

GUATEMALA

CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS





INTRODUCTION

Serious civic space violations have been ongoing in Guatemala as the government moves to undermine the rule of law and reverse anti-corruption efforts of recent years.

In 2021, the Inter-American Commission on Human Rights [noted](#) the worsening of systematic interference against the independence of the justice system. In July 2021, for instance, the Attorney General [removed](#) the country's lead anti-corruption prosecutor, Juan Francisco Sandoval, from his position as head of the Special Prosecutor's Office against Impunity (FECI). Sandoval fled the country that night for fear of further reprisals. To justify the removal, the Attorney General's Office cited "constant misdeeds and frequent abuses of institutions". However, the Office did not follow the internal disciplinary process mandated by Guatemala's law. Government interference has [weakened](#) and hindered the work of those bodies which had stood out for their independent work investigating corruption and fighting impunity by prosecuting and trialling emblematic cases of serious human rights violations linked to Guatemala's internal armed conflict.

The erosion of judicial independence has, in turn, enabled the reduction of the space for civil society and independent press. In 2021, new magistrates were chosen to the Constitutional Court for the period 2021-2026 in a process marred by irregularities, which included the refusal to swear in a re-elected magistrate who had ruled on anti-corruption cases. On 12th May 2021, in one of their first major rulings, newly elected members of Guatemala's Constitutional Court [overturned](#) a March 2020 writ of amparo that had halted the implementation of the "NGO Law" (Decree 4-2020), a set of amendments to Guatemala's legislation on non-governmental organisations. This reform [imposes](#) sweeping controls over civil society and gives government discretion to dissolve and deregister civil society groups.

Civic space has remained under assault in 2022, with authorities pursuing abusive prosecutions of peace and justice advocates, justice operators and journalists. Human rights defenders have faced a rise in harassment and violence, while the institutional spaces for monitoring their situation and ensuring their protection are weakened.

ARBITRARY DETENTIONS AND CRIMINALISATION

In May 2022, Attorney General Consuelo Porras was re-appointed to another four years in office. She has overseen the dismantling of anti-corruption efforts with unfounded prosecutions which have mainly [targeted](#) justice operators who contributed to the work of the International Commission against Impunity in Guatemala (CICIG) between 2007 and 2019.

On 8th June 2022, Claudia Paz y Paz, former Attorney General of Guatemala and current regional director for the civil society organisation Centre for Justice and International Law (CEJIL), was [charged](#) with alleged "abuse of authority," "usurpation of powers," and "torture", related to her work prosecuting perpetrators of serious human rights violations during the armed conflict in Guatemala. The indictment is based on a general

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Guatemala as "**Obstructed**".

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



instruction issued by Paz y Paz which authorities claim violated principles of legality and non-retroactivity. This instruction led to criminal action against military officers accused of conducting enforced disappearances during the armed conflict. Civil society groups [condemned](#) Paz y Paz's formal accusation and [said](#) it showed complete ignorance of international human rights law.

Systematic repression and criminalisation have [forced](#) 23 prosecutors and judges who worked against corruption and impunity into exile since April 2021. Many have [resigned](#) due to persecution, were [fired](#) without proper disciplinary processes, or faced [criminalisation](#) and arbitrary detention in 2022.

On 29th July 2022, journalist José Rubén Zamora, president and founder of newspaper elPeriódico, was [arrested](#) by police as part of an investigation into alleged extortion, money laundering and influence peddling. Authorities raided the newspaper's offices, froze their bank accounts, and later arrested a member of their financial team. These actions were widely viewed as retaliation for elPeriódico's reporting on allegations of corruption within the Giammattei administration, including within the prosecutor's office.

Judicial harassment has also been one of the main strategies [adopted](#) by power holders to intimidate and repress the independent press, often targeting journalists and outlets that report on corruption, nepotism and the impact of transnational extractive companies on local communities. Earlier in the year, journalist Juan Luis Font [decided](#) to temporarily leave Guatemala after a former minister accused him of "unlawful association" with a judge who oversaw another criminal case against the journalist.

ATTACKS ON HRDS

Civil society groups have also [warned](#) of a climate of hostility, harassment and persecution against human rights defenders under the Giammattei government. Attacks on HRDs [rose](#) sharply in 2020 and 2021, with over a thousand cases documented in each year by human rights organisation UDEFEGUA. This trend has continued in 2022. Between January and June 2022, UDEFEGUA [registered](#) 589 attacks on HRDs and civil society groups, with several cases of defamation, harassment, intimidation and criminalisation. In 263 of these, the victims were women human rights defenders. Land and environmental defenders have been among those most often [targeted](#) throughout the year, along with those working on peace and justice.

This increase in attacks follows the reduction of institutional spaces to monitor the situation of HRDs and promote an enabling environment for their work. Four executive bodies in charge of human rights policy and the implementation of the 1996 Peace Agreement were [merged](#) into a single institution in 2020. Among them was a presidential commission [tasked](#) with organising dialogues with civil society to create a national plan for the protection of HRDs. Responsibilities within the new human rights body [remained](#) unclear throughout 2021, and there was a reduction in staff and resources.

RESTRICTIVE LEGISLATION

On 4th August 2022, Guatemala's Congress [approved](#) a new Cybercrimes Law defining criminal offences carried out through computer systems or systems that use information technologies. The legislation has important definition gaps that leave room for interpretation and may be used to restrict freedom of expression. For instance, the law could be used to censor some satirical images such as memes or to criminalise journalistic investigations based on data leaks.

Also in August 2022, Congress held debates on the "Law for the Strengthening of the Public Security Forces and the Guatemalan Army," known as [Bill 6076](#). The bill, approved on its first debate, [trampled](#) on several



international standards regarding the use of force by state agents. If adopted, this law would have enabled the use of force in demonstrations without clear justification. It also established that officers prosecuted for abuses in the performance of their duties would have free legal advice and that they would be granted alternative measures to prison terms. Criticised by legal experts, civil society and the opposition, the bill was [archived](#) on 17th August 2022.

In 2022, there have also been pushes by anti-rights groups to [promote](#) restrictive legislation. In March, the Guatemalan Congress [approved](#) an extraordinarily regressive “Protection of Life and Family” bill that would have hardened penalties for abortion and expressly prohibited marriage between same-sex couples. It would also have banned sexual and gender diversity education. The law was shelved following protests and mobilisation against it, but separate regressive bills are still being [considered](#) in Congress.

RECOMMENDATIONS

To Guatemala’s government:

- Refrain from misusing the criminal justice system to intimidate and prosecute human rights defenders and journalists for their work and close unfounded criminal cases.
- Ensure that judges and prosecutors can carry out their work independently without undue pressure and harassment.
- Resume efforts to create a comprehensive national policy to protect human rights defenders and journalists, and ensure adequate funding, resources and institutional support for protection mechanisms.
- Conduct impartial, thorough and effective investigations into all cases of killings, attacks, harassment and intimidation against human rights defenders, and bring perpetrators to justice.
- Hold consultations with civil society and media groups to review and amend the new cybercrime law and ensure its compliance with best practice on freedom of expression and personal data protection.
- Adopt measures to ensure that regulation on the use of force by members of the security forces fully complies with international human rights standards and norms, and impartially investigate all acts of unlawful use of force.

To the international community:

- Urge the government of Guatemala to ensure that any legislative proposals comply with human rights norms and standards.
- Closely monitor the situation of human rights defenders, journalists and justice operators and the compliance of Guatemala with its international commitments and obligations.