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## FREEDOM IN THE WORLD

# Guatemala

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### OVERVIEW:

Clashes between government forces and indigenous people led to the deaths of seven demonstrators at Cuatro Caminos in May 2012. Student protests in Guatemala City also met with harsh responses from the police. The UN-backed International Commission Against Impunity in Guatemala continued to show progress in reforming the country's justice system and had its mandate extended to 2015. Meanwhile, prosecutions of perpetrators of past human rights atrocities continued throughout the year.

The Republic of Guatemala, which was established in 1839, has endured a history of dictatorship, foreign intervention, military coups, and guerrilla insurgencies. Civilian rule followed the 1985 elections, and a 36-year civil war—which claimed the lives of more than 200,000 people—ended with a 1996 peace agreement. The Guatemalan National Revolutionary Unit guerrilla movement became a political party, and two truth commissions began receiving complaints of human rights violations committed during the conflict. Óscar Berger of the Grand National Alliance (GAN) was elected president in 2003. In concurrent legislative elections, the Frente Republicano Guatemalteco (FRG) lost its legislative majority, while GANA captured the largest number of seats.

In the 2007 parliamentary elections, the National Unity for Hope (UNE) party captured 51 seats, followed by GANA with 37 seats. The UNE's Álvaro Colom defeated former general Otto Pérez Molina of the Patriotic Party (PP) in the November presidential runoff vote.

In 2011, Guatemalans returned to the polls to elect a president, all 158 members of the parliament, mayors for each of the 333 municipalities, and 20 members of the Central American Parliament. The PP and UNE captured two-thirds of the seats in parliamentary elections; nine other parties took the remaining 54 seats. After no candidate won a majority of votes in the first round of the presidential election, Pérez and Manuel Baldizón of the Renewed Democratic Liberty (LIDER) party advanced to a November runoff, which Pérez won with 54 percent of the vote.

The elections were generally considered free and fair despite accompanying violence, and electoral observers reported irregularities including intimidation, vote buying, and the burning of ballots and electoral boxes. At least 36 candidates, party activists, and their relatives were killed in campaign-related violence. One high profile case involved a mayoral candidate from the municipality of San José Pinula who murdered his two competitors. Both the LIDER and the PP violated campaign spending laws, and five municipal elections had to be repeated due to irregularities. The electoral authority, the Supreme Electoral Tribunal, was criticized for its slow transmission of election results.

The mandate of the UN-backed International Commission against Impunity in Guatemala (CICIG)—a team of police and prosecutors tasked with investigating corruption, violence, and organized crime within Guatemalan public institutions,

### 2013 SCORES

STATUS

# Partly Free

FREEDOM RATING

# 3.5

CIVIL LIBERTIES

# 4

POLITICAL RIGHTS

# 3

political parties, and civil society—was extended through September 2015. The CICIG has been highly effective in prosecuting crime in Guatemala, which has one of the highest murder rates in the world. Nearly 2,000 police and government officials have been dismissed or sent to prison since the creation of the CICIG in 2006.

In May 2012, the government declared a state of seige in the town of Santa Cruz Barillas, Huehuetenango, granting security forces the right to conduct searches and detain suspects without warrants, prohibiting gun possession, and limiting freedoms of association and the press in the name of security. Indigenous residents in the town had attacked army barracks in retaliation for the killing of Andrés Francisco Miguel, a local indigenous leader who had been protesting the building of a hydroelectric plant in the area. The government sent some 200 troops to the area; more than a dozen residents were arrested, but were eventually released months later. Two employees of the hydroelectric company were arrested for the killing of Miguel. The state of siege was lifted later that month. Two states of siege had been in effect in 2011, in Alta Verapaz to fight increased drug trafficking, and in the northern province of Petén, after 27 farm workers were murdered by the Mexican-based Zetas drug gang.

In October 2012, seven indigenous people were killed and several dozen injured at Cuatro Caminos—an intersection of roads linking Tonicapán with Quetzaltenango, Huehuetenango, and Guatemala City—when government troops opened fire on demonstrators protesting rising electricity costs and proposed educational and constitutional changes. Despite initial government claims that the soldiers had been unarmed, a colonel and eight soldiers were arrested and charged with extrajudicial killings.

## POLITICAL RIGHTS AND CIVIL LIBERTIES:

Guatemala is an electoral democracy. The constitution stipulates a four-year presidential term and prohibits reelection. The unicameral Congress of the Republic, consisting of 158 members, is elected for four years. Elections take place within a highly fragmented and fluid multiparty system. The main political parties are the UNE, the Patriotic Party, GANA, the Nationalist Change Union, LIDER, and the Commitment, Renewal, and Order party.

Despite efforts to combat corruption, serious problems remain. The Constitutional Court ruled in August 2011 that former president Alfonso Portillo could be extradited to the United States, where he was indicted in 2010 for allegedly embezzling state funds while in office (2000-2004) and laundering the money through Guatemalan, European, and U.S. banks; his extradition was pending at the end of 2012. In October 2012, former president of Congress Eduardo Meyer was sentenced to three years in prison for involuntary embezzlement of congressional funds, dereliction of duty, and failure to report a crime. Also in October, the mayor of Antigua and nine others were arrested on various charges, including fraud, money laundering, and abuse of authority. The Law Against Illicit Enrichment was approved at the end of October. It establishes a maximum punishment for embezzlement of 10 years in prison and up to \$65,000 in fines; however, other important reforms had been removed. Guatemala was ranked 113 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

While freedom of speech is protected by the constitution, journalists often face threats and practice self-censorship when covering drug trafficking, corruption, organized crime, and human rights violations. Threats frequently come from public officials, drug traffickers, energy companies, and local security forces in communities where police are absent. A number of journalists have received death threats, been physically assaulted, and been murdered in recent years. Carolina Vásquez Araya, a journalist from *Prensa Libre*, received death threats after writing an October 2012 column addressing the rape of workers' daughters on a farm in Esquintla and blaming government agencies and institutions for contributing to the violence. The coordinator of Centro Civitas Guatemala, who helped Araya file a legal complaint over the threats, alleged that a public official at the Ministry of Justice told Araya that it was not worth reporting on cases of child rape since they are rarely investigated. Jorge Jacobs, also of *Prensa Libre*,

received death threats in October after writing about a rumored business transaction between two local companies. The daily *La Hora* was allegedly deprived of state advertising after publishing articles about government corruption. In July, a reporter for *El Periódico*, Enrique García, released a recording of Congressman Estuardo Galdámez offering him money in exchange for favorable reporting. Congress established a commission to investigate the allegations. Galdámez was found guilty in October and received a verbal warning. The press and most broadcast outlets are privately owned. Mexican businessman Remigio Ángel González owns a monopoly of broadcast television networks and has significant holdings in radio. Newspaper ownership is concentrated in the hands of business elites, and most papers have centrist or conservative editorial views.

The constitution guarantees religious freedom. However, indigenous communities have faced discrimination for openly practicing the Mayan religion. The government does not interfere with academic freedom, but scholars have received death threats for questioning past human rights abuses or continuing injustices.

The constitution guarantees freedom of assembly, though police have at times used force against protestors. In July 2012, dozens were injured in Guatemala City during clashes between police and students, who were protesting a new rule that would increase the number of years of schooling required to become a teacher. The government claims that the majority of forceful evictions of protestors in 2012 occurred without incident, despite the deaths of seven protestors in Totonicapán in October. President Otto Pérez Molina subsequently pledged not to use the army to disrupt protests, blockades, and land seizures in the future.

The constitution guarantees freedom of association, and a variety of nongovernmental organizations operate without significant obstacles. However, the Unit for the Protection of Human Rights Defenders in Guatemala identified 305 attacks against human rights defenders in 2012, including journalists and advocates of union and environmental rights; 13 were killed.

Guatemala is home to a vigorous labor movement, but workers are frequently denied the right to organize and face mass firings and blacklisting, especially in export-processing zones. Trade union members are also subject to intimidation, violence, and murder, particularly in rural areas during land disputes. According to the International Trade Union Confederation, which reported that 10 union members were killed in 2011 and another 6 in 2012, Guatemala is the second most dangerous country in the world for trade unionists.

In 2010, the United States filed a formal complaint against Guatemala under the Dominican Republic-Central America Free Trade Agreement, alleging government failure to protect workers' rights. In August 2011, the United States further requested a dispute settlement panel to address its complaint. Representatives from Guatemala and the United States continued to discuss the issue in 2012. Two former police officers were sentenced in October 2011 to 40 years in prison for the 1984 disappearance of union leader Fernando García. Former chief of police Hector Bol de la Cruz was arrested in June 2011 for complicity in García's disappearance; he was awaiting trial at the end of 2012.

The judiciary is troubled by corruption, inefficiency, capacity shortages, and intimidation of judges, prosecutors, and witnesses. Witnesses and judicial-sector workers continue to be threatened and, in some cases, murdered. In December 2012, a federal prosecutor and six others were murdered in Huehuetenango. A November CICIG report accused 18 judges of "creating spaces of impunity" for organized crime and corrupt officials, including shielding suspected criminals from prosecution and making questionable rulings in their favor.

Prosecutions of perpetrators of past human rights atrocities continued in 2012. In August, former police chief Pedro García Arredondo was found guilty of crimes against humanity and the forced disappearance of university student Edgar Saenz Calito in 1981; he was sentenced to seventy years in jail. The landmark ruling made Garcia the highest ranking police official to be sentenced for war crimes in Guatemala. In March, Pedro Pimentel Rios became the fifth former special forces soldier sentenced for participating in the 1982 massacre of more than 250 people in Dos Erres, El Petén, joining four others who received

sentences of 6,060 years in 2011 for their roles in the killings. Former head of state Efraín Ríos Montt was indicted on charges of genocide and crimes against humanity in 2012, and was awaiting trial at year's end. Five former members of right-wing Guatemalan paramilitaries were sentenced in March 2012 to a total of 7,710 years in jail for their role in a 1982 massacre in Plan de Sanchez, a rural community in northern Guatemala. In September, 15 Q'eqchi Maya Indian women who were subjected to sexual and labor slavery between 1982 and 1986 testified at a preliminary hearing against 37 members of the military.

Police continue to be accused of torture, extortion, kidnapping, extrajudicial killings, and drug-related crimes. Three prosecutors and four police officers were arrested in May 2012 on suspicion of ties to drug trafficking, and eleven police officers were arrested in June for attempted kidnapping of two civilians. The government uses the military to maintain internal security, despite restrictions on this practice imposed by the 1996 peace accord. Prison conditions are harsh, and facilities are overcrowded and rife with gang- and drug-related violence and corruption.

Even after three years of declining homicide rates, Guatemala remains one of the most violent countries in Latin America. Over 5,400 people were murdered in 2012. Violence related to the shipment of drugs from South America to the United States has spilled over the border from Mexico, with rival Mexican and Guatemalan drug trafficking organizations battling for territory. These groups have operated with impunity in the northern jungles, which serve as a storage and transit hub for cocaine en route to the United States. The local drug problem has also worsened, as traffickers have paid Guatemalan associates in cocaine rather than cash. The Molina administration reacted to this situation by expanding the military's role in fighting crime, including creating special task forces to investigate kidnappings, robberies, extortion, and homicides, and building five military bases along well-known drug trafficking routes. Human rights activists are concerned that the bases will be built in areas that have experienced serious conflicts over land, natural resources, and indigenous rights, and in areas that bore the brunt of military repression during the armed conflict.

Indigenous communities suffer from especially high rates of poverty, illiteracy, and infant mortality. Indigenous women are particularly marginalized. Discrimination against the Mayan community continues to be a major concern. The government in recent years has approved the eviction of indigenous groups to make way for mining, hydroelectric, and other development projects. Several large indigenous communities have reportedly been forcibly evicted in the Polochic Valley with killings, beatings, and the burning of houses and crops.

The constitution prohibits discrimination based on gender, though gender inequalities persist in practice. Sexual harassment in the workplace is not penalized. Young women who migrate to the capital for work are especially vulnerable to harassment and inhumane labor conditions. Physical and sexual violence against women and children, including domestic violence, remain widespread, with perpetrators rarely prosecuted. While Guatemala now has its first female attorney general, police reform commissioner, and vice president, women remain underrepresented in politics and hold just 13 percent of the seats in Congress. Members of the LGBT (lesbian, gay, bisexual, and transgender) community continue to be targets of violent attacks.

Guatemala has one of the highest rates of child labor in the Americas. According to the U.S. State Department, the government does not fully comply with the minimum standards for eliminating trafficking but is making efforts to do so, including launching a program to provide specialized services for trafficking victims.

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