after harsh criticisms from independent journalists, the Association of Journalists of Guatemala, and the Guatemalan Media Chamber.

Criminal groups exerted influence on media outlets and reporters by frequently threatening individuals for reporting on criminal activities. Reporters covering criminal groups, including their links to corrupt public officials, acknowledged practicing self-censorship due to the danger investigative journalism created for them and their families.

Efforts to Preserve the Independence of the Media

Following the transition to the Arévalo administration, the executive branch made a concerted effort to expand freedom of expression and improve the media environment, including by reopening the press pen at the Presidential Palace and issuing regular, open invitations for the press to witness events and ask questions in press conferences. The president requested an official visit to the country by the Inter-American Commission on Human Rights (IACHR) rapporteur on freedom of expression. The IACHR carried out an on-site visit in July to verify the impacts of the weakening of democratic institutions and judicial independence in the country, the first such visit in seven years. Special Rapporteur for Freedom of Expression Pedro Vaca Villarreal noted a generalized fear in society to deliberate on issues of public interest and added that on many occasions, this fear was transferred to media.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the right of workers, except for security force members, to form and join trade unions, conduct legal strikes, and bargain collectively. The law prohibited antiunion discrimination and employer interference in union activities and required employers to reinstate workers dismissed for organizing union activities. The law, however, placed some

restrictions on these rights. For example, legal recognition of an industrywide union required that the membership constitute a majority of workers in an industry. The law restricted union leadership to citizens. Ministries and businesses were required to negotiate only with the largest union, as determined by annual membership.

The government defined essential services more broadly than international standards, to include sectors such as postal services and transport and required arbitration for disputes in these sectors, denying these workers the right to strike. Public employees could address grievances by means of conciliation for collective disputes and arbitration directly through the labor courts. A factory or business owner was not obligated to negotiate a collective bargaining agreement unless at least 25 percent of workers in the factory or business were union members and requested negotiations.

A strike had to have the support of the majority of a company's workforce. Once a strike occurred, companies were required to close during negotiations. Strikes were extremely rare, but work stoppages were more common.

The government did not effectively enforce the law; threats and violence against trade unionists continued. Three trade unionists were killed during the year. On June 15, Anastacio Tzib Caal, secretary general of a trade union at a garment factory, was killed. On September 6, René Sucup Morán, a union leader from the Sindicato de Trabajadores de la Educación de

Guatemala (Guatemalan Education Workers' Union), was shot and killed in Chisec, Alta Verapaz. On October 2, Felix Orozco Huinil, a union leader of the Hacienda San Juan Horizonte farm in Coatepeque, Quetzaltenango, was killed. Authorities, including the Public Ministry's Special Unit for Crimes against Unionists, opened an investigation in each case.

The Ministry of Labor had the authority to sanction employers for violating union and collective bargaining rights, but government institutions, such as the Ministry of Labor and the labor courts, did not effectively investigate, prosecute, or punish employers who violated freedom of association and collective bargaining rights. Procedural hurdles, restrictions on and delays in the registration of new unions, and impunity for employers rejecting or ignoring court orders severely limited freedom of association and collective bargaining. Penalties were less than those for other laws involving denials of civil rights, such as discrimination. Penalties were rarely successfully applied against violators.

Labor courts also failed to compel compliance with reinstatement orders, including payment of back wages, for workers illegally dismissed for engaging in union activities, especially in rural areas.

There was a substantial backlog of cases in the labor courts that caused delays of up to five years. In some collective cases, the court took more than a year to provide just the initial notification that the case had been received. Employers commonly used tactics such as failing to attend

hearings, falsely claiming the employer needed language interpretation, or making frivolous challenges to workers' claims to ensure the case took many years to process.

The Public Ministry was ineffective in responding to labor court referrals for criminal prosecution in cases where employers repeatedly refused to comply with labor court orders. Employers routinely influenced labor inspection and court authorities to favor their interests or simply refused to comply with the law. According to the Special Prosecutor's Office for Crimes Against Unionists, 72 percent of complaints in 2023 involved persistent employer refusal to comply with judicial orders.

According to NGOs, the labor inspectorate made slight improvements in its efforts to ensure workers who formed new unions were protected from termination. For example, after the labor inspectorate received complaints of the illegal firing of nine workers at banana farms in Escuintla for their activities related to worker organizing, the farms were inspected within 48 hours. Worker representatives, however, noted the inspectorate often failed to respond promptly to other cases of unlawful termination and continued to be ineffective at conciliating and remediating labor violations when found.

The Ministry of Labor reported registering 35 new unions from January to August, a significant increase from eight unions during the same period in 2023. The General Directorate of Labor generally failed to register unions

within the prescribed timeframe of 10 working days, often delaying the registration by weeks or months. According to workers' rights groups, the directorate was often unresponsive and often exceeded the legally prescribed timeframes for processing other union businesses such as issuing credentials for officers.

The Unit for Crimes against Unionists within the Office of the Special Prosecutor for Human Rights in the Public Ministry was responsible for investigating attacks and threats against union members as well as for noncompliance with judicial orders in labor cases. In June, the unit responded to the killing of trade unionist Tzib Caalby, immediately working with the National Civil Police (PNC) and conducting an investigation. Despite thorough documentation of the killing, including witnesses and video of the incident, no one had been charged with the crime as of November.

The Special Prosecutor's Office for Crimes against Judicial Workers and Unionists received 19 complaints of threats and violence against unionists in 2023, the most recent data available. In 2023, an NGO registered 37 cases of employer threats and intimidation against trade unionists and labor activists.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law set differentiated minimum wages for agricultural and nonagricultural work and for work in garment factories for two economic regions of the country. The minimum wages did not meet the minimum food budget for a family of five.

The legal workweek was 48 hours, with at least one paid 24-hour rest period. The law prohibited workers from working more than 12 hours a day, except for domestic workers, who could work up to 14 hours per day and were not subject to the same weekly hour limits. Time-and-a-half pay was required for overtime work, and the law prohibited excessive compulsory overtime. There were common reports of unpaid and compulsory overtime in many sectors, including garment production, fishing, agriculture, construction, domestic service, and others.

Occupational Safety and Health

The government set occupational safety and health (OSH) standards that were inadequate. The Ministry of Labor did not proactively conduct investigations but would respond to workers' OSH complaints. According to the most recent reports (2023), the ministry reported occupational accidents were a frequent occurrence in Guatemala City, particularly in the agricultural, manufacturing, and commercial sectors. Agricultural workers

reported being exposed to a range of hazards, including excessive heat exposure, dehydration, exposure to pesticides, and inadequate protective equipment. Textile and garment workers reported inadequate fire safety measures, poor ventilation, and nonergonomic conditions.

The law did not provide for the right of workers to remove themselves from situations that endangered health or safety without jeopardizing their employment.

Wage, Hour, and OSH Enforcement

The government did not effectively enforce wage, hour, and OSH laws. The Ministry of Labor and Social Welfare was responsible for enforcement. The number of labor inspectors was not sufficient to enforce compliance.

Effective enforcement of overtime abuse by employers was undermined by inadequate fines and the reluctance of labor courts to use compulsory measures such as increased fines and referrals to the criminal courts.

Penalties for wage, hour, and OSH violations were less than those for analogous crimes such as negligence. Penalties were rarely applied against violators.

Inspectors had the right to make unannounced inspections. In some cases, inspectors failed to take effective action to gain access to worksites when employers refused to permit access. Inspectors were encouraged to seek police assistance as required. Inspectors had the right to initiate sanctions;

any fines collected went to the ministry.

Approximately 48 percent of the labor inspectorate's inspections carried out from January to August were complaint driven. Inspections were generally not comprehensive, and if complaint driven, focused on investigating the alleged violation rather than attempting to determine compliance beyond the individual complaint.

Resolution of labor court cases was often delayed, in many instances for several years. Employers failing to provide a safe workplace were rarely punished, and a law requiring companies with more than 50 employees to provide onsite medical facilities for their workers was not enforced.

A lack of strong enforcement mechanisms was evident in the 2023-24 case of the Industrial Hana garment factory's abrupt closure and failure to pay owed wages, social security payments, and severance to more than 200 affected workers. Following the illegal closure, the Ministry of Labor convened an interagency immediate reaction group that included the Social Security Institute, Tax Superintendency, PNC, and Ministry of Economy to assess payments and benefits due to workers and the status of the employer's assets. The working group was unable, however, to obtain any benefits for the affected workers. Immediately following the closure, the employer repeatedly denied entry to Ministry of Labor inspectors, who were never able to enter the premises. As of September, the workers had not received any back wages, social security payments, or severance.

According to National Statistics Institute data, approximately 71 percent of the workforce was employed in the informal sector. The government did not enforce wage, hour, or OSH laws in this sector.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances during the year by or on behalf of government authorities.

The Public Ministry continued to investigate and prosecute cases of enforced disappearances from the internal armed conflict period.

Judicial proceedings continued in the Regional Peacekeeping Operations Training Command (CREOMPAZ) case, concerning the former Military zone No. 21, renamed CREOMPAZ. The area was the largest place of torture, containing the remains of more than 500 individuals. In February, the Constitutional Court upheld a 2016 decision overturning the case against seven of the 14 high-ranking military officials accused of enforced disappearances and other war crimes in a case involving the CREOMPAZ: Carlos Augusto Garavito Morán, José Antonio Vásquez García, César Augusto Cabrera Mejía, Manuel Benedicto Lucas García, Juan Ovalle Salazar, Ismael Segura Abularach, and Gustavo Alonzo Rosales García. As a result, the officials were acquitted of all charges. On November 5, the Second High-

Risk Court dismissed the CREOMPAZ case against all 14 retired military officers, citing jurisdictional irregularities. The court's decision followed an injunction granted to the defense, annulling previous proceedings by High-Risk Court "A" Judge Claudette Domínguez.

Prolonged Detention without Charges

The law prohibited arbitrary arrest and detention, but there were credible reports of politically motivated arrests and deliberate denial of timely access to a magistrate and hearing. The law provided for the right of any person to challenge the lawfulness of their detention in court.

The law required police to present a court-issued warrant to a suspect prior to arrest unless apprehending a suspect in the act of committing a crime. By law, police could not detain a suspect for more than six hours without bringing the case before a judge. Authorities did not regularly respect this right. Lengthy pretrial detention was a problem, and pretrial detainees represented nearly half of the prison population. The law established a one-year maximum for pretrial detention, regardless of the stage of the criminal proceeding, but the court had the legal authority to extend pretrial detention without limits as necessary. Authorities regularly held detainees past their legal trial-or-release date. Lengthy investigations and frequent procedural motions by both defense and prosecution often delayed trials for months or years.

Observers noted the slow pace of investigations and lack of judicial resources hampered efforts to reduce pretrial detention and illegal incarceration. Authorities did not release some prisoners even after the prisoners completed their full sentences, due to the failure of judges to issue the necessary court order or other bureaucratic delays.

In May 2023, former anti-corruption prosecutor Stuardo Campo, known for investigating a government highway project during the administration of former President Jimmy Morales, was arrested on allegations of failure to fulfill official duties. As of December, he remained in detention. Campo's continued detention was due to the failure of Public Ministry prosecutors and witnesses to appear for scheduled hearings, resulting in repeated delays. In October, a judge ordered Campo's case to trial on November 13, but the case was again delayed again until January 2025.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibited torture and other cruel, inhuman, or degrading treatment or punishment, but cases of prison officials' negligence that exposed prisoners to violence and degrading conditions were reported. In August, special rapporteurs of the UN human rights system reported journalist, newspaper founder, and publisher José Rubén Zamora was subjected to 20 months of solitary confinement, potentially amounting to torture, and different forms of inhuman or degrading treatment, including being deprived of sleep, forced nudity, arbitrary cell searches, and a failure of authorities to respond to a mite infestation in his cell. The period of review of the UN report ended in January. His conditions improved after the new administration took office on January 15. In October, Zamora was released under house arrest, but on November 15, a court ordered his return to pretrial detention. Zamora remained under house arrest during the appeal of the November 15 ruling.

The Office of the UN High Commissioner for Human Rights noted documentation and reporting mechanisms for torture and other cruel, inhuman, or degrading treatment or punishment remained weak, hindering a full understanding of the prevalence of the problem. In past years,

international human rights organizations also noted many official complaints cited unsafe and cramped conditions at Federico Mora National Hospital for Mental Health, including cases of sexual and physical abuse of patients and the reported use of solitary confinement.

Public perception was that impunity within the PNC for abuse of detainees was widespread. The PNC removed dozens of officers for various disciplinary reasons, including bribery allegations.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The legal age for marriage was 18. The government did not enforce the law effectively.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other international organizations in providing protection and humanitarian assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for receiving and adjudicating asylum claims to grant refugee status to qualifying individuals.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish population was approximately 1,500 persons. Jewish community representatives reported no antisemitic incidents as of September. In July, the government endorsed the Global Guidelines for Countering Antisemitism.

e. Instances of Transnational Repression

The Public Ministry continued legal proceedings against former high-level officials who were located outside the country, including Juan Francisco Sandoval, former head prosecutor of the Special Anti-Impunity Prosecutor's Office, fellow prosecutors and attorneys, former judges, human rights defenders, and other officials, and continued to harass and repress the former officials and their families.

Misuse of International Law Enforcement Tools

In June, the Public Ministry announced it requested INTERPOL issue arrest warrants for former human rights ombudsman Jordan Rodas and other

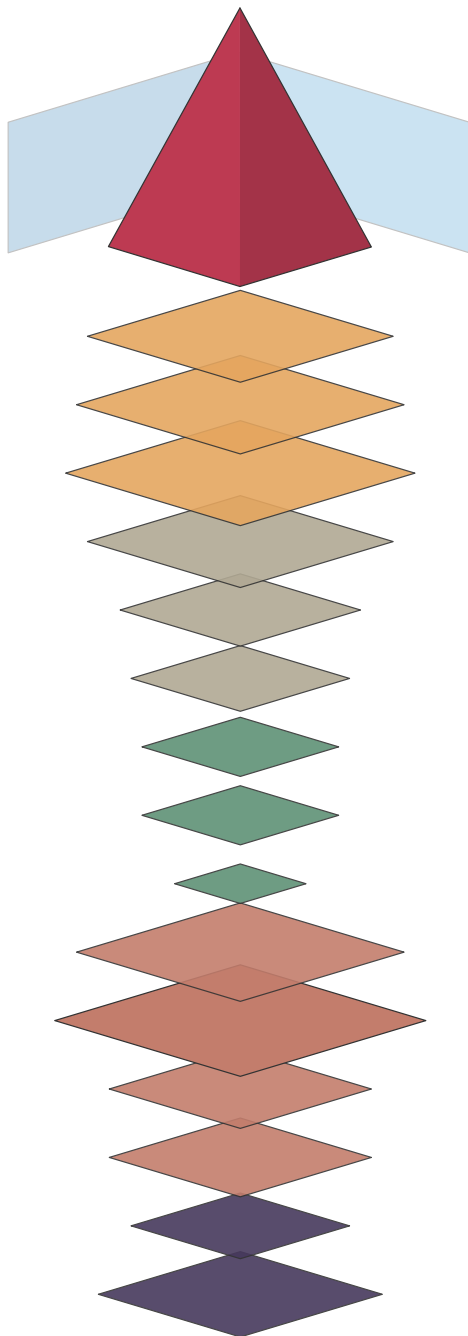
individuals implicated in a case involving the occupation of the University of San Carlos of Guatemala in 2022. In August, Rodas, in self-exile outside the country, requested the annulment of migration alerts against him due to errors in his citizen identification data and the false allegations against him. Anti-corruption organizations characterized his case as politically motivated.

Efforts to Control Mobility

Self-exiled Guatemalans reported experiencing problems obtaining or renewing national identity documents overseas.

Exhibit 6


 **GUATEMALA**



 **6.60**
CRIMINALITY SCORE
26th of 193 countries
9th of 35 American countries
4th of 8 Central American countries

 **CRIMINAL MARKETS** **6.10**

HUMAN TRAFFICKING	7.00
HUMAN SMUGGLING	7.50
EXTORTION & PROTECTION RACKETEERING	8.00
ARMS TRAFFICKING	7.00
TRADE IN COUNTERFEIT GOODS	5.50
ILLICIT TRADE IN EXCISABLE GOODS	5.00
FLORA CRIMES	4.50
FAUNA CRIMES	4.50
NON-RENEWABLE RESOURCE CRIMES	3.00
HEROIN TRADE	7.50
COCAINE TRADE	8.50
CANNABIS TRADE	6.00
SYNTHETIC DRUG TRADE	6.00
CYBER-DEPENDENT CRIMES	5.00
FINANCIAL CRIMES	6.50

 **CRIMINAL ACTORS** **7.10**

MAFIA-STYLE GROUPS	7.50
CRIMINAL NETWORKS	6.00
STATE-EMBEDDED ACTORS	8.00
FOREIGN ACTORS	8.00
PRIVATE SECTOR ACTORS	6.00

 **4.08**
RESILIENCE SCORE



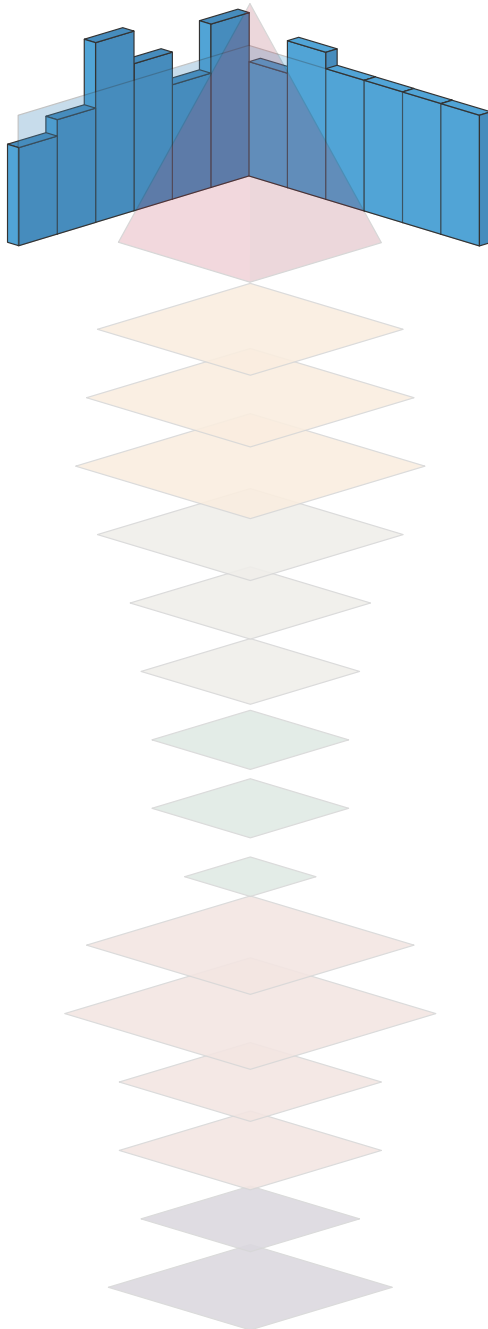
Funding provided by the United States Government.



Funded by the European Union

ENACT is funded by the European Union and implemented by the Institute for Security Studies and INTERPOL, in affiliation with the Global Initiative Against Transnational Organized Crime.

 **GUATEMALA**



 **4.08**
RESILIENCE SCORE

127th of 193 countries
26th of 35 American countries
4th of 8 Central American countries

POLITICAL LEADERSHIP AND GOVERNANCE	3.00
GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY	3.50
INTERNATIONAL COOPERATION	5.50
NATIONAL POLICIES AND LAWS	4.50
JUDICIAL SYSTEM AND DETENTION	3.50
LAW ENFORCEMENT	5.00
TERRITORIAL INTEGRITY	3.50
ANTI-MONEY LAUNDERING	4.50
ECONOMIC REGULATORY CAPACITY	4.00
VICTIM AND WITNESS SUPPORT	4.00
PREVENTION	4.00
NON-STATE ACTORS	4.00

 **6.60**
CRIMINALITY SCORE

 CRIMINAL MARKETS	6.10
 CRIMINAL ACTORS	7.10



Funding provided by the United States Government.



ENACT is funded by the European Union and implemented by the Institute for Security Studies and INTERPOL, in affiliation with the Global Initiative Against Transnational Organized Crime.

CRIMINALITY

CRIMINAL MARKETS

PEOPLE

Guatemala is a source, transit and destination country for human trafficking. Women and minors from across Central America and, to a lesser extent, from Colombia and some African countries are particularly vulnerable to sexual and labour exploitation in the country. National or non-citizen victims tend to be exploited in the agricultural, domestic and textile industries, not only in Guatemala, but also in Belize, Mexico and the US. Guatemala has a history of peonage and forced labour, especially among indigenous communities. Although recruiting for sex or labour trafficking is not as lucrative as recruiting for human smuggling, many forms of exploitation in the country are linked to the movement of people and might occur during or after the smuggling journey. The border areas between Guatemala, Honduras and El Salvador are particularly affected by the human trafficking market. Traffickers are often members of well-organized local criminal groups who work in cooperation with international traffickers, particularly along the Guatemalan border, and have connections with drug-trafficking organizations.

Human smuggling in Guatemala is often a response to the difficulty people experience in accessing visas and passports due to their origin and remote locations. Many of the convicted smugglers are from indigenous communities and work with other smugglers and criminal networks in Mexico and beyond. Guatemala's location along a major route between South and North America, as well as long stretches of unmonitored borders, facilitates the smuggling of people. Human smugglers are often connected to well-organized criminal groups, and people in some rural Guatemalan highlands have made smuggling a livelihood. Guatemala is also a destination country for smuggled individuals, and criminal groups and corrupt authorities facilitate their entry. The lack of job opportunities, poverty, state-sponsored harassment, gang violence and the search for a better life have contributed to the growing human smuggling market.

Extortion is a pervasive criminal activity in Guatemala and has been on the rise in recent years, with thousands of extortion cases reported each month. Extortion is often conducted by means of phone calls, and victims include businesses, individuals and even prisoners. The COVID-19 pandemic has given rise to 'copycat groups', which have gained territory in the extortion market by focusing on private residences and individuals rather than businesses, as gangs have largely suspended their activities due to economic slowdowns. Criminal groups often use violence

and threats to enforce payments, and even prisoners are forced to pay entrance fees to jails to avoid violence.

TRADE

Guatemala serves as both a destination and transit country for arms trafficking, with various entry points for AR-15s along major trafficking routes. The expansion of the illicit arms market can be attributed to factors such as the Guatemalan civil war, porous borders, lack of control and understaffed border authorities. Criminal gangs in need of firearms often engage with arms traffickers and sell weapons on local black markets. It is estimated that over one million illicit arms are present in Guatemala, leading to widespread violence across the country, with most homicides committed with firearms. Firearms and ammunition seizures have been consistent over the years. Meanwhile, the laws regulating arms possession have stricter rules for owning a weapon but are laxer when it comes to ammunition, which is often bought legally before being trafficked. The state lacks control over the arms market, with police primarily focused on seizing illicit arms rather than dismantling the market's structure. In addition, Guatemala serves as a hub for distributing illicit arms to El Salvador and Honduras.

Trade in counterfeit goods has notable economic consequences in Guatemala, which is exacerbated by the country's strategic location and societal and economic conditions. Counterfeit apparel production and pharmaceutical sales also pose problems, with the latter being particularly concerning, as it can lead to dangerous fake medications being consumed. Guatemala is considered a provenance economy for counterfeit footwear, clothing, leather articles and handbags, mostly imported from China, South Korea, India or Turkey. Counterfeit products are increasingly sold on social media platforms.

Illicit trade of excise goods, primarily tobacco products and alcoholic beverages, is a moderate criminal market in Guatemala. Most of the contraband tobacco products originated from Panama and entered through Belize. Smuggled cigarette brands from China and India were also found in the country. The illicit trade has substantial economic repercussions on the state, with the state treasury accruing losses in tax revenue.

ENVIRONMENT

Flora crimes, specifically rosewood trafficking, are prevalent in Guatemala due to high demand from China. Illegal logging and timber trafficking also occur in various regions, often tied to drug trafficking activities. Indigenous people have complained about logging and companies without permits engage in illegal pine extraction. Live flora, such as aloe and

tillandsia, are also trafficked. Local farmers and intermediaries participate in flora trafficking operations through organized rosewood trafficking networks. Limited resources and extreme poverty in rural areas also contribute to this trade. The unclear demarcation of the Guatemala–Belize border and the lack of cross-border cooperation hinder the ability of security forces to combat flora crimes effectively. Moreover, the issue is not a priority in Guatemala, further limiting anti-rosewood trafficking resources.

Wildlife trafficking in Guatemala involves organized criminal groups with knowledge of routes and cooperation with corrupt authorities. The cross-border movement and trade of species between countries demand perfectly organized groups, and scarlet macaws, monkeys and reptiles are among the most trafficked species. Most of the wildlife trafficking happens along the Guatemala–Belize border, often committed by rosewood traffickers. Local farmers and intermediaries participate in the trade, selling the animals to foreign buyers. Although there is a demand for scarlet macaws, the traffickers do not seem to be well-organized on a large scale.

Illicit mining is the most prevalent non-renewable resource crimes in Guatemala, with foreign criminal actors involved in illegal jade mining operations. In some areas, entire villages are allegedly involved in illicit jade extraction in collaboration with corrupt local authorities. Legal mining operations have also been reported to disregard environmental impact standards and use illegal means to control social concerns.

DRUGS

Guatemala is the third-largest producer of opium poppy in Latin America and its heroin trade is concentrated along the Guatemalan–Mexican border. Mexican cartels have expanded into Guatemala to cultivate poppies and the heroin is mainly destined for the US. Poppy production is viewed by many locals as a lucrative livelihood and it causes local communities to fight over the control of water and land.

In addition, Guatemala is a significant transit country for cocaine due to its location on a major drug trafficking route between South and North America. Cocaine enters the country by land, sea and air, and it is Guatemala’s primary drug market. Criminal actors involved include mafia-style groups in the form of drug cartels. Corruption runs rampant in the market, with drug cartels and individual narcos penetrating local and national political, judicial and law enforcement systems. They are known to create alliances with state actors at all levels. There has also been a rise in coca plantations in the country in recent years which has been demonstrated by the increase in coca eradication and clandestine laboratory dismantlement conducted by law enforcement. This indicates that Guatemala is becoming a cocaine producing country, albeit to a limited

extent compared to major cocaine producing countries in South America.

Furthermore, Guatemala is a country of origin and transit for cannabis. The country’s cannabis market operates primarily for domestic and regional cannabis users. In rural areas, the cultivation of marijuana is controlled by transnational drug trafficking groups. Criminal actors involved in the market include youth gangs and other smaller criminal groups. Some children are also forced to sell marijuana at school. Criminals involved in the cannabis trade are also usually engaged in other criminal markets.

Guatemala is also both a source and transit country for the synthetic drug trade. Chemical precursors from other countries are transported through Guatemala to Mexico for processing, although processing may also occur in Guatemala. Synthetic drug laboratories have been detected in the country for many years. Guatemala’s proximity to Mexico, its access to loosely controlled seaports and corruption facilitate the emergence of drug laboratories. Mexican, Guatemalan and Colombian criminal groups are the most important in terms of clandestine laboratories in the region, as well as in the procurement of chemical precursors. Nevertheless, the synthetic drug trade remains smaller than the cocaine or heroin trade in the country.

CYBER-DEPENDENT CRIMES

Guatemala has seen a notable increase in cyber-attacks, particularly in the form of ransomware attacks. Criminal organizations exploit the lack of internet regulation and control to conduct cybercrimes. In recent years, hacks on websites with the ‘.gt’ domain have been reported and corporations have been affected by leaked documents exposing corruption. In 2022, the hacker group known as Guacamaya Roja hacked confidential documents from a project managed by a multinational mining company operating in the country. The mining company alleged that it suffered a cyber-attack and that a disinformation campaign was being conducted against the business.

In addition, a new technique known as crypto clipping is gaining popularity in Guatemala. This malware works by altering the beneficiary address during cryptocurrency transactions.

FINANCIAL CRIMES

Financial crimes are prevalent in Guatemala and pose substantial risks to its economy. Moreover, actions impeding the independence of Guatemala’s judiciary expose the country to ongoing financial crimes and hinder its capacity to prevent or combat such crimes. In recent years, individuals and companies have been convicted of various financial crimes, including fraud, tax evasion and embezzlement. Tax evasion is a significant issue and leaked documents have revealed that Guatemala is one of the most used countries in Latin America for offshore purposes by politicians,

businesspeople and private individuals. Embezzlement is also a big concern, with civil servants being convicted of misappropriating funds from various projects.

CRIMINAL ACTORS

Foreign actors, including Mexican drug cartels and transnational criminal gangs, are dominant in Guatemala's criminal landscape. Mexican cartels control much of the drug trafficking in the country, collaborating with local drug cartels and criminal groups. These international criminal groups mostly collaborate with their local counterparts in Guatemala, which is mainly a transit country for the drug trafficking markets. Meanwhile, local criminal networks participate in various criminal markets, such as marijuana, poppy and coca cultivation, human trafficking, kidnapping and money laundering. They consist of former military members, police officers, public officials and drug traffickers who work with groups from other Central American countries. Smaller criminal gangs are known for their extreme violence, including torture, and involvement in sexual exploitation and human trafficking. While criminal networks lack the means to influence Guatemala's democratic process at the national level, they are believed to have influenced local mayoral elections.

Corrupt state-embedded actors support Guatemala's criminal markets by facilitating or engaging directly in illegal operations. They participate in drug trafficking, such as cocaine and marijuana trafficking, and are influenced by

drug traffickers who use their power to sway local elections, protect drug shipments and guarantee impunity. Some state-embedded actors, emboldened by the perceived immunity associated with their positions, have created their own drug operations.

Mafia-style groups, including drug cartels and international gangs, operate in Guatemala, engaging in drug trafficking, arms trafficking, contraband, human trafficking and human smuggling, as well as extortion. These groups are highly organized and hierarchical, with many leaders and large memberships, and operate in Guatemala's main cities. Although territorial disputes have decreased in recent years, occasional clashes between these groups and Guatemalan authorities still occur in remote criminal enclaves and abandoned rural areas along the Guatemalan–Mexican border. These groups have also infiltrated various sectors of society, including politics, the security forces, the private sector and the judicial system.

In the private sector, the Guatemalan government has investigated private security companies for operating illegally without licences to carry weapons, posing a risk to communities. Transnational mining companies are also causing environmental damage, fueling corruption schemes and attempting to influence indigenous leaders, while monitoring journalists who report on their irregularities. Many local and foreign companies have been accused of laundering their proceeds in the country and this illicit practice involves billions of dollars each year.

RESILIENCE

LEADERSHIP AND GOVERNANCE

Guatemala's political leadership is widely viewed as corrupt, with current and former officials being linked to corrupt practices and drug trafficking organizations. The elite's disinterest in reforming tax legislation has contributed to the state's long-standing debt, and the lack of critical reforms in the justice, legal and security systems has allowed crime to flourish. Organized crime and public safety are major campaign issues in Guatemala, but anti-organized crime initiatives have been largely ineffective, with many requiring more funding and continuity. The lack of influential institutions to address corruption contributes to general perceptions about corruption in the country. The failure of the state to protect judges has contributed to the country's elevated warning status in terms of governance. In recent years, Guatemala's UN-backed anti-corruption body was abolished and the creation of a new national presidential anti-corruption commission has been criticized as being too close to the executive to be impartial. Guatemala's legal

framework enables the public to request information on any subject not deemed confidential, however response times from national institutions are slow. The government has made efforts to improve transparency, including publishing budgets and creating platforms to make information about public procurement available. However, contracts in state institutions lack transparency, and there is little political will to reform the civil services law to guarantee that job and career qualifications in the public sector are based on performance.

Guatemala has ratified various international treaties on organized crime, leading to legal reforms and improvements in anti-organized crime efforts. This has resulted in positive impacts on investigations into gang extortion and drug cartels. The country has bilateral extradition agreements with several countries, including the US, and has extradited many important drug traffickers, including a former president. Perceptions about Guatemala's efforts to cooperate in

combating organized crime are positive, but implementation remains a challenge. Guatemala has also enacted a range of laws and legislative initiatives to combat organized crime, money laundering, sexual violence and trafficking. However, there are concerns about the government's strategy to tackle crime, including legislative initiatives that were eventually blocked by the Constitutional Court. The lack of proper training among law enforcement authorities also makes it difficult to apply the existing legal framework effectively.

CRIMINAL JUSTICE AND SECURITY

Guatemala's judiciary struggles to manage complex cases, despite receiving international cooperation funding. The departure of the UN-backed anti-corruption body has left investigative and judicial authorities vulnerable to criminal organizations entrenched in state institutions and deprived them of international support. In fact, attacks on prosecutors and judges investigating corruption and organized crime have increased since its shutdown. In addition, the prison system is inadequate and has issues with overcrowding, corruption and a lack of resources. Organized crime is flourishing in prisons and gang leaders coordinate illegal activities from within.

Guatemala has several law enforcement units specializing in organized crime, such as the anti-narcotics unit and the criminal investigation unit, which have received training and support from the US government. However, these units are still affected by understaffing, lack of equipment, corruption and poor coordination with investigators. The lack of public confidence in the national police force further undermines its effectiveness. Community policing models exist in some rural areas, but there is no monitoring of their impact. Guatemala's intelligence system is inefficient due to poor coordination between police, military, civil and strategic intelligence units.

Guatemala's borders with neighbouring countries, including Mexico, Honduras, Belize and El Salvador, have hundreds of blind spots, where there is little or no state presence. These areas of weakness make it easy to smuggle contraband, drugs and people in and out of the country. The still-active territorial dispute with Belize and the resulting unclear border definition further hinders the authorities' ability to conduct operations in that area. The terrain, which includes rivers and jungles, makes regional border control a challenge, and effective control would require significant investments in marine and air-force technologies. Despite some government efforts, border control personnel remain corrupt and under-equipped, and the government also faces challenges with extortion in areas controlled by gangs.

ECONOMIC AND FINANCIAL ENVIRONMENT

Guatemala has the legislative framework and institutional capacity to combat money laundering, but questions have been raised about the impartiality of the institutions responsible for this task, as they are funded by banks. In practice, foreign judicial authorities still conduct major investigations, particularly those in the US. Guatemala is not currently on any black or grey lists; however, it runs the risk of being grey-listed due to regulatory issues that need strengthening. The country has not yet adopted any regulations or measures to prevent the use of crowdfunding or online gambling for money laundering, and there is a weak regulatory framework for savings and credit cooperatives.

The economic regulatory environment in Guatemala is characterized by widespread extortion that affects small to medium-sized businesses, including multinational companies. Extortion is conducted by gangs and copycat organizations, and the weak law enforcement system, coupled with a lack of trust in law enforcement capabilities, exacerbates the problem. Organized crime diversifies existing business activities or establishes legitimate companies to increase profits, launder money, or enter the legal sphere, particularly in the agricultural and mining sectors. Smuggling of goods is fueled by tax and tariff evasion, and certain trade restrictions lead to illicit trade. The economic environment in Guatemala also remains heavily regulated, rendering doing business in the country cumbersome.

CIVIL SOCIETY AND SOCIAL PROTECTION

Guatemala's victim support services are insufficient, but some programmes exist to assist victims and witnesses. The public prosecutor's office has a unit to provide support to victims and a witness protection programme, and the government recently established an institute for victims. However, these programmes lack transparency and the country's weak institutional framework creates a climate of impunity that diminishes the effectiveness of victim support initiatives. The use of 'effective collaborators' as witnesses has only recently been implemented in large corruption cases or those related to gang leaders and drug traffickers and key witnesses are placed in special facilities. Furthermore, drug users are often treated as criminals rather than victims and there are limited resources to treat addiction. Civil society provides some victim support services, including legal advice and psychological treatments, and anonymous hotlines exist for reporting crimes.

Crime prevention has a focus on situational prevention and initiatives aimed at gangs, membership and extortion. Although strategies were published some years ago, specific results and monitoring and evaluation are yet to be determined. Overall, the crime prevention agenda is weak, with limited results due to hardline enforcement strategies and political developments. Public awareness campaigns focused on human trafficking, smuggling and gang activity exist, but the government lacks transparency and

effective communication between institutions responsible for crime prevention.

Guatemala faces significant challenges regarding press freedom and human rights, with a high number of attacks against journalists and human rights activists. Media ownership is highly concentrated and often lacks impartiality. The government provides limited support for think tanks and civil society initiatives aimed at addressing organized crime, and there is a lack of coordination between authorities and NGOs assisting victims. Indigenous people make up almost half of the population and are marginalized at social and political levels. The government is attempting to modify laws governing NGOs to increase control over them. The COVID-19 pandemic has worsened the situation in Guatemala, making access to trustworthy information difficult and creating an unfavourable climate for journalists. Human rights activists have faced attacks, with Guatemala having the fourth-highest number of killings of human rights defenders in the region.

This summary was funded in part by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.

Exhibit 7

65 YEARS
IACHR



OAS | More rights
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Preliminary Observations

On-site visite to Guatemala

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Inter-American Commission of Human Rights

Preliminary Observations On-site visit to **Guatemala**

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INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

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I. Introduction

1. Below, the Commission presents its preliminary observations and recommendations following the completion of the *on-site* visit to Guatemala that took place between July 22 and 26, 2024. First, it will address the background and current context of democratic institutions in the face of the impact of impunity and corruption. Second, it analyzes the instrumentalization of the justice system, with special emphasis on the situation of justice operators and human rights defenders. Subsequently, the IACHR refers to the issue of memory, truth and justice for crimes committed during the armed conflict; the situation of freedom of expression; economic, social, cultural and environmental rights; as well as citizen security and the human rights of historically discriminated and excluded groups. Finally, the IACHR presents its preliminary conclusions and recommendations at the end of its visit.
2. The IACHR will prepare a country report in the coming months to further elaborate on these issues and present its final recommendations to the State of Guatemala.

II. Background and current context: the impact of impunity and corruption on Guatemala's democratic institutions

3. Before presenting its preliminary observations, the Commission considers it essential to refer to the context and background of its visit, which includes the legacy of serious human rights violations that have marked Guatemala's recent history, as well as their causes and consequences. Subsequently, it addresses the impact of impunity and corruption on democratic institutions in a scenario marked by social exclusion and inequality in the country, especially with respect to indigenous communities and peoples.

A. Legacy of the internal armed conflict

4. The IACHR has followed the human rights situation in Guatemala with special attention since its first years of operation, particularly in response to the grave human rights violations perpetrated during the internal armed conflict that took place between 1960 and 1996. This was characterized by the systematic execution of people, massacres, forced disappearances, rape, and scorched earth operations aimed at the at least partial elimination of the Maya people. Likewise, rape was a widespread, massive and systematic practice used by State agents as part of the counterinsurgency policy against women¹.
5. As established by the Commission for Historical Clarification (CEH) in its report "Guatemala, Memory of Silence", the internal armed conflict constituted a phenomenon whose explanation is multi-causal, the result of the convergence of a series of factors, such as structural impunity, the closing of political spaces, racism, the deepening of an exclusionary and anti-democratic institutionality, as well as the reluctance to promote substantive reforms that could have reduced structural conflicts. In this sense, the CEH concluded that "violence was fundamentally directed from the State, against the excluded, the poor and, above all, the Mayan population, as well as against those who fought for justice and greater social equality"².
6. In 1996, the signing of the Firm and Lasting Peace Agreement between the government of then President Álvaro Arzú and the Guatemalan National Revolutionary Unity (URNG) put an end to 36 years of civil war, representing an opportunity for profound change in Guatemala. The agrarian and land regulation situation, the elimination of discrimination, the recognition of the cultural identity and territories of indigenous peoples, as well as the attention to the different

¹ IACHR, [Situation of Human Rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 33.

² Commission for Historical Clarification. Guatemala, Memoria del Silencio "Tz Inil Natab'al", Conclusions and Recommendations, June 1999, p. 17.

social, cultural and economic aspects that perpetuated their historical exclusion were commitments assumed.

7. More than 25 years after their signing, these agreements have not been fulfilled and, on the contrary, there are severe setbacks that keep the victims and their families in a situation of abandonment and oblivion, ignored by the state apparatus. Likewise, a situation of impunity prevails with respect to the serious human rights violations of the past, as well as many of the factors that gave rise to the internal armed conflict, such as: the concentration of economic power in few hands, a weak state structure with few resources due to low tax collection, high levels of corruption and impunity, as well as the perpetuation of a context of discrimination, violence, racism and exclusion of indigenous peoples³.
8. During the visit, it was reported that indigenous peoples live in less favorable conditions than the rest of the population, with less access to basic services, electricity, sanitation, lack of decent housing conditions, limited labor and productive opportunities and obstacles to access to justice. This situation reflects the continuity of the context of exclusionary economic, cultural and social relations that gave rise to the internal armed conflict. In addition, there are evictions of Indigenous communities and internal displacement, the impact of natural disasters and climate change, the perpetuation of poverty and high rates of migration.

B. Fight against impunity and corruption

9. In its various reports since the time of the internal armed conflict, the IACHR has pointed out that the fight against impunity and corruption must be a priority for democratic governance. In this regard, the IACHR has repeatedly urged the Guatemalan State to commit itself to ensuring independence of justice operators and the dismantling of criminal networks, as well as parallel structures and

³ According to the latest National Population and Housing Census (2018), the total population of Guatemala is more than 17 million people. Of this total, 43.8% of the population is indigenous; and, of this percentage, 41.7% corresponds to the Mayan population.

powers that impede progress in this area to the detriment of the rule of law and the human rights of the population⁴ .

10. Over the past 20 years, through its monitoring work, the Commission has observed that corruption in Guatemala is structural and endemic, and manifests itself at all levels and in all territories. In its Resolution 1/17, the IACHR noted that corruption, "together with impunity, organized crime, intolerance and political violence, as well as the social exclusion of various sectors, represent a serious danger of regression in the effective enforcement of the rule of law and restrict the full enjoyment of human rights⁵ ". In its Resolution 3/23, the Commission called on Guatemala to reaffirm its commitment to combating impunity and corruption, strengthening the justice system and full respect for human rights, including through technical assistance and international cooperation⁶ " .
11. Between July 31 and August 4, 2017, the IACHR conducted its last *in loco* visit to the country and prepared the Report on the Situation of Human Rights in Guatemala⁷ . On the occasion, the IACHR noted that Guatemala was at the crossroads of adopting measures to resolve structural problems and guarantee the human rights of the Guatemalan people or, otherwise, it risked facing setbacks in this area and repeating episodes of serious human rights violations of the past.

⁴ Cf. IACHR, Report on the Situation of Human Rights in Guatemala, OEA/Ser.LV/II. Doc. 208/17, Dec. 31, 2017; IACHR, Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion, OEA/Ser.LV/II. Doc. 43/15, Dec. 31, 2015; IACHR, Justice and Social Inclusion: The Challenges of Democracy in Guatemala, OEA/Ser.LV/II.118, Doc. 5 rev. 1, Dec. 29, 2003; IACHR, Situation of Human Rights in Guatemala, OEA/Ser.LV/II.111, Doc. 21 rev.

⁵ IACHR, Human Rights and the Fight against Impunity and Corruption, adopted September 12, 2017, p. 2.

⁶ IACHR, Resolution 3/23 - Human Rights, the instrumentalization of the Justice System and the serious risks to the Rule of Law in Guatemala, Doc. 321, December 10, 2023. Resolution 7.

⁷ IACHR, Situation of Human Rights in Guatemala, OEA/Ser.LV/II. Doc. 208/17, December 31, 2017.

12. Between 2018 and 2020, the IACHR published three follow-up reports to the recommendations issued in its Country Report⁸. In 2021 and 2022, the Commission determined the inclusion of Guatemala in Chapter IV.B of its Annual Report, upon noting a severe deterioration of the rule of law, based on a series of interferences with the independence of the Judiciary, the criminalization of justice operators and other setbacks in the fight against corruption and impunity that seriously affected access to justice and the enforcement of human rights⁹.
13. In Chapter IV.B of the 2023 Annual Report, the Commission noted that the electoral process through which President Bernardo Arévalo was democratically elected was marred by actions that posed serious threats to the constitutional order and the rule of law. In its report, the Commission expressed its concern over a series of undue and arbitrary actions and interferences by the Public Prosecutor's Office, endorsed by the Judiciary, and without complaint from the Congress, which threatened to nullify the will expressed by the majority of the population¹⁰.
14. At the end of 2023, the social mobilizations called by ancestral authorities and indigenous communities in defense of democratic institutionalism, together with the scrutiny of the international community, were decisive in ensuring a peaceful transition. In January 2024, following the change of government, President Arevalo expressed his commitment to human rights and the Inter-American system, in the fight against impunity and corruption, as well as his vision to increase the accountability and effectiveness of the public sector, promote reforms to address significant gaps in human development, the fight against poverty and

⁸ IACHR, Annual Report 2018, Chapter V. Follow-up report on recommendations made by the IACHR in the Report on the Situation of Human Rights in Guatemala; IACHR, Annual Report 2019, Chapter V, Second Follow-up Report on recommendations made by the IACHR in the Report on the Situation of Human Rights in Guatemala; IACHR, Annual Report 2020, Chapter V, Third Follow-up Report on recommendations made by the IACHR in the Report on the Situation of Human Rights in Guatemala.

⁹ IACHR, Annual Report 2022, Chapter IV.B, Guatemala, OEA/Ser.L/V/II. Doc. 50 rev. 1, April 1, 2023, para. 11; IACHR, Annual Report 2020, Chapter IV.B, Guatemala OEA/Ser.L/V/II. Doc. 64 rev. 1, May 26, 2022, para. 9.

¹⁰ IACHR, Annual Report 2023, Chapter IV.B, Guatemala, OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, Conclusions.

social inclusion. During the visit, the President reaffirmed this commitment to the IACHR and reported on some steps to move in that direction.

15. However, in the meetings held during the visit, individuals and groups from various sectors informed the IACHR about the existence of a deep-rooted hostility and resistance to the duly elected President and his vision of change and his challenge to the political, economic and military powers that seek to maintain structural impunity for crimes committed during the armed conflict as well as in current cases of corruption. Likewise, authorities at different levels referred to an environment of political polarization, obstruction and the consequent risks to governance in which the Legislative and the Judicial Branch play a predominant role.
16. The IACHR believes that strengthening democratic institutions and human rights is the task of the entire Guatemalan population and its institutions. Furthermore, it emphasizes that in order to develop a culture of tolerance, respect for the law and rejection of impunity, it is necessary to build consensus and accountability in all spheres, particularly in the Congress of the Republic. Therefore, the IACHR encourages the advancement of a democratic legislative agenda based on the principles of the right to political participación, equality and non-discrimination, accountability, as well as the fight against corruption and impunity.

III. Instrumentalization of the justice system

17. In the last seven years, the IACHR has observed a progressive deterioration of the rule of law and democratic institutions in Guatemala, among other factors, due to the instrumentalization of the criminal justice system against those who have been part of the fight against corruption and impunity. In its Resolution 3/23, the IACHR noted that the manipulation of the justice system for this purpose represents one of the most pressing challenges of democracies, since, under a

semblance of 'legality', the principle of separation of powers and judicial independence are deeply affected"¹¹.

18. The IACHR understands that criminalization consists of the improper and misuse of the criminal justice system through the manipulation of the punitive power of the State by State and non-State actors in order to hinder the legitimate work of journalists, human rights defenders and independent justice operators, or to persecute, intimidate and punish those who legitimately exercise the rights that are part of the civic and democratic space, such as freedom of expression, association and the right to assembly¹². According to the IACHR, this is manifested through the laying of multiple charges for spurious reasons against individuals, subjection to arbitrary and prolonged criminal proceedings, the application of fines and/or arbitrary detentions with or without conviction, the use of open or inapplicable criminal types to the specific case, charges that are disproportionate to the conduct that is the basis of the charge, the processing of spurious complaints, among other characteristics. In addition, criminalization has individual and collective effects, having a dissuasive effect on society¹³.
19. As indicated to the IACHR, the abusive use of criminal law intensified after the departure of the International Commission against Impunity in Guatemala (CICIG) in 2019. In particular, against justice operators who were investigated and charged for alleged crimes committed in the exercise of their duties¹⁴. Many of those targeted were part of the CICIG and the Special Prosecutor's Office against

¹¹ IACHR, Resolution 3/2023, Human rights, the instrumentalization of the justice system and the serious risks to the rule of law in Guatemala, approved December 10, 2023, p. 2.

¹² Cf. IACHR, Annual Report 2022, Chapter IV.B Guatemala, OEA/Ser.LV/II. Doc. 50 rev. 1, April 1, 2023, para. 32 et seq.; IACHR, Criminalization of human rights defenders, OEA/SER.LV/II. Doc. 49/15, December 31, 2015, para. 3.

¹³ Cf. IACHR, Protest and Human Rights. Standards on the rights involved in social protest and the obligations that should guide state response, OEA/Ser.LV/II IACHR/RELE/INF.22/19, September 2019, para. 191.

¹⁴ Some of these crimes are: abuse of authority, breach of duties, conspiracy, influence peddling, illicit association, obstruction of justice, simulation of a crime, disclosure of confidential information, usurpation of functions, activities against the security of the nation, illegal detentions and resolutions in violation of the Constitution.

Corruption and Impunity (FECI). In the same situation are former prosecutors and other former prosecutors of cases related to the internal armed conflict and/or large-scale corruption, including those in charge of high-risk courts; and more recently the magistrates of the Supreme Electoral Tribunal (TSE). According to the information provided, in recent years, at least 50 justice operators went into exile due to criminal prosecution against them; 20 more were in prison; while former prosecutor Stuardo Campo is currently in detention.

20. According to the organizations and individuals with whom the IACHR met, this criminalization is animated by retaliation on the part of certain groups and power structures due to the investigations and prosecutions of acts of corruption and serious human rights violations carried out in the recent past by the FECI, the MP and High Risk Courts with the support of the CICIG. This with the active intervention of certain private actors such as, for example, the Foundation against Terrorism. At the same time, the Human Rights Ombudsman's Office would not comply with its constitutional mandate in cases of criminalization and arbitrary application of preventive detention.
21. In Guatemala, criminalization and harassment have extended to lawyers who acted as plaintiffs in corruption cases against state officials and/or who are currently defending criminalized justice operators. Likewise, this practice is used in a generalized manner against different groups, such as: legislators, journalists, students, teachers, members of political parties, public officials, the former human rights attorney and even against the President and Vice-President of the Republic. Members of indigenous, peasant and union organizations, as well as people who participated or participate in peaceful protests and social mobilizations in defense of democracy and the rule of law have also been affected.
22. During the visit, the Commission received abundant information on the abusive use of the criminal justice system against persons from different sectors of the population in different territories and departments. In the vast majority of the

meetings held, the IACHR received testimonies from a diversity of people under investigation by the Public Prosecutor's Office or who are afraid of being investigated, only for the legitimate exercise of their rights or functions. What they have in common was their criticism of the policies and conduct of certain branches of the state. Some stated that they had spent a long time in preventive detention for criminal charges arising from the defense of human rights, land and territory, or the exercise of freedom of expression, association and assembly. These arbitrary and punitive practices have reportedly caused profound and lasting damage to individuals, their families and communities, restricting their life projects and forcing many to live in hiding or in exile. Some people even indicated that criminal prosecution is used as a means of intimidation against those who have left the country.

23. In the meeting held with the Public Prosecutor's Office, the latter denied the existence of a criminalization practice, arguing that it has the legal mandate to investigate all the complaints it receives, without distinction of the person denounced, his position or profession. In this sense, the Public Prosecutor insisted that it is an autonomous and independent institution, which objectively applies the Guatemalan Constitution and laws.
24. However, based on the information provided by persons subjected to this practice, the IACHR identified at least five specific patterns that highlight the instrumentalization of criminal law and the lack of independence of the justice system, such as:
 - a. The filing of a high number of complaints against the same person, in many cases for the same facts, with the intention of making their legal defense more difficult. Among others, the Commission learned of cases of justice operators facing between 30 and 100 cases for carrying out their duties.

- b. The filing and processing of anonymous and/or unfounded complaints, with the purpose of maintaining a climate of pressure, harassment and intimidation.
 - c. The use of open, ambiguous or clearly inadmissible criminal offenses for the facts denounced, for example, people who are not public officials are investigated for offenses pertaining to public officials; judges are prosecuted exclusively for the content of their sentences; defense attorneys are charged with the crime of obstruction of justice simply for doing their job; members of indigenous communities that ancestrally inhabit these territories are accused of usurpation or aggravated usurpation and usurpation of protected areas.
 - d. The abusive use of pretrial detention, including the charging of serious crimes that do not benefit from alternative measures; or the application of millionaire bonds that are impossible to pay.
 - e. Violations of due process and the right to defense through the use of dilatory practices in criminal proceedings or the denial of access to files; denying information on the cases in which a person is being investigated and hindering the production of exculpatory evidence. In addition, the IACHR was informed of pressures to resort to the use of the figure of "acceptance of charges" in the face of the imminent loss of liberty.
25. Given the pattern of criminalization of certain categories of persons, the IACHR urges the courts of justice, and especially the Supreme Court of Justice, as well as the Constitutional Court, to effectively fulfill their obligations and function of exercising control of constitutionality and conventionality to end and redress the abusive exercise of the punitive power of the State¹⁵, avoiding retaliatory actions and arbitrariness. As long as the criminalization of those who exercise their human rights does not cease and justice continues to be instrumentalized for

¹⁵Cf. I/A Court H.R., Case of Gelman v. Uruguay. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of March 20, 2013, para. 88.

spurious purposes, Guatemala will not be able to overcome the structural problems that affect its democratic institutionality.

26. In this same context, there is a widespread perception that, in order to rebuild public confidence in the independence of the Judiciary, the selection process for Supreme Court and High Court justices for the period 2024-2029 must be consistent with international standards and conform to the principles of equality, objectivity, transparency and accountability. The IACHR has pointed out that the objective of any process of selection and appointment of justice operators must be to select candidates based on personal merit and their professional capacity, according to the uniqueness and specificity of the functions they will perform. To this end, it is essential to establish objective criteria for the evaluation and qualification of the candidates in order to minimize the discretionality of the persons or bodies involved in the selection process. The State must establish safeguards so that the selection processes are not carried out based on particular interests that could further undermine the independence of the Judiciary.
27. Finally, given the information received on measures that have weakened judicial independence over the past seven years, the IACHR considers it urgent to adopt the necessary legal reforms to ensure the separation of the administrative and jurisdictional functions of the Supreme Court of Justice, in particular by strengthening and giving full autonomy to the Judicial Career Council, as originally established in Decree 32-2016.

IV. Human rights defenders

28. The situation of human rights defenders in Guatemala has been a constant concern for the IACHR, with emphasis on those who defend the rights of indigenous peoples, land ownership and the environment, and victims of the internal armed conflict. During its *on-site* visit, the Commission received reports that amount to a pattern of oppressive actions limit the rights of human rights defenders and put them in a situation of risk due to acts of violence and

aggression to which they are exposed, such as murders, threats, harassment, as well as criminalization and harassment, through the instrumentalization of the criminal justice system, which occur in a context of impunity.

29. According to the information received during the visit, the number of attacks and aggressions against human rights defenders has increased dramatically in recent years. In 2023, the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) recorded a total of 9,496 attacks, in contrast to the 3,574 attacks recorded in 2022. In relation to these figures, it highlights that the murder of 77 people linked to the defense of the environment, land and its natural resources between the years 2012 and 2020; between 2019 and 2022, this figure would correspond to 32 people killed. These aggressions are usually part of a staggered pattern that begins with acts of harassment and intimidation, followed by threats or other physical aggressions and, in some cases, concluding with the deprivation of life. As indicated to the IACHR, most of these acts remain in impunity due to undue delays and the lack of due diligence and impartiality of the Public Prosecutor's Office in the investigation of the facts; for example, some cases are not investigated by the specialized agency for crimes committed against activists and human rights defenders of the Human Rights Prosecutor's Office because it does not consider the link of the victims with their work in defense of human rights.
30. With regard to criminalization, the IACHR was informed that the lack of guarantees of judicial independence and impartiality in Guatemala has resulted in the excessive and unjustified use of criminal law against human rights defenders, with unfounded criminal proceedings, arbitrary arrests and the prolonged use of pre-trial detention, particularly of indigenous leaders and authorities. According to the Comité Campesino del Altiplano (CCDA), in 2023, 1,080 judicial accusations were registered, mostly for usurpation, as well as arrest warrants against people defending their land, of which 363 were women. Likewise, during the visit, legal representatives of criminalized persons denounced suffering stigmatization and

threats in judicial hearings, unequal treatment, as well as discrimination and racism used against indigenous lawyers. In short, they reported having the double burden of defending their clients and themselves in the face of criminalization.

31. As part of its visit, the IACHR received information on progress in the design, implementation and approval of a public policy for the protection of human rights defenders in compliance with the judgment of the Inter-American Court in the case of *Defensor de Derechos Humanos v. Guatemala*. The IACHR recognizes these efforts and calls on the State of Guatemala to ensure that the implementation and design of this policy complies with the requirements established by the Inter-American Court, including ensuring the participation of human rights defenders, civil society organizations and experts in its development.
32. With respect to the Human Rights Ombudsman's Office (PDH), in different meetings, the IACHR was informed about the loss of independence of this institution. In 2022, the process for electing its head did not fully observe the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), particularly in relation to publicity, transparency, and the analysis of technical and objective criteria for approving the instruments for evaluating applicants. Since then, the PDH has not complied with its constitutional mandate to defend the human rights of the Guatemalan population; on the contrary, in the context of generalized criminalization observed by the IACHR, the work of the PDH has been characterized by the filing of legal actions that benefit the interests of groups and power elites interested in perpetrating impunity, which criminalize social protest or the legitimate exercise of human rights that are part of the civic space. For its part, the PDH informed to the IACHR that it respects judicial independence and the separation of powers in cases of judicialization.

V. Memory, truth, justice and reparation

33. During its visit, the IACHR met with relatives of victims and victims of serious human rights violations, who denounced the actions taken by previous governments in limiting access to justice and the right to truth in cases of the internal armed conflict, as well as the dismantling, in 2020, of the institutional framework created pursuant to the Peace Accords. All of this has exacerbated impunity for serious human rights violations.
34. They also expressed that they feel "relegated and abandoned" by the State and denounced that they have been waiting for more than 17 years for the approval of bill 35-90, which would create a commission to search for people who disappeared during the armed conflict. This situation has generated a feeling of frustration and re-victimization among those who suffered serious human rights violations. Of particular concern is the situation of the elderly, many of whom are in a serious situation of poverty, exclusion and deterioration of their health, and awaiting some measure of justice and reparation.
35. The Commission also learned of the impact of criminalization, along with the arbitrary removal and transfer of justice operators in different emblematic transitional justice cases under its responsibility.
36. For their part, State authorities informed the Commission about initiatives for the dignification of victims through the implementation of a new national plan. In this regard, the IACHR recalls that comprehensive reparations for victims and their families must be a priority of the State, and therefore the axes of this public policy must have a sufficient budget and an intersectional gender and ethnic-racial approach, especially in light of the heavy victimization of indigenous women in the country. At the same time, the IACHR considers it urgent to create or strengthen other institutions linked to transitional justice. In its case, the State should strengthen the Presidential Commission for Peace and Human Rights

(COPADEH), through the allocation of sufficient human and material resources, and the consolidation of its legal framework.

37. In this same context, the IACHR visited the Historical Archive of the National Police and observed that it continues to operate under precarious conditions, lack of budget and staff limitations, reflecting the lack of prioritization by the State to safeguard historical memory. The Commission urges the State to guarantee the human and material resources necessary for its operation and, in particular, to digitize and classify the materials in its custody and make them accessible to the population within a reasonable period of time, given their value in clarifying the truth, access to justice, and reparation and dissemination of the memory of this context. Access to information about the atrocious crimes of the past and about the persons responsible and the structures that facilitated or promoted them is fundamental for the non-repetition of this violence.

VI. Freedom of expression

38. During its visit, the IACHR received information and testimonies about a restrictive and risky environment for the exercise of freedom of expression and freedom of the press in Guatemala. Since the last *on-site* visit in 2017, at least 13 murders of journalists were documented, many of which remain in impunity due to the lack of diligent and effective investigations. In addition, reports were received of threats, obstacles in access to information, restrictions on journalistic coverage, criminalization, economic pressures on media outlets and attacks on social networks through "*netcenters*." These actions have particularly affected journalists and media outlets that investigate cases of corruption, abuses of power and human rights violations, and have generated an environment of fear and self-censorship, forcing numerous journalists into exile.
39. This occurs in a context of the aforementioned questions about the lack of judicial independence and the instrumentalization of the criminal justice system to silence critical voices. Of particular concern is the case of journalist José Rubén Zamora,

founder of El Periódico, who has been detained since July 2022. Since then, the IACHR has received complaints of torture and inhumane detention conditions, as well as serious violations of due process, such as the prolonged use of pretrial detention, the criminalization of his lawyers, limitations on the right to defense and unjustified postponements of court hearings, which even occurred during his visit. The IACHR highlights that, on May 17, 2024, the Working Group on Arbitrary Detention of the United Nations Human Rights Council concluded that his detention lacks a legal basis, results from the exercise of his right to freedom of expression, does not comply with international standards of fair trial, and is discriminatory on the grounds of political opinion. It therefore determined that "the appropriate remedy would be to release Mr. Zamora immediately and to grant him an effective right to compensation and other reparation, in accordance with international law"¹⁶.

40. On the other hand, during its visit, the Commission observed serious obstacles to the work of indigenous radio stations and community journalists in Guatemala. In El Estor, it received complaints about judicial persecution through the abusive application of the criminal offense of "theft of fluids"¹⁷, through which work equipment has been raided. In addition, it heard testimonies about the criminalization of community journalists covering issues such as environmental degradation in ancestral territories as a result of monocultures and mining, eviction of communities, lack of humanitarian assistance for displaced persons and the excessive use of public force in social demonstrations, and illegal economies. Community media also reported disadvantages and unequal

¹⁶ UN, Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 7/2024, concerning José Rubén Zamora Marroquín (Guatemala), AHRCWGAD/2024/7, 17 May 2024.

¹⁷ According to the last approved amendment to Article 249 of the Guatemalan Penal Code, "Whoever unlawfully steals electrical energy, water, gas or power from an installation or any other fluid belonging to another, will be punished with a prison term of two to four years". Cf. Congress of the Republic of Guatemala, Decree Number 8-2023, reforms published in the Diario de Centroamérica on April 3, 2023.

conditions in auctions for broadcasting frequencies in which they face economic groups and traditional media.

41. The IACHR also notes pending challenges for the implementation of the measures ordered by the Inter-American Court in the case of the *Maya Kaqchikel Indigenous Peoples of Sumpango*. During the visit, organizations reported that the State has not made progress in the reforms for the legal recognition of community radio stations and the granting of licenses and frequencies. The Commission considers it essential that positive measures be adopted to allow indigenous communities to operate their radio stations without interference or persecution, and to guarantee pluralism of information.
42. Finally, during the visit, the IACHR met with students, faculty and administrative staff of the Universidad de San Carlos de Guatemala (USAC) who have been criminalized for their participation in the protests that took place in 2022 in defense of university autonomy following allegations of irregularities by the current rector of the university. These people denounced threats, including threats of gender violence, intimidation on campus, and disciplinary and administrative actions against them, such as suspensions and expulsions of students, dismissal of staff and fines, among other facts, which would have forced them to interrupt their daily lives and even to go underground. It was reported that more than 80 people have disciplinary proceedings against them and another 27 have arrest warrants for crimes such as "aggravated usurpation", "illicit association" or "depredation of cultural property". Likewise, in different meetings, the IACHR was informed of the impact that the instrumentalization of criminal law in this case would have on the democratic institutionality due to the intention to criminalize the President and the Vice President of the Republic accused of supporting the protests.
43. The IACHR emphasizes that academic freedom and university autonomy are essential for the production and dissemination of knowledge, and are a

fundamental component of the right to freedom of expression. Therefore, it urges the State to fully respect the right to freedom of peaceful assembly in the university context, as well as to refrain from restricting and criminalizing the legitimate exercise of this right.

VII. Economic, social, cultural and environmental rights (ESCR)

44. Regarding the situation of ESCR, the IACHR observed during its visit the persistence of structural and historical challenges that limit adequate living conditions for the majority of the population, especially for groups in a historical situation of exclusion, especially indigenous peoples as well as Afro-descendant and rural communities¹⁸.
45. High levels of poverty and inequality, structural discrimination and structural corruption limit access to fundamental rights¹⁹. This situation is registered in a context of preponderance of private interests in social and agrarian conflicts, as well as due to the difficulties in implementing fiscal policies in the context of the weakening of democratic institutionality in the country. All this restricts access to essential rights such as water and sanitation, health, education, food, work, social security and the right to a healthy environment.
46. According to World Bank data, Guatemala is the largest economy in Central America in terms of population -estimated at 17.3 million- and economic activity, with a gross domestic product (GDP) of US\$ 92.7 billion, even registering economic growth above the average for Latin American and Caribbean (LAC) countries²⁰. However, this growth has not translated into a reduction in poverty

¹⁸ While 63.2% of households would suffer multidimensional deprivation, this percentage would be 86.1% for the Xinka people and 82.3% for the Maya people. Cf. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guatemala, Human Rights Council, 55th session, 26 February to 5 April 2024, paragraph 18.

¹⁹ On the impact of corruption on human rights and the factors conducive to this phenomenon, see IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, Dec. 6, 2019, paras. 115- 119.

²⁰ World Bank, Guatemala, *Fact sheet*. Updated as of April 4, 2024.

and malnutrition rates. In 2023, 55.1% of the population lived in poverty. According to the World Bank, this figure is among the highest in the region. Guatemala's Human Capital Index score (0.46 in 2020) remains below the average for LAC countries and the rate of chronic child malnutrition (47%) is among the ten highest in the world²¹.

47. This situation is aggravated by the serious impacts of the climate emergency in the country, some of which were observed during the visit. According to some studies, Guatemala is one of the 10 countries in the world most affected by climate change²². In addition, the Commission notes with concern an institutional framework with significant gaps and limitations that prevent guaranteeing the right to a healthy environment, the proper management of water resources and the protection of biodiversity.
48. The contamination of more than 90% of Guatemala's water sources is of concern. Particularly noteworthy is the environmental problem and contamination of the Motagua River, Guatemala's largest watershed, which covers 96 municipalities. This contamination, which has national and extraterritorial impacts, derives from tons of garbage and plastic waste that flow from the Las Vacas River to the Motagua River. This is due to the absence of a water law, lack of regulation and control of business activities, as well as the inoperability of the Regulations for the Discharge and Reuse of Wastewater and Sludge Disposal²³. The IACHR visited the Chinautla River, in the municipality of Santa Cruz, department of Guatemala, which is part of the Motagua River basin, where it observed the serious problem of contamination and its profound impacts on biodiversity, the environment and

²¹ World Bank, Guatemala, *Fact sheet*. Updated as of April 4, 2024.

²² OXFAM, [In the last six years, extreme hunger has doubled in the 10 countries most affected by climate change](#), September 2022.

²³ On May 30, 2024, the Constitutional Court provisionally suspended articles 2, 3, 4 and 24 *bis* of Governmental Agreement 236-2006, rendering inoperative the Regulation on Wastewater Discharge and Reuse and Sludge Disposal; this regulation is the only environmental norm that regulates wastewater discharges in the country.

the human rights of the communities that depend on it, including the Mayan Poqomam people. Meanwhile, in Livingston, Garífuna organizations denounced the impact of the contamination of the Motagua River on the health of the population and stressed that the river carries solid waste that accumulates at its mouth in Puerto Barrios, proliferating diseases such as dengue fever.

49. The Commission believes that overcoming these structural challenges requires compliance with human rights standards in the business sphere, as well as the State's regulatory and oversight obligations. In this regard, during the visit, the IACHR was informed about initiatives and actions by some actors in the business sector to advance free competition, the fight against corruption, the application of the United Nations Guiding Principles on Business and Human Rights, and environmentally friendly production processes. However, it received testimonies on the role of economic elites and some private actors in corruption, land and natural resource grabbing, leading to multiple social and agrarian conflicts. Information was also gathered on the budgetary and technical limitations faced by some government agencies, such as the Ministry of the Environment and Natural Resources, in fulfilling their control and oversight responsibilities, especially in relation to the contamination of water resources.
50. In this context, the IACHR received with concern information on the violation of human rights and a healthy environment, as well as the eviction and displacement of ethnic and peasant communities in the context of extractive activities and monocultures. Likewise, on the stigmatization and criminalization of rural communities, indigenous peoples, and land and environmental defenders. The Commission warns of the asymmetry of power of these communities vis-à-vis private actors in judicial processes and investigations, particularly with respect to the processes in charge of the Prosecutor's Office of Usurpation and the actions implemented in the framework of the cooperation agreement between the Public

Ministry and the Observatory of Property Rights²⁴ , together with the lack of an institutional framework for an effective and independent approach to agrarian, social and environmental conflicts.

VIII. Violence and citizen security

51. In the framework of the IACHR visit, the Guatemalan State acknowledged that Guatemala has faced a long history of violence that deeply affects society. In this regard, it noted that some of the factors contributing to this problem are poverty, economic inequality, gender inequality, and lack of opportunities; the aftermath of the internal armed conflict, as well as the lack of justice and reconciliation that has exacerbated social tensions and encouraged a culture of revenge and retaliation. Likewise, the proliferation and strengthening of organized crime groups that have transformed Guatemala into a strategic point for drug trafficking; in particular, the activities of these groups such as kidnappings, murders and extortion. All of the above, in a context of institutional weakness of the justice system, limited access to education, scarce job opportunities and the proliferation of a culture of violence, among others.
52. Despite the above, during the visit, the State indicated to the IACHR that, in the last two years, it registered a decrease in different indicators with respect to crimes such as theft, injuries and homicides. In relation to this crime, the authorities stated that, as of July 19, 2024, a total of 1,446 homicides were registered at the national level, of which 63% are concentrated in four departments: Guatemala, Escuintla, Izabal and Santa Rosa. In terms of evictions, the State acknowledged challenges in the implementation of existing protocols, as well as reports of the participation of private security agents. The Commission also received reports of civil society regarding very high levels of violence against women, including sexual violence, most of which is characterized by impunity.

²⁴ This cooperation agreement was signed between the Public Prosecutor's Office and the Observatory of Property Rights on March 17, 2021. In October 2021, the Attorney General inaugurated the Prosecutor's Office against Usurpation Crimes.

53. During the visit of the IACHR, the Guatemalan State reaffirmed that the National Civil Police is responsible for protecting the life, physical integrity, security of persons and guaranteeing peaceful coexistence, the free exercise of rights and freedoms, as well as preserving order and public safety; having as a guiding framework the national legislation, and the "Police Model of Integral Community Security", among other instruments. The state also emphasized that, since 2016, the Army does not participate in citizen security tasks that correspond to civil authority. Finally, it recognized the need to strengthen the PNC through sufficient resources, human rights training and the implementation of actions to combat structural corruption.
54. As will be analyzed below, during its various meetings, the IACHR received abundant information on the human rights violations affecting the population as a result of violence and insecurity in the country, with greater impact on excluded groups, such as indigenous peoples and peasant communities, among others. This scenario is aggravated by factors such as impunity, lack of confidence in the institutions responsible for imparting and administering justice, structural corruption, the participation of private security agents in security tasks, as well as the weakening of key units of the Public Ministry or their instrumentalization in favor of private or particular interests.

IX. Groups historically discriminated against

55. The following is a brief description of the situation of indigenous peoples, persons in human mobility, persons deprived of liberty, Afro-descendant persons and peoples, women and LGBTI persons, children and adolescents, and persons with disabilities, based on the main patterns recorded during the visit.

A. Indigenous peoples

56. In Guatemala, structural ethno-racial discrimination perpetuated by economic and/ or political powers has translated into the instrumentalization of the state

apparatus and the justice system against indigenous peoples' access to land, territory and their natural resources. During its visit, the IACHR received information and testimonies about the lack of mechanisms for the recognition and titling of ancestral lands that -without carrying out processes of prior, free and informed consultation- allows the advance of hydroelectric, mining and oil companies and monocultures (such as oil palm) for the exploitation of their resources and their consequent contamination, instrumentalized by the actions of the Public Ministry and the Judiciary. This structure of dispossession is intensified in Garifuna territories whose form of territorial transmission is mainly oral.

57. The Commission also heard a large number of testimonies throughout the territory of indigenous leaders who have been criminalized for their role in the defense of the land and the environment, who are charged with different criminal offenses ranging from damage to property belonging to others and obstruction of public roads to kidnapping, usurpation and aggravated usurpation authorizing evictions, even where such evictions are carried out without prior notice and also without taking into account the historical claim of the communities on the ownership of the land.
58. In Alta Verapaz, the Commission received information of entire communities with arrest warrants against them and arrests recorded, including when people were leaving dialogue tables with the government. In Guatemala City, Maya Ch'orti' de Olopa indigenous authorities from the Department of Chiquimula reported on the impact of mining activities in their territory and the prosecution of their leaders. In Sololá and Quetzaltenango, indigenous persons and ancestral authorities informed the IACHR that they have been criminally accused of crimes such as illicit association, instigation to commit crimes or serious crimes that do not enjoy alternative measures , among them, members of the Maya Mam people of San Pablo, San Marcos. This situation was also evidenced during the visit to Petén with respect to the communities of Laguna Tigre and Sierra de Lacandón (communities in protected areas), as well as the communities of Laguna Larga, Santa Elena Rio Salinas and the Mayan Q'eqchi people of the village of San Luis,

municipality of Poptún. In the municipality of El Estor, the Commission observed the impact of evictions, criminalization and the Felix mining project on the Q'eqchi people; in particular, the Commission visited the community of Santa Rosita, where more than 30 Q'eqchi families evicted in May 2024 are housed.

59. Regarding evictions, the IACHR received consistent information on the excessive use of force by police officers, as well as the participation of private security agents; who, in addition to expelling people, burn homes, crops, personal items, and kill or steal animals. As a result, many communities are forcibly displaced, deprived of access to basic services and subjected to situations of extreme poverty. All of the above, without access to justice and with a differentiated and disproportionate impact on children and adolescents, women, the elderly and people with disabilities. In this context, civil society organizations expressed their concern about the actions of the Prosecutor's Office against the Crime of Usurpation in collaboration with judicial authorities for the benefit of private interests, through criminalization, eviction and dispossession of land from indigenous communities, causing their internal displacement in conditions incompatible with international standards.

B. People in human mobility

60. Guatemala has been characterized as a country of origin, transit, destination and return of people in human mobility. During its visit, the IACHR observed the cross-border dynamics of human mobility in the region. In particular, it visited the city of Tecún Umán, municipality of Ayutla, department of San Marcos, on the border with Mexico, the Rodolfo Robles Bridge, the banks of the Suchiate River, and the Scalabrian Missionaries' Migrant House, and met with persons in transit. In addition, the Commission visited the reception centers for returnees in Guatemala City and Tecún Umán.
61. In this context, the IACHR received information on the structural causes that generate the forced migration of persons. These include widespread violence,

organized crime, gender-based violence, and climate change. It was also informed about the phenomenon of internal displacement and the lack of recognition by the government, as well as the absence of regulation. At the same time, it observed the transit of people in human mobility through the country and warned of the risks they face on the migratory route. These people are victims of robbery, extortion and kidnappings, threats, physical and psychological violence and sexual violence against women, girls and LGBTI people, mainly by agents of the National Civil Police (PNC).

62. During the visit, the IACHR also received information on serious cases of rape against women and girls on the move, committed by groups of people, including police officers. Likewise, civil society organizations expressed concern about the disappearance of Guatemalan migrants on their migratory route, and the lack of response from the State to search for them and eventually repatriate their bodies. The IACHR recalls that the State has the obligation to guarantee the human rights of the people who make up the mixed migratory movements that transit through Guatemala. In particular, it is the State's duty to prevent human rights violations; to investigate and punish the persons involved, especially if the participation of State agents is identified; to ensure the regularization of the persons transiting through Guatemala; and to guarantee access to international protection procedures, thus avoiding the precariousness of the irregular situation of these persons and the consequences thereof.
63. With regard to returnees, although the Commission notes progress in strengthening the institutional capacity to receive them and provide them with guidance in a coordinated manner between different government and civil society agencies, it notes with concern that these people face the same conditions that forced them to move originally. Although civil society organizations, with the support of international agencies, provide accompaniment and reintegration services, the State lacks such policies. Having such policies in place is crucial in

order to have an impact on preventing secondary movements of people returning to Guatemala, especially forced ones, as well as ensuring their reintegration.

C. Persons deprived of liberty

64. In Guatemala, the situation of detainees is characterized by overcrowding, with a prison population that exceeds 200% of its capacity. This is the result of a criminal policy that prioritizes incarceration through the excessive use of pretrial detention, which rate reaches 47%, as well as the regulatory impossibility of applying alternative measures to pretrial detention for certain crimes. Among these crimes are those related to organized crime, such as extortion and those contained in the Law against Drug Trafficking. Likewise, this policy is reflected in the obstacles to access benefits such as the remission of sentences due to insufficient programs or administrative difficulties, and in the continued detention of persons who have served their sentences, due to the lack of resources to pay the fines imposed.
65. In addition, incarcerated persons face deplorable detention conditions, which were verified by the IACHR during its visits to centers in Guatemala City and Cobán. In particular, it learned of the insufficient number of guards, deteriorated infrastructure, poor health care and insufficient water supply. The Commission was also informed of the obligation to pay money to the PNC for the entry of goods, including medicines, and the lack of social reintegration programs. It is also of concern that, of the 32 detention sites, 9 are administered by the PNC, which means that the Penitentiary Service lacks information on the people in these spaces. These conditions disproportionately affect women and children and adolescents who live with their mothers.

D. People of African descent

66. The IACHR takes note of the state recognition of Afro-descendant persons and peoples, which includes persons who self-identify as Afro-Guatemalan, Garifuna, and English-speaking Creoles. During its visit, the IACHR received information on

the possible statistical reduction of this ethnic-racial group in the 2018 census²⁵. In this regard, these peoples denounced that the data collection variable was not carried out by ethnic-racial self-identification but by regional location, which would have left out Garifuna and Creole people residing outside the department of Izabal. Along these lines, the absence of representation of Afro-descendants in decision-making spaces was reported, due to the lack of affirmative actions to ensure special quotas for this ethnic-racial group in the different levels of public authorities of the State.

67. The Commission observed that Afro-descendants continue to face obstacles in the access and effective enjoyment of their economic, social, cultural and environmental rights. During their visit to Livingston, leaders expressed concern about the risk of extinction of the Garifuna community, due to the precariousness of livelihoods and development that affects their cultural integrity. They emphasized the lack of emergency health care and the intermittency of basic public services such as water and electricity, putting at risk the survival of the community, particularly children, adolescents and ancestral authorities. They highlighted the possible disappearance of their own language in 20 years, as well as the lack of policies with budget allocation for the preservation of their traditions.

E. Women

68. Guatemalan society is structured in unequal power relations between men and women, as well as towards people who do not identify or are not perceived under the hetero-cisnormative pattern. This structural discrimination results in high levels of violence, often perpetrated with extreme cruelty, against women, girls and adolescents. This is aggravated by the intersection with other vulnerability factors, such as ethno-racial, socioeconomic background and sexual orientation and

²⁵ National Institute of Statistics Guatemala, XII National Population Census and VII Housing Census. Results 2018. December, 2019, page. 25.

gender expression. Institutional weaknesses, lack of accountability, the culture of tolerance of inequalities and corruption also contribute to impunity.

69. In this context, the 2023 National Survey of Household Quality and Well-being (ENCABIH) revealed that 48.8% of women have suffered some type of gender-based violence at least once in their lives. Added to this figure is the alarming number of 206 violent deaths of women, girls and adolescents registered by civil society in the first six months of 2024, of which 44% have been categorized as femicides. The United Nations Development Program (UNDP) recorded around 19 cases of sexual violence against women and girls per day during 2022. Of these cases, 9.6% corresponded to girls between 0 and 12 years old, including an intersex girl. According to data from the National Institute of Forensic Sciences of Guatemala (INACIF), in 2023, 6,610 expert examinations were performed for sexual crimes, of which 32% were performed on girls aged 0 to 17 years (2,136). The Commission heard repeatedly that violence against women and girls is the most prevalent of all forms of violence in Guatemala.
70. Despite the progress achieved with the adoption of the Law against Femicide and other Forms of Violence against Women, during its visit, the Commission was informed about a pattern of impunity in cases of violence against women, as well as the lack of budget and support from the State for the mechanisms of justice and care for victims and their families. Although the Public Prosecutor's Office indicated having 12,453 convictions in cases of gender-based violence against women between 2017 and 2021, during the visit, civil society organizations reported that 768,552 complaints were dismissed between 2018 and April 2024.
71. With regard to sexual and reproductive rights, the Commission was informed of the need to move forward with policies and legal reforms to address the high rate of maternal and infant mortality. The criminalization of abortion²⁶ and the

²⁶ The Guatemalan Penal Code criminalizes abortion in all cases, except in cases of threat to the life of the pregnant woman (Articles 133 to 140).

deficiencies of maternal health services continue to expose women to the risk of being prosecuted, and have led victims of sexual violence and girls to forced pregnancy and high mortality risks in the context of obstetric emergencies.

72. Finally, civil society organizations informed the IACHR of the need to strengthen the institutional framework for the protection of women's rights, including the Presidential Secretariat for Women (SEPREM), the Office for the Defense of Indigenous Women and the National Coordinator for the Prevention of Violence against Women (CONAPREVI). During its visit, the Commission also observed that the Comprehensive Support Centers for Women Survivors of Violence (CAIMUS) do not have sufficient resources for their operation.

F. LGBTI people

73. In Guatemala, violence disproportionately impacts people with diverse sexual orientation, gender identity and/or expression and sexual characteristics. According to information received during the visit, during the year 2024, civil society has documented 19 violent deaths with extreme cruelty of LGBTI people, mostly gay men, bisexual men and trans women. In 2023, the number reached 34 cases, which represented a 20% increase compared to previous years. However, these values continue to be underestimated due to the lack of official data on discrimination, as well as disaggregated statistics on complaints, investigations, prosecutions or convictions in cases of bias-based violence. The right to gender identity is not recognised in Guatemala and neither is there a comprehensive law that prohibits discrimination on the basis of LGBTI status perpetrated by state and non-state actors. As reported to the Commission, generalized and bias-motivated violence is one of the main drivers of forced internal displacement, migration and the search for international protection of LGBTI persons.

G. Children and adolescents

74. During its visit, the IACHR was informed about the structural challenges in access to DESCA that particularly affect children and adolescents, which is reflected in the high rate of child poverty, and especially poverty experienced by indigenous children, and chronic malnutrition. Civil society organizations also referred to the impact of violence and crime on children's rights, such as human trafficking, forced recruitment by organized crime groups and sexual exploitation.
75. Despite the lack of resources of the Secretariat of Social Welfare (SBS), the lead agency for children, the IACHR recognizes the efforts of the Subsecretariat of Protection of the SBS to provide care to child and adolescent victims of various forms of violence, including those recruited by gangs or maras. However, the lack of coordination among the various public institutions to assist this population is of concern. Also of concern is the prevalence of institutionalization of children for reasons of poverty or the alleged consumption of substances without the corresponding medical certifications.

H. Senior citizens

76. The Inter-American Commission was informed about the situation of poverty and abandonment of older persons due to age and the intersection of other factors of exclusion such as ethnicity and race, as well as challenges related to the lack of implementation of comprehensive care policies, access to social security and the right to health. The Commission also received testimonies on the differentiated impact on the human rights of this group due to violence and insecurity, evictions and displacement, and even cases of criminalization of elderly defenders of land and territory.

I. People with disabilities

77. Persons with disabilities face a long history of discrimination and inequality rooted in Guatemala's historical and social structures. Despite constitutional advances

and legislative projects for the recognition of their rights, including the law that recognizes legal capacity and offers support and safeguards, definitions of disability based on the medical model are still maintained in the country's domestic legislation. Discrimination and the validity of such laws generate processes of social exclusion for about 10.4% of the population with disabilities, according to the 2018 census. In addition, they are exposed to violence that especially affects women and girls, who represent 53% of these people.

78. According to civil society organizations, discrimination has hindered the access of these people to rights such as education and health, which have been marked by the deficiency of public policies focused on the human rights paradigm. In relation to the right to employment, despite the existence of specific programs for labor inclusion, these programs have weaknesses due to the lack of accessibility and reasonable accommodation. In the scenario of high violence against women and girls, those with disabilities end up being victims of forced sterilization, according to the United Nations. However, the absence of official data on the crimes suffered by these people hinders the design and implementation of public policies for access to ESC rights, as well as due diligence against the perpetrators of gender-based violence.

X. Conclusions

79. Since its last visit to the country in 2017, the rule of law and democratic institutionality in Guatemala have severely deteriorated. During its visit, the IACHR observed that the persistent instrumentalization of the criminal system against those who have participated in the fight against impunity and corruption has undermined the principle of separation of powers and judicial independence. It also noted that criminalization is a generalized phenomenon that affects all persons who participate in the civic and democratic space, with the purpose of favoring a context of corruption, lack of accountability, and structural impunity. The

instrumentalization of the penal system for these purposes and under the patterns recorded represents one of the greatest risks to democratic stability in Guatemala.

80. Guatemala continues to face a series of structural human rights challenges, exacerbated by high levels of poverty, inequality, structural discrimination and social exclusion. The IACHR notes that the persistence of impunity and corruption exacerbates these problems, affecting historically excluded groups. During its visit, the IACHR found that indigenous peoples and Afro-descendants, as well as peasant communities, continue to face much worse living conditions than the rest of the population. People in human mobility face a generalized situation of abuses, extortion and human rights violations. The IACHR also verified the high levels of violence and impunity against women, girls and LGBTI persons; the risk of cultural extinction of the Garifuna people; overcrowding and serious detention conditions in prisons; as well as the exclusion of the elderly and persons with disabilities from national policies. It also warned that a context of restrictions on freedom of expression, access to information and lack of legal recognition of community radio stations persists.
81. More than 25 years after the signing of the Peace Accords, the failure to comply with these agreements has resulted in severe setbacks for the rights of the victims of the armed conflict and in a situation of impunity with respect to the serious human rights violations of the past. The IACHR is alarmed by the dismantling of the institutional framework for peace, particularly when the factors that gave rise to the internal armed conflict persist. Among these is the need to reform the agrarian legal and institutional framework to put an end to the lack of protection and dispossession suffered by peasant populations, as well as indigenous and Afro-descendant peoples. During its visit, the IACHR observed the impact of evictions on their rights, as well as patterns that demonstrate the manipulation of the state apparatus in favor of economic elites and private actors.

82. The IACHR warns that democratic governance, accountability and the possibility of confronting the country's structural problems are seriously hindered by a legislative branch that resists generating new alliances and political agreements that benefit democracy and the human rights of the population. This resistance seeks to maintain a climate conducive to structural impunity and the consolidation of privileges and perks for power groups. A democratic legislative agenda based on the principles of equality and non-discrimination, accountability, and the fight against corruption and impunity is urgently needed.
83. Given the erosion of democratic safeguards, the IACHR believes there is an urgent need to restore citizen confidence in public institutions, the system of administration of justice and democratic values. Access to independent, impartial and effective justice was a crucial aspect of the 1996 Peace Accords. For this reason, the Commission calls for the principle of judicial independence to prevail over particular interests, for the benefit of the Guatemalan people.

XI. Recommendations

84. In the case of Guatemala, the IACHR recalls that the American Convention is part of the block of constitutionality recognized in Articles 44 and 46 of its national Constitution, therefore, all branches of government must comply with the obligations voluntarily undertaken in the international human rights instruments to which it is a party.
85. In this regard, and in accordance with the provisions of Article 41 of the ACHR, the IACHR presents the following preliminary recommendations to the State of Guatemala:

Corruption and human rights

1. Implement a national action plan to prevent, investigate and punish acts of corruption with a time frame, expected results and that seeks to strengthen the applicable legal framework, access to information, auditing and control systems in

entities, protection of those involved in investigations and proceedings, and education of public officials on the effects of this phenomenon.

Human rights institutionalality

2. Take measures to ensure that, in the short term, the functioning of the Office of the Human Rights Ombudsman is in accordance with its constitutional mandate for the protection of the human rights of the Guatemalan population, as well as with the Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (the Paris Principles) and international standards.
3. Implement a mandatory and periodic training plan for the staff of the Presidential Commission for Peace and Human Rights (COPADEH), increase its operating resources and strengthen its legal framework so that it becomes a permanent body in order to optimize the fulfillment of its function of advising and coordinating actions and mechanisms for the effective enforcement and protection of human rights and compliance with governmental commitments derived from the Peace Agreements.

Justice system

4. Cease arbitrary criminalization against justice operators, human rights defenders, legislators, journalists, students, teachers, members of political parties, public officials, as well as against members of indigenous, peasant and union organizations and affected groups at risk.
5. Immediately grant alternative measures to the deprivation of liberty in favor of all persons who are in pretrial detention, criminalized for the exercise or defense of human rights, or for their journalistic work, and cease all types of persecution and reprisals against them.

6. Conduct an independent review of the functioning of the Public Prosecutor's Office and its impact on human rights, taking into account widely publicized allegations of lack of objectivity.
7. Generate conditions for the care and return of exiled persons, including a comprehensive reparation plan.
8. Adopt the necessary legal reforms to ensure the separation of the administrative and jurisdictional functions of the Supreme Court of Justice, in particular by strengthening and giving full autonomy to the Judicial Career Council, as originally established in Decree 32-2016; as well as to strengthen the autonomy and independence of the Supreme Electoral Tribunal.
9. Guarantee the necessary conditions for the operation of the Nominating Commissions to integrate the list of candidates for the Supreme Court of Justice (CSJ) and the Chambers of the Court of Appeals, so that they can carry out the selection process with sufficient time to meet the legally established deadline and in accordance with Inter-American standards, under criteria based on merit and professional skills, and free from undue interference of any kind.

Human rights defenders

10. Urgently approve and implement a public policy for the protection of human rights defenders in compliance with the sentence issued by the Inter-American Court of Human Rights.
11. Train justice operators in human rights and standards on the rights of defenders, in order to avoid the unjustified use of criminal law against them, including the excessive use of arrest warrants and prolonged pretrial detention as a mechanism of intimidation, punishment or retaliation against these groups.
12. Ensure the implementation of Instruction 5-2018 that contemplates the Protocol for the Investigation of Crimes Committed against Human Rights Defenders, in

order to guarantee that the investigation of these crimes is carried out in accordance with the standards on the matter.

Memory, truth, justice and reparation

13. Re-establish the institutional framework derived from the Peace Accords. In particular, establish the National Plan for the Dignification of Victims of the Internal Armed Conflict and Reparation through the design and implementation of a line of action with differential gender and ethnic-racial approaches, with an adequate budget for its operation and sustainability, and which has defined expected results in the short, medium and long term, as well as an internal evaluation and follow-up plan.
14. Create a National Institution dedicated to the Search for Victims of Enforced Disappearances and provide it with sufficient resources to carry out its mandate.
15. To complete the classification and digitization of the archives related to the internal armed conflict within a reasonable period of time by the National Civil Police Archive, ensuring sufficient human and financial resources for this purpose.

Freedom of expression

16. Implement a mechanism for the protection of journalists that aims to guarantee the life and integrity of those at risk, that incorporates a differential gender approach, and that articulates inter-institutional actions for a comprehensive and effective response.
17. Implement a national plan to investigate with due diligence and sanction restrictions to freedom of expression, including acts of violence, threats, judicial harassment and undue pressures against journalists and the media, based on a prior objective diagnosis, a line of action, expected results and internal evaluation mechanisms.

18. Adapt domestic regulations to: (i) legally recognize community radio stations; (ii) ensure the reservation of the radio spectrum for their proper operation; (iii) establish a simplified procedure for the granting of licenses and equitable access to the media; and (iv) prevent discrimination and undue concentration in media ownership, according to the standards of the judgment *Maya Kaqchikel Indigenous Peoples of Sumpango v. Guatemala* of the Inter-American Court of Human Rights.

Economic, social, cultural and environmental rights

19. Adopt a national public policy that, based on the maximum available resources, effectively combats poverty and inequality in order to guarantee the protection of ESCR through a differentiated and intersectional approach with respect to the most vulnerable and historically discriminated populations in the country. This policy must contemplate measures in the economic and fiscal sphere, as well as for the fight against corruption and state capture in the short, medium and long term, through the establishment of monitoring and periodic evaluation mechanisms.
20. Regarding water and environmental protection: a) approve a Water Law that provides an adequate framework for water resource management; b) design and implement a national policy to address climate change and ensure environmental and biodiversity protection; c) approve new regulations for solid waste and wastewater management, compatible with the protection of a healthy environment. The adoption of these three measures should be carried out through a participatory process with the communities, articulated between all levels of government and with the proper regulation and supervision of business activities.
21. Take measures to guarantee human rights in the area of business activities, ensuring access to information, participation and access to justice for communities, especially indigenous peoples, Afro-descendants and peasants. In this context, it is essential to prevent, investigate and punish undue interference by business actors in judicial processes.

Indigenous peoples

22. Implement a national mechanism that involves all entities of the three branches of government that are competent and culturally appropriate for the recognition, regulation and collective titling of ancestral and/or traditionally occupied lands, in accordance with international standards. This mechanism must have clear regulations, an operating budget, and an action plan with concrete activities, including those aimed at avoiding the execution of eviction orders until the processes of recognition, regulation and collective titling of the lands, territories and natural resources of indigenous and tribal peoples are completed. Evictions should be a measure of last resort and if ordered, their execution must comply with human rights standards.
23. Adopt regulations on consultation protocols, in accordance with current international standards, in order to obtain the free, prior and informed consent of indigenous and tribal peoples in those measures that could have a direct or indirect impact on them.

People in human mobility

24. Adopt a national public policy aimed at preventing the structural causes of forced migration of persons or, if necessary, ensuring the reintegration of persons returning to the country. This measure should be based on a robust and objective internal diagnosis, should include lines of action to be taken by all national entities competent to address the problem, expected results in the short, medium and long term, and internal monitoring and evaluation mechanisms.
25. Draft and approve a law aimed at protecting, providing humanitarian assistance and durable solutions to internally and forcibly displaced persons and preventing this type of displacement, based on a prior diagnosis that quantifies this population, as well as the causes and typologies of this problem.

Persons deprived of liberty

26. Adopt a national criminal policy aimed at significantly reducing prison overcrowding in the country. The formulation of this policy should be based on a reliable prior diagnosis of the current situation of overcrowding, and clearly indicate the actions to be implemented and the expected results. To this end, the policy should contain concrete actions aimed at:
- i. reduce the use of pretrial detention and guarantee its strict application in accordance with the principles of exceptionality, legality, proportionality and reasonableness, which includes reviewing the situation of persons currently in pretrial detention;
 - ii. repeal the legislation that prevents the application of alternative measures by type of crime;
 - iii. promote the creation and application of alternatives to both pretrial detention and imprisonment, ensuring a gender perspective and differentiated and multicultural approaches through the trial;
 - iv. removing economic requirements that prevent people from regaining their freedom; and
 - v. immediately release all persons who have served their full prison sentences, regardless of their ability to pay the fines imposed as an accessory penalty.
27. Guarantee detention conditions compatible with human dignity and with respect for the differentiated approaches derived from gender, disability, or any other risk factor. To this end, it is essential to ensure that all persons detained in the country are housed in centers under the responsibility of the Penitentiary System, as well as to guarantee in such spaces:

- i. the adoption of measures to combat corruption;
- ii. provide adequate, specialized and quality medical care; and,
- iii. implementing effective social reintegration programs, with emphasis on work and education.

People of African descent

28. Include in national, regional and local data collection systems the Afro-descendant statistical variable, including the subcategories of Garifuna, English-speaking Creole and Afro-Guatemalan self-identification.
29. Adopt special and urgent measures for the targeted attention of the Garifuna and Creole population in the areas of health, education and culture with an intersectional and intercultural perspective.

Women

30. Implement a national plan of attention and investigation of violence against women, guaranteeing a gender focus that recognizes and addresses the particularities of the victims, and that is based on a prior objective diagnosis. This plan should include an increase in the operating budget and human resources of the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI), as well as of the institutions in charge of attention to cases of gender violence, and establish a mandatory periodic training plan for its staff aimed at increasing their capacity in the exercise of their functions.
31. Implement a national awareness-raising plan with a pedagogical scope, and an ethnic-racial and intercultural approach, to raise awareness of the importance of eradicating discrimination and violence based on gender, gender identity and sexual diversity that is integrated by a communication campaign throughout the territory and by social advocacy actions. This plan must be based on a previous

diagnosis, and must contain concrete actions, as well as expected results and internal monitoring mechanisms.

32. Take the necessary measures to adapt the regulatory framework of the Guatemalan State to the Inter-American standards on sexual and reproductive rights of women, girls and adolescents.

LGBTI people

33. Adopt and implement a national plan to investigate bias-based violence against LGBTI people and establish a national system for collecting and analyzing data on reports of violence or discrimination. Data should be disaggregated by gender, sexual orientation, gender identity and expression, and sexual characteristics, to ensure effective monitoring, implementation, and evaluation of policies and measures adopted in this regard.
34. Adopt a law or amend existing legislation in order to guarantee equality and non-discrimination of LGBTI people, particularly in terms of their economic, social, cultural and environmental rights.

Children and adolescents

35. Implement a national public policy as a matter of urgency to reduce the high rate of chronic child malnutrition according to a previous diagnosis, concrete actions and expected results in the short, medium and long term.
36. Adopt a national public policy aimed at preventing all types of violence against children and adolescents in all areas of their lives, including the family and the community, and to ensure their immediate protection and restitution of rights, especially for those recruited by organized crime groups, including their safe reintegration into their communities. This policy should be based on a prior diagnosis, concrete actions and expected results in the short, medium and long term.

-
37. Guarantee the budgetary sufficiency of the institutions that make up the child and adolescent protection system, as well as human and material resources, especially of the Social Welfare Secretariat. In addition, establish an action plan to promote inter-institutional coordination among the various state agencies involved in the protection of this population.

Senior citizens

38. Accede to the Inter-American Convention on the Protection of the Human Rights of Older Persons. In the meantime, use this instrument as a reference for the elaboration and implementation of public policies with a human rights approach for older persons.

People with disabilities

39. Review domestic laws and regulations that refer to definitions of disability based on the medical model and modify them so that they are in line with the social and human rights model.
40. Adopt a national public policy to reduce the physical, communicative, attitudinal and symbolic barriers that hinder the full exercise of the DESCAs rights of persons with disabilities in Guatemala. This policy should be based on a previous diagnosis, concrete actions and expected results in the short, medium and long term.

Exhibit 8

A Study of Gang Disengagement in Guatemala Key Takeaways

Can a gang member in Guatemala leave the gang, abandon criminal activities, and rehabilitate?

The answer is yes, but the process seems to be more difficult in Guatemala than in Honduras or El Salvador. An exploratory study conducted in 2019 and 2020 with 57 former gang members and 48 subject matter experts in Guatemala indicates the difficulties with leaving the gang are attributable to tighter control of the gang cliques at the neighborhood level. It is also related to a more rigid system of norms within the gangs and the absence of gang-approved mechanisms to leave. While religious experiences play a role in driving people away from the gangs, as in El Salvador and Honduras, religious conversion seems to be less accepted by gang leaders as a reason to leave. They view disengagement as a potential threat to the economic interests of the gang clique as well as the security of the gang.

The study commissioned by the United States Agency for International Development (USAID), through the Latin America and Caribbean Youth Violence Prevention Task Order (LAC-YVP), was conducted in partnership with the Kimberly Green Latin American and Caribbean Center (LACC), the American Institutes of Research (AIR), and Democracy International (DI) in 2019 and 2020. The study revolved around a series of in-depth interviews with 57 people with a record of gang membership. It also included in-depth interviews with 48 subject matter experts and other community stakeholders in Guatemala's urban locations.

Gangs in Guatemala. Barrio 18 and Mara Salvatrucha (MS-13) are the dominant street gangs in Guatemala, with Barrio 18 as the largest one.

- Street gangs in Guatemala are concentrated in the country's main urban areas, especially around Guatemala City, Escuintla, and Quetzaltenango. They are comprised of neighborhood cliques, which enables them to operate with local autonomy while adhering to the organization's norms and rules.
- Both MS-13 and Barrio-18 control territories using extortion, drug trafficking, and violence. For gang members, such activities are critical components in the process of climbing the gang structure ranks.
- Barrio 18 and MS-13 have national councils comprised of imprisoned leaders in the main penitentiaries. Activities by the cliques are controlled by imprisoned senior members who constitute the Rueda del Barrio (the neighborhood's circle), the top decision-making board of each gang.
- Each neighborhood clique operates with autonomy from others, which frequently generates conflicts between same-gang cliques to control territories.

Gang Member Profile. Guatemala gang members are mostly male. Male members joined the gang around the age of 13 and, on average, remained in the clique for eight years.

- Most gangs concentrate in impoverished environments in urban neighborhoods, in which state services, especially social services, are absent.
- Females are limited to minor roles within the gang structure, and most of them prevented from advancing in the gang hierarchies.

Gang Engagement. In Guatemala, youths are driven into gangs by a combination of emotional deprivation at home and attraction to peer groups in the streets.

- Most gang members come from families in which abuse is rampant, and their parents or guardians either neglect their children or are unable to supervise them.
- Gangs offer what no other community institution provides to youth in these communities: a sense of belonging, protection, friendship, and respect. They also provide material resources through criminal activities.

Gang Disengagement. Many gang members disengage from the gang and stop criminal activities. However, the study suggests that this process is more difficult in Guatemala than in El Salvador and Honduras. Most gang cliques do not recognize a legitimate process to leave the gang, even when the leadership grants special permission to members with famed criminal careers. Hence, gang disengagement usually occurs when individuals are able to move away from the gang-controlled neighborhood.

- Gang structures and dynamics of violence limit the tolerance of gang leaders toward “deserters.”
- To avoid adverse consequences, an individual who decides to leave the gang must hide away, move to another area inside or outside the country, seek protection whenever available from the criminal justice system in exchange for information, or wait for the clique to disappear.
- However, on average, gang members spend eight years of their life as members of the gang. They join the gang around 13 years old and leave it when they reach 21, following the life-course maturation.
- Several conditions prompt the decision to disengage from the gang and start a complicated process full of setbacks. The most common factors behind disengagement are personal maturation, traumatic experiences, religious conversion, and family and personal relationships.
- Individuals who build social networks outside the gang can access resources to move away from the gang environment and have a higher likelihood of disengagement success.

Challenges and Supports to Reintegration into Society. The process of disengagement and reintegration is extremely challenging and requires many supports at the individual, community, and societal levels to succeed.

- Former gang members face constant discrimination and stigmatization from the community and society at large.
- Discrimination and systemic stigmatization prevent former gang members from finding job opportunities and training programs. It also affects their abilities to respond emotionally to the demands of life outside the gang.

Policy Implications. Programs should prioritize prevention through family- and community-based interventions targeting young children and their parents before they reach the age of recruitment and during the first stages of membership at the primary level.

- The primary goal should be to make it less likely that youth will join gangs while simultaneously reinforcing family communication and strengthening parenting skills at home.
- Programs should also prioritize rehabilitation and reintegration programs targeting first-time offenders—that is, young gang members who are serving time in detention facilities or are under judicial supervision in the community.
- Programs should also create safe spaces for former gang members away from the gang and former peers. The less contact they have with other gang members, the more likely they will avoid criminal activities and recidivism.

Exhibit 9

An official website of the United States Government [Here's how you know](#)



[Home](#) > ... > Terrorist Designation of Barrio 18

Terrorist Designation of Barrio 18

PRESS STATEMENT

MARCO RUBIO, SECRETARY OF STATE

SEPTEMBER 23, 2025

Today, the Department of State is designating Barrio 18 as a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT).

Barrio 18 is one of the largest gangs in our hemisphere and has conducted attacks against security personnel, public officials, and civilians in El Salvador, Guatemala, and Honduras.


The United States will continue to protect our nation by keeping illicit drugs off our streets and disrupting the revenue streams funding the violent and criminal activity of vicious gangs and drug cartels. Today's action taken by the State Department further demonstrates the Trump Administration's unwavering commitment to dismantling cartels and gangs and ensuring the safety of the American people.

Today's actions are taken pursuant to section 219 of the Immigration and Nationality Act and Executive Order 13224. FTO designations go into effect upon publication in the Federal Register.

TAGS

Exhibit 10

Mapping MS13, Barrio 18 Territory in Guatemala City

 insightcrime.org/news/brief/ms13-gang-barrio-18-guatemala-city-map

Kyra Gurney

March 27, 2017



Officials in Guatemala have identified the areas of the capital controlled by the MS13 and Barrio 18 gangs, illustrating the degree of gang infiltration in the city with the third highest homicide rate in the world.

According to investigators from Guatemala's anti-gang police unit (Panda), the Mara Salvatrucha (MS13) gang operates in 13 zones in Guatemala City, while the Barrio 18 gang operates in seven, [reported Siglo 21](#). (See InSight Crime's map, below.) Both gangs also have a presence in several areas just outside the capital.

Panda investigators told Siglo 21 that the gangs used to finance themselves through bank robberies and kidnappings, but are now dedicated primarily to extortion. The anti-gang unit attributed around 30 percent of the country's extortion cases to gangs.

According to Siglo 21, Guatemala's Attorney General's Office has determined through investigations and gang testimony that the MS13 and Barrio 18 operate in different ways. While MS13 members reportedly follow a series of rules — avoiding practices such as killing children, carrying out indiscriminate attacks, and tattooing readily visible areas of their bodies — the Barrio 18 does not observe the same norms.

MS13

Barrio 18

Both groups active

InSight Crime Analysis

The MS13 and Barrio 18 are the largest and most powerful street gangs in the Northern Triangle countries of Guatemala, El Salvador, and Honduras. While [members of the same gang in different countries communicate](#) — and may

even exchange weapons and intelligence information — there are also differences in how the gangs operate from country to country.

Information from police investigators accessed by Siglo 21 indicates that the MS13 are the dominant group in Guatemala City, where they operate in a much larger swath of territory than their rivals, Barrio 18.

SEE ALSO: [MS13 Profile](#)

The information provided by police investigators echoes [previous reports](#) that the MS13 operates in a more organized, hierarchical manner than the Barrio 18 in Guatemala. Investigators have [stated](#) that MS13 members use more sophisticated tactics than their rivals, legally registering their vehicles and weapons, and dressing in a way that does not immediately identify them as gang members.

This information provides insight into the criminal dynamics of Guatemala City, which is the city with the [third highest homicide rate](#) in the world, according to figures from the United Nations Office on Drugs and Crime (UNODC). Guatemala City had a murder rate of 116.6 per 100,000 in 2010, a figure surpassed only by Caracas, Venezuela and Basseterre in Saint Kitts and Nevis.

Exhibit 11

UN News

Global Perspective Human Reporting

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Northern Central America saw continued or even worsening gang violence BR



© UNHCR/Daniel Dreifuss | In Latin America, El Salvador was one of the countries chosen to launch the initiative

17 December 2020 | **Peace and security**



Study by UN agencies calls for more protection for people escaping the problem; rates rose more than 456% between 2018 and 2019; More than 800,000 people from El Salvador, Guatemala and Honduras seek protection inside and outside their countries.

United Nations agencies have called on States to comply with international obligations to ensure that people forced to flee gang violence in northern Central America fully enjoy their rights.

On Thursday, a survey identified death threats, gang recruitment, extortion and other forms of violence as factors that lead families to travel across borders in search of safety.



© UNHCR/Diana Diaz | A refugee who fled gang violence multiple times in Honduras starts over in Belize in January 2019

Threats

Communities in El Salvador, Guatemala and Honduras are the most affected by the problem, according to research by the UN Refugee Agency, UNHCR, and the United Nations Children's Fund, UNICEF.

Violence was the main reason that led 20% of the more than 3,100 interviewees to migrate as a family from their communities. The study highlights variations of this practice, such as death threats, extortion, recruitment into gangs and domestic work.

More than 30% of unaccompanied migrant children cited some form of violence as a reason for fleeing, impacting their access to essential services, including going to school.

The study recommends that countries prioritize the rights of people with specific protection needs and ensure that displaced children and adolescents are treated as minors. The call is for the interests of the group to be focused on the response and decisions that affect them, whether they are traveling alone or with their families.



Unicef Mexico | Children are among Central American migrants heading toward the Mexico-U.S. border

United States

Last year, there was a 456% increase in the number of families apprehended at the southern border of the United States. The research highlights that the increase was from almost 77,800 in 2018 to more than 432,000.

For Giovanni Bassu, UNHCR’s regional representative for Central America and Cuba, the changing demographics of refugees from northern Central America reflect a grim reality in countries of origin, where entire families are under threat and fleeing together to find safety.

Men, women and adolescents are particularly vulnerable in communities marked by extreme violence, gang attacks and criminal activity. Violence, especially death threats associated with recruitment, directly affects children and adolescents.



UNHCR/ Marta Martinez | Many migrants flee gang violence in El Salvador

National services

Minors reported a range of pressure factors, including different types of violence and a lack of opportunities and national services. Adults spoke of threats from gangs to entire families, which led many to leave the community with their children rather than leave them at risk.

For the UNICEF regional director for Latin America and the Caribbean, many flee for their lives when targeted by gangs. Jean Gough said that criminals “do not leave any family member behind because they fear retaliation.”

In times of pandemic and after two hurricanes in Central America, the increase in poverty and violence will likely “drive more of these families from their homes in the coming weeks and months.”



UNICEF/Adriana Zehbrauskas | Three young people, aged 13 and 14, in Honduras, who were victims of harassment.

Drugs

More than 800,000 people from El Salvador, Guatemala and Honduras sought protection in their countries or crossed borders seeking asylum to escape threats by the end of 2019.

Coupled with increasing violence and gang persecution, young women and girls are suffering from sexual and gender-based violence. Other young people are exploited for criminal purposes, including drug trafficking, or are fully integrated into criminal groups.

In these three countries, lockdown measures and border closures due to the pandemic have limited escape options. But various forms of violence and persecution have persisted or even worsened, causing forced displacement.

Exhibit 12

Gender-Based Violence Country Profile

GUATEMALA



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INTRODUCTION

With a population of approximately 18.2 million people, Guatemala is the most populous country in Central America. Guatemala is considered a lower-middle-income country, with a gross domestic product (GDP) of approximately \$ 85.9 billion in 2021. Moreover, the country's economy is primarily driven by agriculture, which employs over a quarter of the labor force, and the service sector. However, poverty and inequality remain significant challenges, with over half the population living below the poverty line.¹

Guatemala has one of the highest rates of femicide in the world, with violent deaths of women increasing from 1.3 per 100,000 women in 2020 to 1.6 per 100,000 women in 2021, resulting in 527 femicides reported in 2021 and 534 in 2022, and 69 femicides reported by March 2023.^{2 3} Adult women continue to exhibit the highest rate of violence against women; however, young women aged 18-24 were the primary victims of lethal violence in 2021. Moreover, in 2021, there was a rise in the number of women victims of all ages, particularly girls aged 0-14.⁴

High-risk groups facing multiple and intersecting forms of discrimination include young and adolescent girls, indigenous women, those who have experienced adolescent pregnancies, early unions or marriages, women and girls living with disabilities, and LGBTQ+ groups. In 40% of femicides, there was already a complaint of violence against women by the victims in the two years prior to their murder.⁵ Crimes against women and children are the most reported crimes, with violence against women representing 13% of the most reported crimes in 2021. Child marriage is mostly driven by tradition, poverty, discriminatory gender norms, and a lack of access to education.⁶

In order to address violence and discrimination against women and girls in Guatemala, various initiatives and policies have been implemented by the government and civil society organizations. However, much work remains to be done to effectively address the root causes of these issues and ensure the safety and well-being of all women and girls in the country.

¹ The World Bank. (n.d.). The World Bank Data. The World Bank Data. <https://data.worldbank.org/country/guatemala>

² Ministerio Público de Guatemala. (n.d.). Portal Estadístico Observatorio de las Mujeres del Ministerio Público. Observatorio De Las Mujeres Del Ministerio Público De Guatemala. <https://observatorio.mp.gob.gt/portal-estadistico/>

³ Ibid

⁴ Ibid

⁵ Centro de Investigaciones Económicas & Centro Internacional para la Empresa Privada. (2022). Los Delitos contra la Mujer en Guatemala con énfasis en el Delito de Femicidio. Centro De Investigaciones Económicas. <https://cien.org.gt/wp-content/uploads/2022/05/Documento-Violencia-contra-la-Mujer-y-Femicidio-mayo-2022-vf.pdf>

⁶ Ministerio Público de Guatemala. (n.d.). Portal Estadístico Observatorio de las Mujeres del Ministerio Público. Observatorio De Las Mujeres Del Ministerio Público De Guatemala. <https://observatorio.mp.gob.gt/portal-estadistico/>

PREVALENCE OF GENDER-BASED VIOLENCE: PRE- AND POST-COVID

UN Women Prevalence Data on Different Forms of Violence against Women⁷:

- Lifetime Physical and/or Sexual Intimate Partner Violence: 21.2 %
- Physical and/or Sexual Intimate Partner Violence in the last 12 months: 8.5 %
- Lifetime Non-Partner Sexual Violence: Official National Statistics Not Available
- Child Marriage: 29.5 %

Guatemala's Gender Inequality Index Rank is 121 out of 170 countries by 2021, while in the Global Gender Gap Index Guatemala ranks 113 by 2022.

Guatemala has one of the highest rate of femicide in the world.⁸ By 2021, violent deaths of women increased by 1.6 deaths per 100,000 women compared to 2020 (1.3 deaths per 100,000 women) and according to official statistics by the end of 2021, 527 femicides were reported.⁹ As for 2022,

the Statistical Portal of the Women Observatory reported 534 femicides and by March 2023 there are already 69 femicides reported.¹⁰

In 2021, at least one woman or girl died violently every day in Guatemala. The violent death rate of women and girls in 2021 was 4.8 per 100, 000 women, the highest compared to 2020; however, this is lower than pre – pandemic levels. Of these victims, young women ages 18 – 24 were the primary victims of lethal violence. Accordingly, the Public Ministry typified 38.9% of these homicides as femicides as compared to the last six years.

Despite the fact that adult women continue to exhibit the highest rate of violence against women, 2028 young and adolescent girls entered the cycle of the continuum of Violence Against Women.¹¹ In 2020, there were 1,012 recorded cases of domestic/ intrafamily violence and 8,767 cases of sexual violence in Guatemala.¹² High-risk groups that face multiple

⁷ UN Women Global Database on Violence against Women. (n.d.). Guatemala. <https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>

⁸ Intentional homicides, female (per 100,000 female) - Guatemala Data. (n.d.). <https://data.worldbank.org/indicator/VC.IHR.PSRC.FE.P5?locations=GT>

⁹ Ministerio Público de Guatemala. (n.d.). Portal Estadístico Observatorio de las Mujeres del Ministerio Público. Observatorio De Las Mujeres Del Ministerio Público De Guatemala. <https://observatorio.mp.gob.gt/portal-estadistico/>

¹⁰ Ibid

¹¹ Ibid

¹² InfoSegura. (2020). Central America and the Dominican Republic: Violence against women throughout the life cycle. <https://infosegura.org/wp-content/uploads/2021/06/VCM-REGIONAL-2020-ENG.pdf>

¹³ Ibid

and intersecting forms of discrimination include young and adolescent girls, indigenous women, those who have experienced adolescent pregnancies, those in early unions or marriages, women and girls living with disabilities, and LGBTQ+ groups. Moreover, in 2021 as compared to the previous year, there was a rise in the number women victim of all ages, particularly of girls ages 0 – 14 (23%).¹³

Furthermore, The Centro de Investigaciones Económicas (CIEN) stated in a research that the crime of femicide was legally established by Guatemala in 2008 and since then 2,168 cases of murders of women or femicides have been registered. In the same period 630 men were convicted for the crime of femicide, which is equivalent to 29% of the total number of homicides, meaning that 71% of the murders of women in the Central American nation remain unpunished. In addition, in 40 percent of femicides there was already a complaint of violence against women by the victims in the two years prior to their murder.¹⁴

Human trafficking and child marriage also remain serious issues, the child marriage rate of girls is 18%.

Regarding Authorities opened investigations into 386 criminal complaints involving suspected trafficking crimes (71 involving sex trafficking, 182 involving forced

labor, and 133 not specified) opening investigations into 164 suspected trafficking cases (38 involving sex trafficking, 85 involving forced labor, and 41 not specified). In comparison, the government investigated 165 trafficking complaints in 2020 and 211 in 2019.¹⁵

Furthermore, regarding child marriage, in 2015, 777 cases of child marriage under 15 years of age were registered, and 20,321 marriages involving adolescent girls and young women between 15 and 19 years of age.¹⁶ The National Survey on Maternal and Child Health (ENSMI 2014-2015) estimates that early unions affect 14% of the adolescent girls and young women between 15 and 19 years of age. However, other specialized studies indicate that 28% of the adolescent girls have gotten married and 54% have had partners before reaching 18 years of age.¹⁷ The fertility rate for adolescent girls and young women aged 15-19 is 92 annual births per one thousand women, in contrast with the Latin American average of 64. Finally, 21.2% of indigenous adolescent girls indicated they were already mothers, 4.4% were pregnant with their first child and 16.8% were pregnant at least once before, vis a vis 20.2%, 4.6% and 15.6% of their non-indigenous peers.¹⁸

Child marriage in Guatemala is mostly driven by tradition, poverty, discriminatory gender norms, and a lack of access to education. In addition,

¹³ *Ibid*

¹⁴ Centro de Investigaciones Económicas & Centro Internacional para la Empresa Privada. (2022). *Los Delitos contra la Mujer en Guatemala con énfasis en el Delito de Femicidio*. Centro De Investigaciones Económicas. <https://cien.org.gt/wp-content/uploads/2022/05/Documento-Violencia-contra-la-Mujer-y-Femicidio-mayo-2022-vf.pdf>

¹⁵ 2022 Trafficking in Persons Report. (2022). Department of State of the United States of America. <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf>

¹⁶ In 2017, a new law that prohibits marriage before 18 years of age with no exceptions was enacted.

¹⁷ Spotlight Initiative. (2018). *Country Programme Document: Guatemala*.

¹⁸ *Ibid*

gender norms define what girls can and cannot do, both before and after entering a union.¹⁹ Girls are expected to perform domestic tasks from a young age, while boys and men are not. Moreover, adolescent pregnancy, sexual violence and early unions are closely related, and are often causes and consequences of each other. Adolescents often enter unions because of unintended pregnancy and girls in Guatemala state they are aware of different methods of contraception, but felt too ashamed to go to health care facilities to ask for them²⁰. Adolescent pregnancy is associated with increased health risks – including obstetric fistula – and higher rates of infant mortality and unsafe abortion.²¹ Girls who are currently in a union are more likely to live in rural areas, belong to Mayan ethnic groups, live in low-income households and have less access to education. However, although one of the key structural drivers is inequality, Child marriage also occurs in urban areas and among members of the middle and upper classes.²²

In 2020, police reports for domestic violence saw a considerable increase during the period of confinement. The rise was observed as of February 2020, and by June, the number of complaints had almost doubled compared to 2019. In total, the number

of documented complaints until August of 2020 indicated an increase of 26%. (This trend is contrary to what was observed in terms of homicidal violence and injuries, which saw a decrease.)²³ Confinement measures due to COVID-19 and mobility limitations were a risk factor for different forms of violence against women, girls, and older adults, both distancing them from existing support networks, protection services, and complaint mechanisms and making them more vulnerable to multiple manifestations of violence against them (psychological, economic, sexual, among others).

Furthermore, crimes against children and women are the most reported crimes in 2021. Of the 92,833 crimes against women, children and adolescents, violence against women represents 13% of the most reported crimes in 2021 with a number of 58,897 survivors registered. Of this figure, 1,817 cases belong to economic violence, 24,148 to physical violence (5%) and 36,833 to psychological violence (6%). Likewise, sexual assault represents 1% of the most reported crimes with 4,743 survivors, rape represents 3% of the most reported crimes with 9,283 survivors of the crime.²⁴

¹⁹ *Girls Not Brides*. (2022). *Child, Early and Forced Marriage and Unions in Guatemala*. In *Girls Not Brides*. https://www.girlsnotbrides.org/documents/1776/CE-FMU_in_Guatemala.pdf

²⁰ *Ibid*

²¹ Blum, R. W., Unfpa, Gates, W. H., & United Nations Population Fund. (2015b). *Girlhood, Not Motherhood (English): Preventing Adolescent Pregnancy*. United Nations Fund for Population Activities.

²² Ministerio de Salud Pública y Asistencia Social (MSPAS), Instituto Nacional de Estadística (INE), and ICF International, 2017, *Encuesta nacional de salud materna infantil 2014-2015. Informe final*. Guatemala.

²³ Diálogos. (2020). *Violencia en Tiempos de Pandemia*. <https://dialogos.org.gt/sites/default/files/2020-10/Violencia%20en%20tiempos%20de%20pandemia%20Fin.pdf>

²⁴ Ministerio Público de Guatemala. (n.d.). *Portal Estadístico Observatorio de las Mujeres del Ministerio Público*. Observatorio De Las Mujeres Del Ministerio Público De Guatemala. <https://observatorio.mp.gob.gt/portal-estadistico/>

The violence prevention campaign **#NadaJustifica** (“Nothing Justifies It”) was launched in 2020 in response to the high rates of violence against women.²⁵ The campaign was launched by Government institutions, two municipalities, and five local NGOs in coordination with UNDP and USAID in Guatemala and supported by the UNDP-RBLAC InfoSegura project (which gathers data on citizen security in Central American countries). This campaign places special emphasis on informing and sensitizing the general public, key actors, and especially men who are considered in the framework of the campaign as potential agents of change, on violence against women and promoting the establishment of relationships which are healthy and free from violence.

As for 2023, the campaign is still ongoing and has moved from social networks to the territory with an action plan called “Transmit ideas, educate your

community and recognize the signs because Nothing justifies violence against women”. This phase has involved 10 prioritized municipalities, which have been awarded a symbolic sign as “Municipalities Committed to the Right of Women and Girls to Live Free of Violence”. The campaign has coordinated with 10 local governments and their Municipal Women’s Directorates, implementing various actions such as youth contests, workshops for mural construction and participatory workshops with men and women to sensitize them on violence against women. The campaign has involved the participation of approximately 250 sensitized women, 65 sensitized men, 110 informed young women and men, 155 sensitized and informed children, and 375 people of all ages and both sexes in family recreational activities. Additionally, a series of materials have been developed such as puzzles, memories, lotteries, and radio spots.²⁶

POLICY AND LEGAL FRAMEWORK

Gender equality in the legal framework: With regards to overall gender equality in the legal framework, according to the World Bank’s “Women, Business and the Law” 2023 study, Guatemala scores 703.8 out of 100 (over 8 indicators). The country does well when it comes to constraints on freedom of movement, gender differences in property and inheritance, and

laws affecting the size of a woman’s pension. However, , when it comes to laws affecting women’s decisions to work, laws affecting women’s pay, constraints related to marriage, laws affecting women’s work after having children, and constraints on women starting and running a business, Guatemala could consider reforms to improve legal equality for women.²⁷

²⁵ “#NadaJustifica violence against women, Guatemala presents Campaign for the Prevention of Violence against women.” (2020). InfoSegura. <https://infosegura.org/2020/11/13/nadajustifica-la-violencia-contra-las-mujeres-guatemala-presenta-campana-de-prevencion-de-violencia-contra-la-mujer/>

²⁶ 8M #NadaJustifica la Violencia contra las Mujeres. Infosegura. (2023, March 10). <https://infosegura.org/2023/03/10/8m-nadajustifica-la-violencia-contra-las-mujeres/>

²⁷ World Bank (2023). Women, Business and the Law 2021: Guatemala. <https://wbl.worldbank.org/content/dam/documents/wbl/2023/snapshots/Guatemala.pdf>

The following data points illustrate various other gender aspects in Guatemala's legal framework:²⁸

a) In 2017, the minimum legal age for marriage was increased to 18 for both males and female from 16 and 14 respectively. However, the prevalence of child marriage remains high, with nearly one in three girls are married off before the age of 18 (as compared to one in five in the LAC region), and there is no specific legal provision which prohibits forced marriage; b) The Civil Code establishes that either spouse can initiate divorce. Nonetheless, certain articles related to divorce still differentiate between women and men; for example, women will have the right to alimony only if they observe "good conduct" and remain unmarried; c) The law criminalizes rape (including spousal rape); d) Abortion can be legally performed only if the mother's life is in danger. A woman who causes her abortion, or consents to another person to cause it, is punishable with imprisonment from one to three years; e) With regards to civil liberties and political voice, women and men have the same legal rights to vote and stand for election. Nonetheless, the non-participation rate among uneducated women is extremely high (64% urban, 70% rural), and women continue to be underrepresented politically, though Guatemala has tried unsuccessfully to introduce gender quotas.

International treaties on GBV: Guatemala is a member of several international treaties that guarantee equality, non-discrimination, and freedom from violence for women, including the Convention on the Elimination of all Forms of Discrimination against

Women (CEDAW), the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women "Convention of Belem Do Para," the Beijing Declaration and Platform for Action, and the Convention on the Rights of the Child (CRC).

Since 2014, Guatemala has made important progress in the recognition of gender equality in the constitution, with important recent progress in the legal frameworks and public policies to address VAWG. Key examples include: legislation that prohibits marriage before 18 years of age with no exceptions (2017); the establishment of the Institute for the Attention and Protection of Victims of Violence (2016); and the establishment of the Specific Cabinet for Women (Gabinete Específico de la Mujer [GEM]) which aims to coordinate, articulate, and promote inter-institutional actions for the implementation of public policies, plans, programs focused on in the integral development of Guatemalan women (2014).

National response to GBV: Legislative and policy responses to protect women against violence include²⁹:

- **Law against Femicide and Violence against Women (2008).** The law recognizes domestic violence as a punishable crime, and the definition of domestic violence covers psychological, physical and economic violence.
- **Law against Sexual Violence, Exploitation and Trafficking in Persons (2009)** reforms the Criminal Code and aims to prevent, suppress, punish,

²⁸ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>

²⁹ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>

and eliminate sexual violence, exploitation, and trafficking-in-persons and to ensure that survivors receive care, protection, and compensation for harm.

- **National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (PLANOVI 2020–2029)** Public policy instrument designed by the Guatemalan State to comply with national and international human rights commitments, with the aim of guaranteeing women the right to a life free from violence. Additionally, the Planovi 2020-2029 introduces an intersectional approach to reflect the complexity of the issue and contribute to understanding the link between other structural determinants of inequality and violence against women.
- **National Policy for the Promotion and Comprehensive Development of Women (PNPDIM 2008 – 2023)** called for combatting all forms of discrimination and violence against women and set specific goals with allocated budgets.
- **Decree 13-2017:** which establishes the prohibition of marriage for persons under 18 years of age. This as a result of the ratification of the Convention on the Rights of the Child made by the State of Guatemala, through Decree 27-90 of May 23, 1990 and in order to avoid various risk factors that directly affect children and adolescents in the country.

The legal framework is complemented by several government entities working on combatting and preventing violence against women^{30 31}: the National Coordination Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI); Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (SVET); the Office for the Defense of Indigenous Women (DEMI); Program for the Prevention and Eradication of Domestic Violence (PROPEVI) which provides initiatives to prevent, treat and eradicate domestic violence; Coordinator for the Prevention of Domestic Violence and Violence Against Women (CONAPREVI) which serves as the domestic violence interagency coordinator and includes several civil society organizations; the Presidential Secretariat for Women (SEPREM); the Ombudsman's office for the defense of women; Institute of Public Criminal Defense, which provides free legal, medical, and psychological assistance to survivors of domestic violence; Gender Units in each of the Ministries; Vice-President's Special Cabinet for Women (GEM). Furthermore, the government also established lower and courts for femicide offences and other forms of violence against women in 11 of Guatemala's departments and 26 first instance courts specializing in femicide cases. To that end, judicial facilities were rearranged to allow hearings using oral proceedings and the possibility of video conferences to avoid direct contact between aggressors and their victims.

³⁰ UN Women. (2021). Guatemala. Retrieved from <https://lac.unwomen.org/en/donde-estamos/guatemala>

³¹ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>

GBV RESPONSE MECHANISMS AND SERVICES

The following services are available for survivors of violence in Guatemala (full list of institutions, functions and how to approach them in Appendix 1):³²

— The National Coordinator for the Prevention of Intrafamily Violence and Against Women (CONAPREVI) is an institutional mechanism for coordinating, advising, and promoting public policies for the prevention, punishment, and eradication of intrafamily violence and violence against women. Within its functions, it advises, informs, and trains public officials. It is also responsible for monitoring the Comprehensive Support Centers for Women Survivors of Violence (CAIMUS) and providing support and advice to the organizations that administer them. It has also provided support in the elaboration of protocols of attention and access to the justice, health, and education sector. With regards to intrafamily violence and violence against women, it has the National Plan for the prevention and eradication of violence: Intrafamily Violence and Violence against Women (PLANОВI) 2004-2014.

— The Program for the Prevention and Eradication of Intrafamily Violence (PROPEVI), attached to the Presidential Secretariat for Women (SEPREM), has a school for parents and a 24/7 intrafamily violence hotline. Services are also available for children and adolescents with disabilities and victims of sexual and commercial exploitation.

According to a 2016 report from the US Department of State, police had minimal training or capacity to investigate sexual crimes or assist survivors of such crimes and that impunity for perpetrators remained very high. Police often fail to respond to requests for assistance related to domestic violence, and women's rights advocates reported that few officers received training on how to deal with domestic violence cases or to assist survivors. Research shows that police, prosecutors, and judges often do not take cases of violence against women seriously because they believe that men have the right to use violence against their partners to control them.³³

The establishment of specialized investigation and criminal prosecution units aims to address violence against women and stop impunity. Nonetheless,

³² UN Women Global Database on Violence against Women. (n.d.). Guatemala. <https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>

³³ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>

these courts still have limited coverage.³⁴ Furthermore, despite the comprehensive legal framework and specialized courts, many prosecutors do not consider domestic violence as a serious matter that warrants attention. There is also a pattern of prosecutors and judges urging conciliation of conflicts, rather than seeking to protect survivors of domestic violence. In addition, Article 106 of the Penal Code allows the victim to pardon the perpetrator, including cases of rape and other sexual crime, making victims vulnerable to pressure not to file complaints.³⁵

During COVID-19, there was an expansion of an interactive platform “CuentaNos” which provides critical information on services. The International

Rescue Committee (IRC) operates a multi-platform information hub “CuentaNos” with two-way messaging, where users in Guatemala (as well as Honduras and El Salvador) can seek information and service providers for essential services such as health and education. The IRC expanded the functionality of this existing web-based resource to address increases in intimate partner violence (IPV) and other needs related to COVID-19. The platform includes a database of IPV protection service providers and allows users to contact IRC moderators via WhatsApp for support concerning IPV and other issues. CuentaNos data as of May 2020 reveals drastic increases in searches and requests for help due to gender-based violence since the onset of the pandemic. More information on the service [here](#).³⁶

Examples of Notable Interventions to Address GBV

Translation of campaigns on prevention of violence against women into indigenous languages and joint Mechanisms for the Advancement of Women within indigenous communities and the justice sector.

Due to the multi-ethnic composition of the country, the campaigns and public policies that introduce prevention measures adopted an ethnic and intercultural approach that allowed for the recognition of the four dominant ethnicities in Guatemala: Xinka, Garífuna, Mestiza, and Maya. All the campaigns were translated into appropriate languages for each group; for example, the Presidential Secretariat for Women (SEPREM) produced a video that addressed the rights of victims which was translated in the three Mayan languages—Kakchiquel, Mam and K’ekchí—and provided the projection equipment and video to the local district prosecutors to ensure its distribution.³⁷

³⁴ UN Women. (n.d.). “Guatemala.” <https://lac.unwomen.org/en/donde-estamos/guatemala>

³⁵ OECD Social Institutions and Gender Index. (2019). <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GT.pdf>

³⁶ IRC. (2020, June 9). IRC data shows an increase in reports of gender-based violence across Latin America. <https://reliefweb.int/report/el-salvador/irc-data-shows-increase-reports-gender-based-violence-across-latin-america>

³⁷ UNDP. (2017). From commitment to action: Policies to end violence against women in Latin America and the Caribbean. <https://www.undp.org/latin-america/publications/commitment-action-policies-end-violence-against-women-latin-america-and-caribbean>

APPENDIX 1 – INSTITUTIONS/ SERVICES INVOLVED IN CASES OF VAW

Institution/ Services	Function
Hotline 1572	The 1572 is an exclusive line for women who suffer of physical, psychological and sexual violence. Attention 24 hours a day, 365 days a year.
Isabel-Claudina Alert	<p>When a woman goes missing or is in danger, the Alerta Isabel Claudina system is activated, and various government agencies and civil society organizations work together to locate and protect the woman. The system has helped to save the lives of many women in Guatemala and has become a model for other countries in the region.</p> <p>More information on how to report, the data that must be provided, documentation on: How to report a missing woman?</p>
Isabel-Claudina Alert Portal	This portal displays missing women's bulletins. You can take actions on each bulletin that include performing an enlarged view to see the bulletin information in more detail, downloading the bulletin, reporting if you have seen the missing woman from the bulletin.
Panic Button	Panic Button is our application for Android systems that you can download and use in times of emergency. There is a coordination with the National Civil Police that sends a patrol to the place from where the Panic Button is activated. More information on how it works here . For downloading the app click here .
RENAS Registro Nacional de Agresores Sexuales which translates to National Registry of Sexual Offenders in English	Database maintained by the Guatemalan government that contains the personal information and criminal records of individuals who have been convicted of sexual crimes. The registry is used by law enforcement agencies and other authorized parties to prevent sexual violence and protect potential victims by identifying individuals with a history of sexual offenses. More information about RENAS here .
Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons	Entity responsible for ensuring compliance with the Law against sexual violence, exploitation and trafficking in persons, with the primary purpose of advising the State institutions responsible in this area, to prevent, care for and protect, promoting effective strategies to improve the quality of life of children, adolescents and women.

Inter-institutional Coordinator against Labor Exploitation and Child Labor

Addresses the phenomenon of human trafficking in the modalities of labor exploitation, forced labor and child labor. The lines of action are: a) detection, b) attention to victims and c) referral of victims. The main actions implemented are: a) Inter-institutional route for the detection and attention of cases; (b) Platform for the online management and receipt of complaints; c) Dissemination campaigns in the media and social networks to encourage denunciation through the portal: I join; (d) Protocol for the comprehensive care of victims of the crime of trafficking in persons; (e) Operations to verify working conditions and rescue abused minors.

Gabinete Específico de la Mujer (GEM) Specific Office for Women in English

Has its legal basis in Governmental Agreements 264-2012 and 259-2013, and aims to coordinate, articulate and promote inter-institutional actions for the implementation of public policies, plans, programs and projects focused on the integral development of Guatemalan women.

The GEM elaborates and implements the strategy to be developed starting in 2014, whose main objective is to favor women in all stages of their lives through five axes:

- Institutionalization of Women's Rights
- The Girl-Adolescent
- Addressing Violence Against Women
- Economic Empowerment
- New Masculinities

Courts and Tribunals for Femicide and Human Trafficking Crimes

The Supreme Court of Justice began the process of creating specialized bodies for the specific treatment of violence against women, Criminal Courts of First Instance and Sentencing Courts for Crimes of Femicide and other Forms of Violence and Trafficking in Persons, the Chamber of the Court of Appeals for Sexual Violence, Exploitation and Trafficking in Persons in 2012, the Mobile Peace Court and the Duty Court of First Instance for Crimes of Femicide and other forms of Violence against Women and Sexual Violence were created.

Ley Alba Keneth y Coordinadora Nacional del Sistema de Alerta Alba Keneth

Created with the aim of designing an operational coordination system that allows for an immediate and adequate response to the abductions and disappearances of children and adolescents, ensuring their prompt location and protection. The law regulates the functioning of the Alba-Keneth Alert System for the immediate location and protection of abducted or missing children. The Alba-Keneth Alert System is the set of coordinated and articulated actions among public institutions, which allow speeding up and achieving the location and safeguarding of the child or adolescent who has been abducted or is missing and the recovery and safeguarding of the child or adolescent. All public institutions have the obligation to immediately and urgently carry out the actions required of them within the framework of this Law. The National Coordinator of the ALBA-KENETH Alert System is hereby created, with the purpose of coordinating, promoting and executing all actions aimed at the search, location and immediate protection of the child or adolescent who has been abducted or is missing.

Juzgados de Primera Instancia Penal y Tribunales de Sentencia de Delitos de Femicidio y otras formas de Violencia contra la Mujer

The creation of these jurisdictional bodies proposes a new justice system, which contemplates attending to the special needs that the survivor of violence requires, as well as avoiding re-victimization. Located in: Guatemala, Quetzaltenango, Chiquimula, Alta Verapaz, Huehuetenango, Escuintla, and Iğabal. Additionally, the departments of Huehuetenango, Quetzaltenango, Alta Verapaz and Iğabal own an interpreter according to the languages of each region.

These bodies are composed of trained and sensitized Judges, Judges and judicial and administrative auxiliary personnel, which ensures the population an accessible specialized justice, which recognizes the particularities of cases of violence against women, promoting and respecting women's human rights.

The Courts and Tribunals for Crimes of Femicide and other forms of violence against women have an Integral Attention System composed of psychologists and social workers, and have a child care service, while the mothers are carrying out the procedures within the specialized jurisdictional bodies.

The Commission on Femicide

The Commission on Femicide was formally established on 8 March 2006. It is made up of delegates from the legislative, executive and judicial branches and representatives of human rights and security institutions and the Public Prosecutor's Office. Its coordination was delegated to the Presidential Secretariat for Women (SEPREM). Its main objective is to promote appropriate action to ensure that the State of Guatemala has a strategy and proposals for action that will enable it to tackle femicide in a comprehensive and coordinated manner through the three branches of government and with the participation of civil society.

Victims' Assistance Coordinating Department

In order to improve the services provided to crime victims, the Public Prosecutor's Office established the Victims' Assistance Coordinating Department in late 2006. After analysing the assistance provided by the different units of the Public Prosecutor's Office, where victims seek help, the Department drew up a draft policy on victims' assistance, which was approved by the Attorney General of the Republic in March 2007. The Public Prosecutor's Office fulfilled its commitment to design internal victims' assistance policies to ensure comprehensive, swift, effective and humane response to the injury suffered by victims. The areas of the proposed policy are: (1) drafting of protocols; (2) effective intra- and inter-institutional coordination; (3) strengthening of the victims' assistance Offices (OAV); and (4) strengthening of referral networks.

National Coordinator for the Prevention of Domestic Violence and Violence against Women

The National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI, Agreement 831-2000), is an institutional mechanism for coordination and advisory and promotion of public policies for the prevention, punishment and eradication of domestic violence and violence against women. It is integrated by the public and private sectors. Among its functions, it advises, informs and trains public officials, a process that is carried out in coordination with the institutions that are part of it. It is also responsible for monitoring the Comprehensive Support Centers for Women Survivors of Violence -CAIMUS- providing support and advice to the organizations that manage them.

Presidential Secretariat for Women

The Presidential Secretariat for Women (SEPREM), through the Program for the Prevention and Eradication of Domestic Violence (PROPEVI), implements projects and actions for the prevention, care and referral of cases of Domestic Violence (VIF), with the following units: Social, Legal, Psychological, Pedagogical and the help line 1515 (24 hours).

Ombudsman for Indigenous Women

Specific instance for the prevention, defense and eradication of all forms of violence and discrimination against indigenous women. It carries out community work and training for indigenous women leaders; meetings with communicators on the approach to violence against women (VAW); and handles and refers cases of violence against women.

Agencies of the Women's Prosecutor's Office and Specialized Prosecutor's Office against Trafficking in Persons

The Public Prosecutor's Office adopted measures for the creation of Women's Prosecutor's Offices and Specialized Prosecutor's Offices against Trafficking in Persons, as well as referral offices and victim assistance offices.

Public Criminal Defence Institute

The Public Criminal Defence Institute, in accordance with article 19, paragraph 3 of the Act against Femicide, established a national office to coordinate legal aid for women who have been the victims of any form of violence and for affected family members. The office has specialized lawyers to provide legal assistance, as well as psychologists and social workers to provide further assistance.

Vice-Ministry of Violence and Crime Prevention

The Vice Ministry of Prevention provides technical support to the country's political, technical and tactical operational authorities in the implementation and monitoring of the Policy's actions in order to meet the main objective: To lay the foundations for a culture of prevention of violence and crime through conviction, aimed at the participation of the population in the framework of citizen security and peaceful coexistence, which has an impact on the objective reduction of violence and crime, as well as on people's fear of becoming victims of violence.

APPENDIX 2 – UN WOMEN: MEASURES AGAINST VIOLENCE AGAINST WOMEN (GUATEMALA)³⁸




<https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>

³⁸ UN Women Global Database on Violence against Women. (n.d.). Guatemala. <https://evaw-global-database.unwomen.org/en/countries/americas/guatemala>

Exhibit 13

The INE presents indicators of the prevalence of violence against women in Guatemala

 ine.gob.gt/2024/03/07/el-ine-presenta-indicadores-de-prevalencia-de-violencia-contra-las-mujeres-en-guatemala

By INE Admin



Guatemala, March 6, 2024. In the context of International Women's Day, the results of the first National Survey of Household Quality and Well-being - ENCABIH, carried out by the National Institute of Statistics, from September to November 2023, were presented.

The ENCABIH was implemented with the objective of generating information on the prevalence and incidence of violence against women aged 15 and over, in the public and private spheres; by type of violence and relationship with the aggressor, among other generated indicators.

The data presented by the National Institute of Statistics is significant because it allows us to focus on where the greatest incidence of violence against women is, generating input for decision-makers in order to propose and guide public policies on the prevention, care and eradication of violence against women.

The survey was administered in 18,120 households across all 22 departments of the Republic of Guatemala. The sample design was specifically tailored to generate results at both the departmental and national levels.

Guatemala has a total population of 17,843,132 inhabitants, of which the male population is 8,777,379 and the female population is 9,065,753; therefore, in the country, 50.8% of the population is made up of women, according to

population projections from the INE.

INE Manager Brenda Miranda mentioned that the ENCABIH was administered by a technical team made up exclusively of women, with the purpose of achieving high levels of empathy and openness, so that the respondents felt confident in reporting incidents of

violence against women throughout their lives and in the last twelve months.

“In all 22 departments of the country we achieved very good acceptance and thanks to the participation of women today we have these important results, which are a guide to direct efforts and actions towards building a country where all women live free from violence, and can reach their full potential,” Miranda emphasized in her speech.

Among the most significant findings, 48.8% of women reported experiencing at least one instance of violence against women in their lifetime. Furthermore, 34.48% of women reported experiencing some form of sexual violence, and 31.67% reported experiencing psychological violence. 18.14% of women experienced physical violence, and 14.93% experienced economic violence.

The survey was divided by geographic area, and 55.2% of women in urban areas reported having experienced an incident of violence in their lifetime, while 40.5% of women in rural areas reported experiencing it. Nationally, the department of Guatemala had the highest prevalence of violence against women at 67.38%, followed by the department of Escuintla at 56.82%. The departments of Alta Verapaz and Totonicapán had the lowest prevalence of violence against women, at 30.25% and 23.34%, respectively.

Finally, the INE Manager thanked the Ministry of Economy -MINECO-, the Presidential Secretariat for Women -SEPREM-, the International Organization for Migration in Guatemala (IOM), UN Women, the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA); because without their support the ENCABIH would not have been possible.

Exhibit 14

Displacement in Central America

The ultimate choice for thousands of families and young men and women in Central America is to leave or die. They are forced to leave their homes and risk their lives on dangerous journeys, just to find a safe place to live. Often they arrive with only the clothes they are wearing, traumatized and in need of urgent care.

“We had our own bakery in El Salvador until the gangs arrived and we could no longer sell bread. We were threatened with leaving our country.”

Raul*, 65, fled with his family from El Salvador to neighboring Guatemala

More than 1.2 million people have been forced to flee their homes in Central America by June 2024 due to violence, insecurity and persecution, mainly by criminal organizations. El Salvador, Guatemala and Honduras have some of the highest rates of violence in the world.

Gang violence, political turmoil, threats, extortion, harassment and sexual violence have forced hundreds of thousands of people to flee their homes in search of safety and a better life. Approximately 926,000 people are seeking refuge in neighboring countries and more than 318,000 are internally displaced within the region.

With more than 800,000 people forcibly displaced within the country, asylum systems in Central America and Mexico have continued to deal with a growing number of asylum requests. Mexico is among the countries that receives the most asylum requests in the world.

“This project means hope to me. Even though we have to leave our country, we have the chance to make a dream come true in our lives.”

Isabel, 56, from Honduras who is becoming self-sufficient thanks to a government and private sector employment project in Guatemala

Women, girls and LGBTQI+ individuals are victims of sexual and gender-based violence at immensely high rates. Tens of thousands of people have fled Central American countries to escape domestic violence, rape and sexual assault. Members of the LGBTI community are also subject to severe discrimination, including restrictions on basic services such as healthcare, education and employment, and often lack legal protections.

A years-long drought affecting the “Dry Corridor” that runs through Honduras, Guatemala and El Salvador is causing a dramatic increase in hunger in the region. Hurricanes Eta and Iota, two of the most powerful storms to hit Central America in decades, have also forced the displacement of people in the region.

Violence, insecurity, fragile institutions, the impact of climate change and deep-rooted inequalities will force more people to flee, whether within their own countries or across borders.

What is UNHCR doing to help?

Everyone has the right to live in safety. No one should be forced to leave everything behind, face unfathomable tragedies or lose their lives in order to find a safe haven. Anyone who fears violence and persecution in their home country has the right to seek asylum, and we work tirelessly in Central America to ensure that they can apply for it.

UNHCR works with the seven governments that lead the Comprehensive Regional Protection and Solutions Framework (MIRPS), a pioneering new approach to helping displaced people thrive, not just survive, in the spirit of the Global Compact on Refugees and the Sustainable Development Goals.

We work closely with partners, including civil society and parishes, in high-risk and displaced communities to build resilience and support those who have had no choice but to flee. We are also fostering solutions for internally displaced people, refugees, asylum seekers and returnees with protection needs from northern Central America and Nicaragua.

To this end, we strive to help increase the capacity of refugee-receiving countries to provide access to fair and efficient refugee status determination procedures. We are supporting networks of safe spaces and shelters throughout Central America and Mexico to ensure immediate assistance is available to people on the move and to identify those in need of international protection.

“I’ve always been a fighter. I’m not going to stand by and watch my life flash before me.”

Sara*, a 29-year-old mother and food production and distribution worker, fled to Guatemala with her husband and son. She had joined the protests in Nicaragua and feared for her family’s safety.

We also work with other humanitarian and development agencies to ensure we reach everyone in countries of origin, including through programs that seek to empower internally displaced people, children, women, returnees with protection needs, LGTBI people and others affected by violence. We provide life-saving support and cash grants to help displaced people survive.

In addition, we promote the local integration of refugees and asylum seekers in their host countries and help them use their skills or learn new ones. We are also investing in efforts to counter xenophobia and promote peaceful coexistence between displaced people and their hosts.