

Guatemala 2023 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: cruel, inhuman, and degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; transnational repression against individuals in another country; serious restrictions on freedom of expression and media freedom, including threats of violence against journalists and unjustified arrests or prosecutions of journalists; serious government corruption; serious government harassment of domestic and international human rights organizations; extensive gender-based violence, including femicide and other forms of such violence; crimes involving violence or threats of violence targeting members of Indigenous groups; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; crimes involving violence or threats of violence targeting persons with disabilities; and significant restrictions on workers' freedom of association, including violence and threats against union leaders.

The government did not take credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year, but there were killings of activists under suspicious circumstances, and corrupt police were involved with violent criminal organizations responsible for killings.

A national human rights organization alleged that several members of rural and Indigenous activist groups were killed or died in disputed circumstances between January and November. For example, on May 6, in a rural community of San Luis Jilotepeque, Jalapa, two activists were killed in what appeared to be a politically motivated incident. The victims, Nicolasa López Méndez and Victoria Méndez, were members of the Indigenous activist group Committee for Rural Development and also members of the Movement for the Liberation of Peoples political party. As of November, this case as well as others remained under investigation.

On October 4, Doris Aldana, a trade union leader at a banana packing facility

and member of the national banana workers union, was killed. The Public Ministry's Special Unit for Crimes against Unionists opened an investigation.

Regarding cases of human rights abuses from the internal armed conflict era, on November 7, the High Risk Tribunal E acquitted military officers Gilberto Jordán, Alfonso Bulux, and Mardoqueo Ortiz, accused of war crimes in the Dos Erres massacre.

The Public Ministry continued investigation of the genocide case involving high-ranking military officers Manuel Callejas y Callejas and Benedicto Lucas Garcia. A trial scheduled to begin on January 9 was suspended due to appeals presented by the defense lawyers.

A trial was scheduled to begin in June 2024 in the genocide case of Luis Enrique Mendoza Garcia, operations commander under then President Rios Montt. As of November, no new date had been scheduled to begin the public trial of retired colonel Jacobo Esdras Salan Sánchez, accused of war crimes in the enforced disappearance and execution of political dissidents.

b. Disappearance

There were no reports of 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, although

at times Attorney General María Consuelo Porras stalled progress in cases of genocide and disappearances from that period.

The CREOMPAZ case, named after a mass burial site of disappeared persons, continued against former military officers. The officers were indicted in 2017 on charges of enforced disappearance and crimes against humanity during the internal armed conflict. In May, the Constitutional Court granted an injunction for one of the victims' organizations, the Coordinating Group of Victims of Alta Verapaz, whose participation in the process was previously denied, and ordered Judge Claudette Domínguez to admit the group as a civil party to the case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

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. For example, prior to his June conviction, José Rubén Zamora, president of daily newspaper *El Periódico*, was held in isolation for more than 10 months in "appalling conditions," according to Reporters Without Borders. According to media reports, Zamora lost 35 pounds during his pretrial detention and said he was subjected to psychological torture on several occasions.

The Office of the UN High Commissioner for Human Rights (OHCHR) noted

that 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. 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 and coercive sterilization of women with disabilities. Most of these complaints remained unresolved.

There were no confirmed reports of impunity in the military; however, public perception was that impunity within the National Civil Police (PNC) was widespread. The PNC removed dozens of officers for various disciplinary reasons, including bribery allegations.

Prison and Detention Center Conditions

Prison conditions were harsh and could be life threatening. Gross overcrowding, inadequate sanitation, poor medical care, failure of authorities to maintain control, and prisoner-on-prisoner violence and gang activity placed prisoners at significant risk.

Abusive Physical Conditions: Prison overcrowding was a problem. As of September, according to prison authorities, there were approximately 21,000 male inmates held in facilities designed to hold 7,045 persons, and almost 2,900 female inmates in facilities designed to hold 937 persons.

Sanitation facilities, medical care, ventilation, temperature control, and lighting were often inadequate. Prisoners had difficulty obtaining potable water, complained of inadequate food, and often had to pay for additional food. Illegal drug sales and use were widespread.

During the year, five inmates were killed in adult detention centers and six prison officials were killed. Four individuals were killed in a juvenile detention facility. Prison officials acknowledged safety and control problems, including escape attempts, gang fights, inability to control the flow of contraband goods into prisons, inmate possession of firearms and grenades, and the fabrication of weapons. Prisoners conducted criminal activity both inside and outside of prisons.

Media reported transnational criminal gangs and drug trafficking groups controlled major prisons. Despite efforts to separate gang leaders, the continuation of gang-related and coordinated killings in Fraijanes II prison suggested gang members were able to communicate across prisons and organize killings.

Media and nongovernmental organizations (NGOs) reported women inmates faced physical and sexual abuse. Women inmates reported unnecessary body searches and verbal abuse by prison guards. Children younger than age four could live in prison with their mothers, but the penitentiary system provided inadequate food for young children, and many suffered from illness. Lesbian, gay, bisexual, transgender, queer, or intersex

(LGBTQI+) rights groups stated other prisoners often sexually assaulted LGBTQI+ individuals and noted there were insufficient facilities to protect LGBTQI+ individuals in custody. NGOs claimed admittance procedures for LGBTQI+ prisoners were not implemented, citing particular concern regarding procedures for transgender individuals.

Administration: Authorities failed to investigate most credible allegations of mistreatment. Reports from inmates indicated complaints were rarely submitted due to threats by corrections officials.

Independent Monitoring: The government permitted visits by independent nongovernment observers.

d. Arbitrary Arrest or Detention

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.

Arrest Procedures and Treatment of Detainees

The law required presentation of a court-issued warrant to a suspect prior to arrest unless police apprehended 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. After arraigning suspects, the prosecutor generally had three months to complete the investigation if the defendant was in pretrial detention and six months to complete the investigation if the defendant was granted house arrest. The law prohibited the execution of warrants between 6 p.m. and 6 a.m. unless the government had declared a state of siege. The law provided for access to lawyers and for accused individuals and their attorneys to be granted access to evidence and to review the accusation before the first hearing; however, in certain cases, prosecutors denied access to the accused's file. The government provided legal representation for indigent detainees. A judge had the discretion to determine whether bail or other mechanisms, such as monitoring via ankle bracelets, were permissible for pretrial detainees.

Arbitrary Arrest: The number of illegal, or even legal, detentions was difficult to determine, as many lesser arrests ended with detainees bribing police to release them, even after being detained. Reports indicated police sometimes ignored writs of habeas corpus in cases of illegal detention, particularly during neighborhood antigang operations.

On April 20, authorities arrested attorneys Juan Francisco Solorzano Foppa and Justino Brito and charged them with obstructing criminal justice and unfaithful sponsorship. They were representing the president of *El Periódico*, José Rubén Zamora, in his criminal trial for money laundering, a charge Reporters Without Borders and human rights groups stated was

politically motivated. Both attorneys were held for two months before pleading guilty to the charges against them. Zamora subsequently relied on legal representation from the Public Criminal Defense Institute and was fined and sentenced to six years in prison in June.

On August 28, authorities arrested Claudia González, a former head of the International Commission Against Impunity in Guatemala (CICIG), on charges of abuse of authority by a public servant. She was defending former prosecutors Juan Francisco Sandoval, Xiomara Sosa, and other former Special Prosecution's Office against Impunity (FECI) officials who had collaborated with CICIG and were facing charges related to their anti-corruption efforts. On September 22, Judge Jimmy Bremer decided at the initial appearance hearing that there was sufficient evidence to proceed with the case against González and to send her to provisional detention. A subsequent hearing was repeatedly postponed, and González remained in detention until she was released to house arrest on November 14.

Pretrial Detention: Lengthy pretrial detention was a problem. 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. Former President Otto Pérez Molina was

in pretrial detention from 2015 due to indictments in two corruption cases until his December 2022 conviction. On August 22, a judge authorized house arrest for Pérez in exchange for paying a fine of approximately 10.2 million quetzales (\$1.3 million). On September 6, Pérez accepted the charges, including accusations of corruption in one case. On October 30, he was sentenced to pay 4.1 million quetzales (\$523,000) in reparations in one of the cases. As of November, Pérez had not paid the original fine or reparations and remained in detention.

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.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, but the government generally did not respect judicial independence and impartiality. The judicial system generally failed to provide fair or timely trials due to inefficiency, corruption, and intimidation of judges. The Public Ministry, however, rapidly obtained warrants for the arrest of former and sitting anti-corruption prosecutors, just days after receiving legal complaints against them. Some of these complaints were filed by individuals and organizations with a

history of threatening justice officials. Judges delayed proceedings so that the same anti-corruption prosecutors were held in pretrial detention beyond what the law allowed. Civil society representatives cited these actions as evidence of inconsistent application of legal proceedings and political manipulation of the justice system.

Plaintiffs, witnesses, judges, prosecutors, defense attorneys, civil society representatives, and politicians continued to report threats, intimidation, and surveillance.

Hector Hugo Pérez Aguilera, whose appointment was confirmed by a decree law, assumed the presidency of the Constitutional Court in April 2022, even though a different magistrate had been elected as the president. Rule of law organizations alleged the Constitutional Court systematically attempted to undermine the 2023 electoral process through legally suspect decisions.

The selection process for the election by congress of 13 Supreme Court and 135 appellate court magistrates remained unresolved until November, with sitting magistrates continuing for the fourth consecutive year beyond their term of office. A November 7 Constitutional Court decision ordered congress to elect new judges no later than December 15, and on November 15, congress elected a new slate of Supreme Court and appellate court magistrates who were to serve out the remainder of the 2019-24 term. According to experts, the decision removed problematic Supreme Court magistrates; in addition, experts believed congress and the Constitutional

Court did not collude on this decision.

Trial Procedures

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right, but at times, criminal defendants were denied this right. International and domestic observers considered the number of judges insufficient. Lack of personnel, training, and evidence hampered Public Ministry prosecutors' ability to bring cases to trial.

Political Prisoners and Detainees

There were reports of political prisoners or detainees. For example, in 2022, police arrested Virginia Laparra, former chief anti-corruption prosecutor in Quetzaltenango, for alleged crimes related to her filing an administrative complaint against a judge for leaking confidential information from a case. Laparra was later indicted and held in pretrial detention in a security facility under inhuman conditions. Laparra was subsequently convicted and sentenced to four years in prison. Her case was pending an appeal. She remained at the security facility at year's end. Domestic human rights and anti-corruption activists cited this as an example of the Public Ministry's pattern of harassing anti-corruption advocates. Amnesty International declared Laparra a "prisoner of conscience." On December 26, the Supreme Court of Justice ordered that Laparra be released to house arrest within five days since she had already completed 45 percent of her commutable

sentence.

f. Transnational Repression

The Public Ministry reportedly continued legal proceedings against former high-level officials who were located outside of the country, including former FECI Head Prosecutor Juan Francisco Sandoval, fellow prosecutors and attorneys, former judges, human rights defenders, and other officials, and continued to harass and repress the former officials and their families.

Threats, Harassment, Surveillance, and Coercion: Former Attorney General Thelma Aldana and her husband, an appellate court magistrate, were under investigation for money laundering in a case that anti-corruption organizations characterized as politically motivated. Thelma Aldana left the country in 2019 after authorities issued an arrest warrant for her. Aldana cooperated and worked closely with the UN-backed CICIG during her term as attorney general in 2014-18.

According to reports, friends, family, and associates of Sandoval and Aldana who remained in the country suffered from harassment designed to exert pressure on the two individuals. On January 16, the FECI brought criminal charges against former CICIG judicial representative Luis David Gaitán Arana for obstruction of justice, and in March, a court issued arrest warrants for former Public Ministry secretaries Rootman Estivens Pérez Alvarado and Mayra Véliz for influence peddling and abuse of authority. Pérez Alvarado

and Gaitán Arana subsequently fled the country.

Misuse of International Law Enforcement Tools: The Public Ministry announced in 2022 that it had initiated extradition requests for Sandoval and for Aldana; observers considered these requests to be politically motivated. Sandoval received asylum in the United States in September.

g. Property Seizure and Restitution

Negotiations between the government and families affected by the construction of the Chixoy hydroelectric dam continued but were characterized by NGOs as being conducted in bad faith. No progress was made in the collective reparations.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibited such actions, and the government sometimes respected these prohibitions, but there were credible reports of harassment of the families of sitting and former officials.

As of September 15, the Unit for the Protection of Human Rights Defenders – Guatemala (UDEFEQUA) registered at least 25 reports of digital harassment against families, including children, of sitting and former high-level officials. These officials were also the subjects of surveillance and threats of violence.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provided for freedom of expression, including for members of the press and other media, but the government did not always respect this right. Intimidation of journalists increased during the year and resulted in significant self-censorship.

Violence and Harassment: Pressure on leading independent outlets, journalists, and justice defenders increased sharply, especially on those who were outspoken on high-level corruption, as well as actions by malign actors, the military, criminal organizations, and regional and national authorities who regained power during the Giammattei administration. Many journalists reported being harassed, prosecuted, or having to flee the country after publishing work that was critical of influential citizens. Members of the press reported 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 continued throughout the year. These included hacking journalists' private social media accounts, publishing stolen or falsified personal information, and conducting apparently coordinated attempts to undermine specific journalists and media.

During the first seven months of the year, the Journalists Observatory of the Association of Journalists of Guatemala registered 120 abuses of freedom of expression, including violence and restrictions against journalists.

UDEFEGUA registered 393 attacks against journalists and communicators during the same period, compared with 51 attacks during the first six months of 2022.

Observers and public complaints noted increased activity by netcenters, which were collections of social media accounts organized to appear as independent individual users but were in fact centrally controlled. Goals of netcenters were to manipulate discussions, spread misinformation, and threaten persons on the internet. Netcenters created fake social media accounts, including on X (formerly Twitter) and Facebook, to criticize and defame journalists, judges, prosecutors, and citizens who reported on corruption.

According to media rights advocates, attempts to limit freedom of expression undertaken by the Public Ministry and the FECl included spurious lawsuits, subpoenas, telephone confiscations, and the execution of search warrants and home searches of media members and justice defenders. These actions prompted at least 30 journalists to flee the country as of September 10, half of them in the last week of March.

On June 17-18, Vamos Party supporters allegedly forced two journalists from the daily newspaper *Prensa Libre* and the Guatevision television

station to stop recording the rallies of their presidential candidates in separate incidents in Santa Lucia Cotzumalguapa, Escuintla Department, and in Barberena, Santa Rosa Department.

In July 2022, police arrested José Rubén Zamora, president of *El Periódico*, on charges of money laundering, influence peddling, and extortion. In August 2022, the Public Ministry and PNC agents arrested Flora Silva, *El Periódico's* financial manager, alleging that Silva conspired with Zamora to launder money. In June, Zamora was fined and sentenced to six years in prison for money laundering. Two days before his sentencing, the FECl brought new charges against Zamora alleging he falsified documents related to a sworn customs-declaration ticket with an allegedly false signature to enter and leave the country in February and March 2015. As of September, the new case remained open. On October 13, an appeals court annulled the money laundering conviction and announced Zamora would be retried for all charges. The Solicitor General's Office filed the appeal that prompted this decision on grounds that Zamora was convicted only for money laundering but should have also been convicted for blackmail and influence peddling. A new trial was scheduled for February 5, 2024. Zamora remained in prison pending the new trial.

According to media advocates, the June national elections witnessed violent incidents and intimidation against members of the press. The civil society organization Red Rompe El Miedo (Break the Fear Network) monitored the

conditions under which journalists and communicators carried out their work on election day. It recorded 27 incidents, which affected 38 journalists and communicators. The most frequently reported incident was obstruction of journalistic work (19 incidents).

In August, a journalist reported that after asking “difficult” questions to a presidential candidate during an interview, the candidate began intimidating the journalist, including invading the journalist’s workspace. The journalist also reported that on a separate occasion a person with possible links to the military confronted the journalist’s family and, in a veiled threat, reminded the family there were precedents of violence against journalists when they asked too many questions. As of September, the journalist’s media outlet continued receiving threats.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: According to media advocates, tactics used by the government to pressure media included denying registration or licensing of service providers to independent media, cutting off public advertising revenue, deterring private-sector advertising contracts, and carrying out coordinated character attacks on and intimidation of journalists via “name and threaten” messaging by antidemocratic online trolls. In addition, the government banned the sale of two books written by journalists that advocates said exposed government corruption. The Association of Journalists of Guatemala stated the intention of the

government was to suppress social auditing, public criticism, and journalistic investigations that exposed acts of corruption, nepotism, and payment of favors. Some companies decreased their media advertising to exert pressure on media against reporting corruption, resulting in media outlets becoming less independent.

El Periódico, a major newspaper that was outspoken against corruption and published more than 100 articles regarding corruption in the Giammattei administration from 2020 until the July 2022 arrest of José Rubén Zamora, shut down on May 15 due to financial pressure from the government and other private interest groups, according to media advocates. Prior to its closing, *El Periódico* journalists faced online discrediting campaigns and intimidation, legal threats and accusations, and court bans on coverage, allegedly led by the government, according to media rights advocates. In a February criminal hearing investigating allegations of blackmail against Zamora, the paper's founder and editor, the Public Ministry requested six reporters and three columnists of the newspaper be investigated for obstruction of justice based on the publication of antigovernment articles. The Public Ministry failed to share the case dossier with journalists' defense attorneys as required by law. Subsequently, eight of the nine journalists under investigation fled the country. The Public Ministry also requested that the Supreme Court revoke a presidential candidate's immunity after the candidate spoke out against the investigation.

Nongovernmental Impact: Criminal groups exerted influence over 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 that investigative journalism created for them and their families.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

Human rights defenders, journalists, as well as judges and lawyers on high-profile cases, reported social media attacks, including the hacking of their private social media accounts, publishing of stolen or falsified personal information, publishing of photographic surveillance of them and family members, and use of online defamation and hate speech. UDEFEGUA stated online trolls were the most common perpetrators of online abuses against human rights defenders, journalists, judges, and prosecutors. The government took little action to protect the victims of online attacks.

Disinformation campaigns generated or supported by antidemocratic actors increased to silence or intimidate significant voices for the country's democracy, according to journalists and digital media experts. Most attacks were directed towards defenders of justice, journalists, activists, or civil society members who denounced corruption and called for government

accountability. Messages of intimidation, harassment, surveillance, and direct threats from anonymous accounts intensified, mostly during the election season, ultimately silencing dissenting voices.

Journalists and digital media experts reported government institutions, private-sector representatives, and other far-right political groups were responsible for funding or managing internet troll handles. These reportedly antidemocratic online actors published personal information, such as identification documents, travel tickets, and photographs of relatives. They also published judicial rulings, complaints, and legal filings from the Public Ministry before the ministry officially filed such actions. The online actions created disinformation and intimidated the targeted individuals, according to experts.

Journalists, human rights defenders, and activists also reported receiving direct attacks via text message or being targets of hacking attempts from internet trolls.

Exiled former Human Rights Ombudsman Jordán Rodas continued to be attacked during the year by anonymous accounts reportedly orchestrated by antidemocratic actors. Most of the content Rodas published on his X (formerly Twitter) account was used by online trolls to create memes or mockery to discredit him.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, but the government did not always respect these rights.

Freedom of Peaceful Assembly

From October 2 to October 22, activists affiliated with Indigenous and political opposition groups carried out a nationwide campaign of demonstrations and roadblocks demanding the resignation of Attorney General Consuelo Porras and other officials after the Public Ministry seized general election vote tallies from the Supreme Electoral Court (TSE) on September 29. One person was killed during the protests on October 16, which prompted the Constitutional Court to issue a resolution on October 18 ordering the Ministry of Government to remove the protesters from the Public Ministry's headquarters and authorizing the clearing of roads. This resolution also authorized the use of force, if necessary, although force was not used.

Freedom of Association

Some NGOs claimed the government used the law to create large, sudden costs for NGOs, such as by requesting surprise audits. These organizations reported such government actions increased their operation costs, especially regarding administrative fees for financial reports.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

e. Protection of 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.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for receiving and adjudicating asylum claims to grant refugee status to qualifying individuals. There were gaps and shortcomings in the procedures for implementing the legal framework. Recommendations on recognition were formulated by an interministerial process, whose complexity contributed to major delays on

final case decisions and an increased backlog. Identification and referral mechanisms for potential asylum seekers were inadequate, and requirements to travel to Guatemala City for the initial asylum interview limited access.

Access to Basic Services: The validity of documentation for asylum seekers and refugees, issued by the Civil Registry, was not fully recognized, hampering their access to public and private services. Access to health care was limited due to capacity or availability of health-service providers, and barriers persisted in the education system as school administrators continued to request academic documentation from the country of origin, despite legal provisions stating this was not required.

f. Status and Treatment of Internally Displaced Persons (IDPs)

The government did not officially recognize the existence of IDPs within its borders, except for those displaced by climate change and natural disasters. Organizations that monitored and supported IDPs stated this lack of recognition stifled efforts to manage and address the movement of IDPs displaced due to violence, among other factors, because official statistics did not exist for IDPs. The government indicated a more open posture to discussing the issue, framed as a matter of vulnerable or “at-risk” communities, but critics claimed this definition did not address the full range

of causes and effects of the movement of IDPs. Women, youth, and LGBTQI+ individuals, as well as Indigenous populations, were at heightened risk of displacement.

Section 3. Freedom to Participate in the Political

Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage for those age 18 and older. Members of the armed forces, police, and incarcerated individuals were not eligible to vote.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: The European Union Election Observation Mission, the Organization of American States, and other international observers described the most recent national elections, held during the year, as peaceful and credible, despite actions to exclude candidates before the election and politically motivated judicial actions against electoral authorities and the winning party after the elections. Observers found minor irregularities in the electoral process, but none significant enough to discredit the legitimacy and validity of the elections.

Following the first round of voting in the June elections, the government accused opposition parties of various crimes and irregularities. On July 12,

minutes before the press conference called by the TSE to certify the results of the first round of voting in June, the Public Ministry announced the initiation of a criminal investigation against the Semilla party for alleged signature forgery and money laundering related to the formation of the party in 2018. In addition, criminal judge Fredy Orellana ordered the TSE's Citizen Registry to suspend the legal status of the party within 24 hours. On July 13, the Constitutional Court issued a provisional injunction in favor of the Semilla party and ordered a stay in the judicial order, alleging that complying with the order at that stage of the election would undermine the natural course of the electoral process. In September, the Public Ministry announced that in addition to its investigation of the Semilla party, it had opened investigations against seven other political parties due to alleged irregularities in their formation.

On September 12, the Public Ministry conducted a raid on the TSE's Citizen Registry facilities and the Operations Center of the Electoral Process. During the raid, Public Ministry officials opened ballot boxes and examined ballots from the June 25 election's first round. Civil society and political leaders strongly criticized these actions as a violation of the law, under which the TSE and the Departmental Electoral Boards were the only bodies competent to verify electoral documentation. On September 29, an additional Public Ministry raid on the TSE offices and warehouse seized the actual ballot materials, also an apparent violation of electoral law, leading to widespread national protests and road blockades led by Indigenous communities that

lasted nearly one month.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Discrimination, institutional bias, and difficulty traveling to polling places in rural areas limited participation of women and members of Indigenous groups. Cultural practices and beliefs, such as Indigenous perspectives regarding state institutions, decision-making processes at the community versus national level, and language barriers and lack of translation services from Spanish to Indigenous languages also limited participation of Indigenous groups.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. Despite numerous allegations of corruption in all branches of the government, few high-level cases were investigated, and anti-corruption efforts within the judiciary stalled. Prominent anti-corruption prosecutors were arrested, fired, or removed from significant cases, and corrupt actors threatened independent judges by filing complaints based on spurious charges to strip the judges of immunity to prosecution.

For example, between February and May, Attorney General Porrás and the Public Ministry issued arrest warrants for at least eight sitting and former anti-corruption prosecutors for alleged crimes, including abuse of authority,

during their time as prosecutors. The prosecutors were held in provisional and pretrial detention for weeks and faced multiple delays in their arraignment hearings. After the 2021 firing of Juan Francisco Sandoval, the former FECl head, at least 20 FECl prosecutors were removed or transferred. Some prosecutors resigned due to fear of reprisal, while several went into exile.

Corruption: CICIG brought many corruption cases to the Public Ministry for prosecution that had been dismantled in recent years, including through various actions. For example, an appellate court authorized house arrest for former Minister of Communications Alejandro Sinibaldi in the “Transurbano” corruption case, and the FECl declined to appeal the decision. In the other two cases against him, “Odebrecht” and “Cooptation of the State,” a judge dismissed the previous convictions in the cases for lack of evidence in one case and granted house arrest in the other.

In some areas of law enforcement, corruption was a significant problem. Within the PNC, impunity from corruption was evident regarding personnel stationed at the land border ports of entry, airports, and specifically within the ranks of the Border Police Division, which investigated crimes such as drug trafficking, smuggling of contraband, and tax evasion by transporting money outside the country. There were persistent allegations of corruption with the PNC academy’s hiring procedures, officer promotions, and transfers to favorable positions that affected the credibility of the academy and the

PNC overall. The PNC General Inspectorate announced 11 police officers had been arrested for various crimes as of September. The crimes included corruption, abuse of authority, conspiracy to traffic persons, and breach of duty.

Public procurement processes remained a frequent mechanism for corruption. In March, the Presidential Commission Against Corruption, acting on an anonymous tip, referred a corruption case for prosecution by the Public Ministry. Gerardo David Hernández García, former Vice Minister at the Ministry of Health, was indicted for fraud for his alleged involvement in fraudulent equipment purchases for the recently inaugurated National Hospital in Chimaltenango. Authorities also arrested the hospital director, Gerardo Arturo Fuentes Rubio, and a representative of the company Voltar Intermedia.

Despite these relatively rare investigations into government corruption, Attorney General Porrás actively undermined efforts to combat corruption by intimidating or arresting prominent persons engaged in anti-corruption activities. For example, in May, authorities arrested former anti-corruption prosecutor Stuardo Campo, who previously investigated the infamous “Chimaltenango Bypass” highway project during the Morales administration, which resulted in numerous prosecutions of government officials and business officials for allegations related to poor construction that allegedly contributed to repeated landslides. Campo’s deputy prosecutor Eduardo

Pantaleon was previously arrested in May 2022 for allegedly mishandling the same case and remained in house arrest awaiting a pretrial hearing. As the Public Ministry cracked down on those who investigated corruption, those who were implicated avoided justice. A former judge, Mynor Moto, whom Campo and Pantaleon investigated for accepting bribes in exchange for favorable rulings in the Chimaltenango case, reappeared after nearly two years following a judge's revocation of arrest warrants that had been issued against Moto. In November, the Supreme Court dismissed the remaining cases against him and ordered his reinstatement as a criminal court judge.

Threats against independent judges, meanwhile, weakened anti-corruption efforts. Throughout the year, 2021 Anti-Corruption Champion award winner Judge Carlos Ruano faced an investigation to remove his immunity from prosecution at the request of a Supreme Court magistrate whom Judge Ruano had accused of corruption. The same justice had been suspended from the court for five years but was reinstated in 2022 when another judge dismissed the case against her. Judge Ruano resigned his post in September after facing multiple threats and fled the country to avoid imminent arrest.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Many of these groups, however, were the subject of harassment and threats, and they faced pressure and attacks from political actors.

Retribution against Human Rights Defenders: Several NGOs, human rights workers, and trade unionists reported being targets of intimidation, threats, and violence. An international human rights organization reported two killings of human rights defenders, while UDEFEGUA reported 2,595 threatening messages and other harassment, including instances of violence and threats of violence, against human rights defenders from January to June, compared with 589 attacks in the same period in 2022. More than half of the attacks were against prosecutors and defense lawyers. NGOs asserted the government did little to investigate the reports or prevent further incidents.

In 2020, authorities began prosecuting Indigenous Kaqchikel activist Nancy Sinto for destruction of cultural property after participating in a

demonstration against cuts to public spending for health and education. Human rights organizations alleged government authorities used Sinto's prosecution to intimidate other human rights activists, particularly Indigenous persons. On May 16, the Constitutional Court denied a motion to bring Sinto's case to public trial and she remained under house arrest.

NGOs reported the government, political groups, and private entities used threats of legal action as a form of intimidation. Members of the Foundation against Terrorism, an NGO known to target anti-corruption and human rights defenders, filed civil and criminal complaints against human rights NGOs that sought to create government accountability for human rights abuses during the internal armed conflict.

Government Human Rights Bodies: The congressionally appointed director of the Office of the Human Rights Ombudsman (PDH) monitored human rights and reported to congress. In August 2022, a new director, Jose Alejandro Cordova Herrera, took office. NGOs generally considered the PDH was no longer independent and stated it was more effective under former director Jordan Rodas.

The Congressional Committee on Human Rights drafted and provided guidance on legislation regarding human rights. Some NGOs did not consider the committee to be an effective forum for human rights promotion and protection.

The Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons was a government body under the authority of the Office of the Vice President. The secretariat monitored and informed vulnerable populations and government entities on sexual violence, exploitation of children, and trafficking in persons. The secretariat reported congress withheld some of its funds by exercising line-item approval for all its projects.

The Presidential Commission for Peace and Human Rights, created in 2020 by President Giammattei, replaced and unified three institutions: the President's Commission on Human Rights, the Secretariat for Peace, and the Secretariat of Agricultural Affairs. The commission's main function was to provide advice on human rights to the executive branch and its dependencies.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of women and men, including spousal rape and domestic or intimate partner rape. The law did not specifically criminalize so-called corrective rape of LGBTQI+ persons. The law set penalties between eight and 12 years, and up to 50 years in prison if the victim died because of rape. The law established penalties for femicide at 25 to 50 years in prison without the possibility of reducing the

sentence. Observers noted femicide remained a significant problem. The law established penalties of five to 12 years in prison for gender-based violence, including physical, economic, and psychological violence.

Police had minimal training and capacity to investigate sexual crimes or assist survivors of such crimes, and the government did not enforce the law effectively. Rape, other sexual offenses, and other forms of gender-based violence were widespread and serious problems.

The government took steps to combat femicide and other forms of gender-based violence. The judiciary operated a 24-hour court in Guatemala City to offer services related to gender-based violence, including sexual assault, exploitation, and trafficking of women and children. The judiciary operated specialized courts for gender-based violence throughout the country, although not in every department. The Public Ministry maintained a 24-hour center to provide medical, psychosocial, and legal support to survivors, including issuing restraining orders for their immediate protection. The ministry also maintained a national alert system for finding missing women. The Public Ministry previously maintained a public website titled “the Women’s Observatory,” with statistics regarding crimes against women and children. As of November, the website was inoperative.

Women with disabilities and members of the LGBTQI+ community with disabilities remained at greater risk of being victims of continued sexual violence. Most persons with disabilities, especially women, did not report

violence and abuse because the reporting processes were complex and discriminated against them. State and local agencies did not receive specialized training for law enforcement personnel working with vulnerable groups.

Other Forms of Gender-based Violence or Harassment: Although several laws referred to sexual harassment, no single law, including laws against sexual violence, addressed sexual harassment directly. Human rights organizations reported sexual harassment was widespread.

Discrimination: The constitution established the principle of gender equality, stating that all individuals were equal and had the same rights and that men and women enjoyed the same opportunities and responsibilities. The law established equal pay for women and men in government offices by prohibiting differences in pay based on “personal identity,” but the law did not prohibit discrimination based on gender in the private sector. There were laws that restricted women from working in certain sectors, including in jobs deemed morally inappropriate. Women were less likely to hold management positions. The labor code stipulated that women or children who performed agricultural work should be guaranteed the same rights as men; however, it remained a common practice for men to bring their spouse and children to participate in agricultural work, with the employer paying a single salary to the male head-of-household for the family’s work. Employment discrimination was common both in hiring and employment

practices. The law did not prohibit gender discrimination in access to credit. The government did little to enforce gender equality laws effectively.

The law provided for and effectively implemented equality between men and women during and after divorce with respect to child care and financial and housing assistance to the children's caretakers, who were often women.

Reproductive Rights: There were no official reports during the year of coerced abortion or involuntary sterilization on the part of government authorities. Forced sterilization, such as those performed by government personnel at the Federico Mora psychiatric hospital, was purportedly common for persons with disabilities, but reporting on this was rare, according to the OHCHR.

Cultural, geographic, and linguistic barriers hampered access to reproductive health care, including contraceptives, particularly for Indigenous women in rural areas, where contraceptives were also least likely to be available locally. The prevalence of modern contraceptive use remained low among Indigenous women compared with other women, and a lack of culturally sensitive reproductive and maternal health-care service providers deterred some Indigenous women from accessing reproductive health-care services. Indigenous women did not have access to reproductive and maternal health information in Indigenous languages, which led to misconceptions that these health-care services disregarded religious norms of Indigenous peoples. Very few health centers acknowledged the work of traditional

midwives, who were often the primary maternal and reproductive health providers for Indigenous women. Many communities also lacked access to basic health-care services due to limited infrastructure, including a lack of roads connecting rural and Indigenous communities to providers.

The government provided medical services through the Ministry of Health for survivors of sexual violence. The services afforded victims access to emergency contraceptives and postexposure prophylaxis. The ministry also provided some justice services. Many survivors did not seek medical care due to cultural and geographic barriers, including a lack of road infrastructure. Authorities in the justice system commented that on occasion some hospital clinics did not have the required medication in stock to protect survivors of rape against sexually transmitted diseases or pregnancy.

According to a 2020 report by the Ministry of Health, the maternal mortality rate in Indigenous communities was 156 per 100,000 live births, compared with the national average of 108 per 100,000 live births. As of May, one-half of maternal deaths occurred in four departments (Huehuetenango, Guatemala, Quiche, and Alta Verapaz), most of them in rural and dispersed areas with high rates of malnutrition, poverty, and concentrated populations of Indigenous persons. From January to May, the Ministry of Health reported 109 maternal deaths and noted areas with high concentrations of Indigenous persons had the highest proportion, nearly half, of maternal

deaths nationwide. Factors such as the lack of medical services available in their native language for speakers of Indigenous languages and the lack of providers and equipment in remote areas played a role in these deaths.

The Reproductive and Sexual Health Observatory reported that as of September, there were 48,242 births to adolescent mothers, including 1,779 to mothers ages 10-14, and 46,463 to mothers ages 15-19. One half of the births occurred in five departments (Alta Verapaz, Guatemala, Huehuetenango, Quiche, and San Marcos), most of them with high rates of malnutrition, poverty, and concentrated populations of Indigenous persons. In departments with large Indigenous populations, poverty and chronic malnutrition rose to nearly 80 percent, where public spending and access to social services was half that of non-Indigenous areas. According to the observatory, many pregnancies were a result of rape by a relative, which survivors were reluctant to report.

A lack of access to menstrual products and the lack of separate boys' and girls' bathrooms in some rural schools continued to negatively affect adolescent girls' access to education in rural areas of the country.

The National Movement of Midwives, Nim Alaxik, reported midwives were victims of institutional violence, especially from the Ministry of Health, and said women in labor were victims of obstetric violence, including not receiving timely services while in labor. Midwives were the main maternity health-service providers in rural areas.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provided for protections against discrimination based on race or ethnic group, and the law provided for a penalty of one to three years' imprisonment and a fine for acts of discrimination. Other efforts to combat discrimination included litigation instructions from the Public Ministry for discrimination crimes. The government generally did not effectively enforce laws against discrimination.

There were no laws, policies, or state programs that specifically contributed to the reduction of racism, according to international human rights organizations. The executive branch lacked a coordinated approach to address poverty and unemployment concentrated mainly in Afro-descendant and Indigenous communities, although there were some government programs directed at the needs of these populations.

Indigenous Peoples

The law granted equal rights for Indigenous persons and obliged the government to recognize, respect, and promote the ways of life, customs, traditions, social organizations, and manner of dress of Indigenous persons. The government did not, however, recognize particular Indigenous groups as having a special legal status provided by national law. The law stipulated the government was required to consult with Indigenous groups prior to implementing large infrastructure projects in Indigenous territories.

Observers indicated the government did not always consult with all affected parties and Indigenous leaders, and activists regularly reported being harassed and threatened for their work.

On December 15, the Inter-American Court of Human Rights ruled that Guatemala violated the rights of the Indigenous Q'eqchi' people to property and consultation by permitting mining on Indigenous land where the community had lived at least since the 1800s. The delineation of the land was to be part of the process for the government in complying with the court's decision, according to one of the lawyers representing the community.

Indigenous lands were not effectively demarcated, making the legal recognition of titles to the land problematic. Indigenous representatives claimed business and other actors in several regional development projects failed to consult meaningfully with local communities. In some cases, Indigenous communities were not able to participate in decisions affecting the exploitation of resources in their communities or areas considered sacred according to Indigenous ancestral beliefs. They also lacked effective mechanisms for dialogue with the state to resolve conflicts.

According to the OHCHR, there was a significant increase in attacks and incidents of defamation and intimidation against Indigenous defenders of Indigenous land, territory rights, and natural resources.

Indigenous communities were underrepresented in national politics and remained largely outside the political, economic, social, and cultural mainstream. This was mainly due to limited educational opportunities (contrary to law), limited communication regarding Indigenous rights, and pervasive discrimination. Government agencies dedicated to supporting Indigenous rights lacked political support. These factors contributed to disproportionate poverty and malnutrition among most Indigenous populations.

Children

Birth Registration: Birth registration discriminated against rural populations, where there were few government registry offices or modern health-care facilities. The Office of the UN High Commissioner for Refugees reported problems in registering births were especially acute in Indigenous communities due to inadequate government registration and documentation systems. Midwives reported registry offices refused to register some births when it was attended by a midwife. Lack of registration restricted children's access to some public services and created conditions that could lead to statelessness.

Education: International observers noted that in rural communities, boys were prioritized for high school education due to the problems of traveling long distances to school and the perceived value of girls in the home.

Child Abuse: The law prohibited child abuse. The government enforced the law effectively. Child abuse remained a serious problem. A unit under the Office of the Special Prosecutor for Crimes against Children and Adolescents handled child abuse cases. The Public Ministry had an integrated 24-hour care model providing medical, psychosocial, and legal support to children and adolescent victims of violence. According to NGOs, a consequence of high rates of abuse was an increasing number of adolescent pregnancies.

Former Secretary of Social Welfare Carlos Rodas and former Deputy Secretary for Protection and Shelter Services Anahi Keller faced criminal charges for murder, abuse of authority, breach of duty, and abuse against minors following the deaths of 41 girls in the 2017 fire at the Hogar Seguro orphanage, which was under the authority of the secretariat. On April 3, an appellate court closed the case against Keller. The case remained open for Carlos Rodas, but as of November, a new date for public arguments had not been scheduled.

Child, Early, and Forced Marriage: The legal age for marriage was 18. The government did not enforce the law effectively.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking, and stipulated sentences ranging from 13 to 24 years in prison, depending on the victim's age, for engaging in sex with a child. The government did not always enforce the law. The minimum age of consensual sex was 18. The

law defined sexual relations with a person younger than 14 as rape.

The law prohibited child pornography and established penalties of six to 10 years in prison for producing, promoting, and selling child pornography, and two to four years' imprisonment for possessing it. The commercial sexual exploitation of children, including child sex tourism, remained a problem, including in privately operated orphanages.

Antisemitism

The Jewish population was approximately 1,500 persons. Jewish community representatives reported no antisemitic incidents as of November.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: There were no laws or de facto discrimination against consensual same-sex sexual conduct between adults.

Violence and Harassment: Violence against LGBTQI+ persons remained a

persistent issue. According to the 2022 annual report from the human rights NGO Lambda Association, there were 147 cases of violence against LGBTQI+ persons in which the violence could plausibly be linked to the victims' sexual orientation or gender identity. According to the report, LGBTQI+ activists and gay and transgender individuals often experienced police abuse. For example, LGBTQI+ human rights groups stated police regularly extorted and harassed male and transgender individuals who they alleged were sex workers. Lambda and other LGBTQI+ rights organizations reported police did not fully investigate hate crimes and violence against LGBTQI+ persons.

Discrimination: The constitution declared all persons equal under the law and prohibited discrimination by state and nonstate actors based on gender, marital status, or political opinion. The law did not prohibit discrimination based on sexual orientation, gender expression, or sex characteristics and did not recognize LGBTQI+ individuals, couples, or their families.

According to the PDH, the most frequently reported violations were employment discrimination and harassment. The PDH also reported LGBTQI+ prisoners faced discrimination accessing justice or receiving visits based on their sexual identity.

LGBTQI+ individuals faced substantial obstacles in fully exercising their political and civic rights. In the rural Western Highlands, discrimination intersected with high levels of poverty and lack of opportunities. In the

context of the elections, these problems increased due to increased anti-LGBTQI+ commentary by some political leaders and electoral candidates. Local NGOs reported that during the first and second round of elections, voting station officials sometimes requested electoral observers representing LGBTQI+ civil society organizations to provide additional credentials beyond the ones granted by the TSE. PDH officials successfully intervened in favor of the observers.

LGBTQI+ advocates pointed to structural problems, such as gender-identity document requirements and general societal discrimination, that created internal displacement, discrimination, sexual exploitation, and child abuse among members of the LGBTQI+ community.

There was general societal discrimination against LGBTQI+ persons in access to education, health care, employment, and housing. The government made minimal efforts to address this discrimination. Local experts on sexual diversity issues said the government did not publish official medical guidance or standards on hormone therapy for gender transition therapies. Hence, these therapies were unregulated in the private sector and posed risks for transgender persons considering physiological transition therapies. There were also no publicly provided gender transition therapies in government medical facilities.

Availability of Legal Gender Recognition: Individuals could not self-identify gender for official documents. Their gender assigned at birth and showing

on their birth certificate was their gender on their official documents. Government-issued national identification cards used to access basic services and education resources did not allow transgender persons to receive identification cards with their chosen names or gender identification. Without identification that reflected the name and gender under which they lived, transgender persons were denied many government services.

Involuntary or Coercive Medical or Psychological Practices: LGBTQI+ activists and investigative journalists reported there was an active network of “conversion therapy” centers, mostly located in the interior of the country in rural areas but organized and funded in conjunction with evangelical churches in the capital. Reports mentioned electroshock therapy for gay men, “corrective” rape for lesbian women, and coerced sex acts for transgender women. LGBTQI+ groups also claimed lesbian, bisexual, and queer women experienced forced marriages and “corrective” rape intended to cause pregnancy, although these incidents were rarely, if ever, reported to authorities.

Gente Positiva, a HIV-positive advocacy and awareness group, reported that when lesbians who were victims of “corrective” rape tried to file a legal complaint, the Public Ministry officials receiving the complaint often refused to record the incident if the woman reporting the rape knew the attackers or had consumed alcohol the same day as the rape. Gente Positiva also

reported the government did not recognize “corrective” rape of lesbians as an aggravated version of sexual assault or a hate crime, but rather considered it the same as rape.

There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no laws or restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

Persons with Disabilities

Persons with disabilities were unable to access education, health services, employment, public buildings, and transportation on an equal basis with others. No law required such access, nor did the law mandate that persons with disabilities have access to information or communications.

Discrimination against persons with disabilities continued to be a problem; they experienced discrimination based on their specific disability, gender, age, place of residency, and sexual orientation, among other factors. In addition, persons with disabilities experienced violence, harassment, intimidation, and abuse, including incidents incited, perpetrated, or condoned by attendants and staff at institutions. Persons with disabilities, especially women, also experienced high levels of violence and abuse,

including sexual assault.

Children with disabilities attended school at all levels at a significantly lower rate than other children; most did not attend school. NGOs that advocated for persons with disabilities reported the government violated the right to education for students with disabilities, especially those with intellectual disabilities. Reports indicated that online learning resources made available to students with disabilities were focused on students with low vision or who were hard of hearing and that few solutions were provided for students with other disabilities.

A report by the NGO Women Enabled International described multiple discriminations faced by Indigenous persons with disabilities. Discriminatory cultural norms against persons with disabilities were intensified against Indigenous women with disabilities, increasing the possibility they would be separated from their children or be forcibly sterilized.

Observers noted little progress was made in access to voting for persons with disabilities, although the government distributed a guide for electoral officials on facilitating voting for persons with disabilities. Voting mechanisms for persons with intellectual disabilities did not exist. Voting in braille existed, but it did not guarantee secret voting. Electoral observers noted the lack of ramps and sign language translators to facilitate the voting process for persons with disabilities.

Institutionalized Children: International human rights organizations pointed to the institutionalization of persons with disabilities as a source of harassment and abuse. They stated that because there was no national strategy for deinstitutionalizing children with disabilities from publicly supported residences and facilities, these children would most likely remain institutionalized. Children with disabilities with high support requirements were essentially forced to live in institutions due to the lack of policies or funding that would enable them to live in a family household.

Other Societal Violence or Discrimination

On several occasions, vigilante mobs attacked and killed persons suspected of crimes such as rape, kidnapping, theft, or extortion. The NGO Mutual Support Group reported four persons were killed and 52 injured by vigilante groups from January through August. The NGO stated these attacks took place mostly in departments in the interior of the country with weak law enforcement.

Several international human rights organizations reported the continued problem of extralegal forced removal of local Indigenous groups from land and the lack of proper government involvement to ensure that removals were conducted legally. Removals were sometimes conducted by security guards hired by private landowners and sometimes by groups of other local individuals that wanted to take the land.

The law prohibited discrimination based on HIV or AIDS status. Social discrimination and stigma related to AIDS and HIV continued to be problematic and contributed not only to the spread of the disease but also mortality rates. Some government authorities required citizens to reveal HIV and AIDS test results to receive certain public benefits, and some employers required similar disclosure to be hired.

Discrimination against LGBTQI+ persons with HIV or AIDS was particularly common and affected access to HIV-prevention programs, especially for transgender individuals.

Section 7. Worker Rights

a. Freedom of Association and the Right to 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, however, placed some restrictions on these rights. For example, legal recognition of an industrywide union required that the membership constitute a majority of the 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 law prohibited antiunion discrimination and employer

interference in union activities and required employers to reinstate workers dismissed for organizing union activities. A strike had to have the support of the majority of a company's workforce. Workers were not restricted to membership in one union or one industry.

The president and cabinet could suspend any strike deemed gravely prejudicial to the country's essential activities and public services. The government defined essential services more broadly than international standards, thus denying the right to strike to many public workers, such as those in postal services, transport, and the production, transportation, and distribution of energy. Public employees could address grievances by means of conciliation for collective disputes and arbitration directly through the labor courts. For sectors considered essential, arbitration was compulsory if there was no agreement after 30 days of conciliation efforts.

The law prohibited employer retaliation against workers engaged in legal strikes. If authorities did not recognize a strike as legal, employers could suspend or terminate workers for absence without leave. 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. 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. 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. 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. Employers used the delays as a tactic to discourage workers from pursuing their cases in exchange for reduced economic payments. For example, 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 refused to comply with labor court orders. In the labor inspection system and labor courts, employers

routinely influenced authorities to favor their interests or simply refused to comply. According to the Special Prosecutor's Office for Crimes Against Unionists, 70 percent of complaints in 2020 (most recent data available) involved persistent employer refusal to comply with judicial orders. Penalties were rarely successfully applied against violators.

Worker's rights organizations reported a lack of strong enforcement mechanisms was evident in the 2022-23 case of the Winners S.A. apparel production company's abrupt closure and failure to comply with court orders. In 2022, Winners S.A. closed with no prior notice to the two unions representing factory workers. At the time of the closure, the company was under a court-ordered injunction that prohibited it from terminating workers. To circumvent the injunction, the company reportedly coerced nearly 600 workers to sign resignation letters and relinquish all rights to future claims. The workers signed the documents believing it necessary to avoid forfeiting their severance payments. Following the closure, the Ministry of Labor convened a multiagency response and filed a case for reinstatement and backpay for all 600 workers. The court ordered reinstatement and back pay. Workers who attempted to return to the factory to obtain reinstatement were consistently turned away. After several failed attempts to notify the company, the court notifier refused to make further attempts. The 600 reinstatements were never executed, and the company was never sanctioned for the illegal closure. By leveraging the external pressure from international organizations and buyers, the unions

reached a private agreement with a multinational company that sourced from the factory to secure payments to the dismissed workers.

Worker representatives reported no significant improvement in compliance with the law despite the Labor Ministry's authority to sanction employers directly. These representatives noted the inspectorate emphasized the collection of fines, which went to the labor inspectorate, over remediation of the underlying violations. Lack of information regarding the law's implementation made it difficult to assess its impact on improving enforcement.

As of August, the Trade Union Permanent Commission for Protection, which was supposed to be convened by the Public Ministry to address problems of antiunion violence, held no meetings. The commission had not held regular meetings since 2018.

The Labor Ministry reported registering eight new unions from January to August. According to NGOs, the General Inspectorate of Labor failed to ensure that workers who formed new unions were protected from termination. The directorate also failed to register unions within the prescribed timeframe. According to a worker's rights organization, workers' efforts to form a union at Hanah Trading S.A. represented an emblematic case of union registration delays. The workers submitted their registration to the ministry in September 2021 but did not receive a response from the ministry on the status of the registration until mid-2022. The ministry

identified minor errors, which the union corrected, but the ministry then found additional errors not identified in the first review, which the union corrected. Although the application was complete by September 2022, the union did not receive its registration until January or its credentials until February.

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. Staffing for the unit was inadequate.

The Special Prosecutor's Office for Crimes against Judicial Workers and Unionists received 53 complaints in 2022. From January to August, an NGO registered four cases of employer threats and intimidation against trade unionists and labor activists. One union leader was threatened with assault if he did not leave the union. On October 4, Doris Liseth Aldana Calderón, a trade union leader at a banana packing facility, was killed. The government initiated an investigation, but no one had been charged as of year's end. Union members of an apparel production facility reported gender-based violence and harassment by supervisors. Union members of an apparel production facility reported gender-based violence and harassment by supervisors.

Employers routinely resisted attempts to form unions, delayed or only

partially complied with agreements from direct negotiations, and ignored judicial rulings requiring the employer to negotiate with recognized unions. There continued to be credible reports of employers retaliating against workers who tried to exercise their rights. There were numerous complaints regarding firings or suspensions alleging employer retaliation for union activity, according to an NGO. Authorities failed to enforce labor laws and let complaints of retaliation against union members languish.

In January, a group of 15 workers at a sugar mill expressed interest in joining a union at the mill and requested their employer begin deducting union dues from their pay. The employer declined to deduct the union dues, saying the workers could not join the union because they were technically employed by a different company than the workers who had formed the union. Over a period of two months, the company systematically reassigned or terminated all 15 workers who had expressed interest in joining the union. The union contacted the Labor Ministry's departmental delegate regarding the case, but no inspection was carried out.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for

Employment

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/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law set national minimum wages for agricultural and nonagricultural work and for work in garment factories. 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. The law provided for 12 paid annual holidays and paid vacation of 15 working days after one year's work. Time-and-a-half pay was required for overtime work, and the law prohibited excessive compulsory overtime.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were inadequate. The Ministry of Labor responded only to workers' OSH complaints and did not proactively identify unsafe conditions. According to the most recent reports (2018), the ministry reported occupational accidents were a frequent occurrence in Guatemala

City, particularly in the construction and food distribution 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.

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.

Many inspectors performed reviews on paper or administrative duties rather than doing on-site inspections. The number of inspectors was insufficient to enforce compliance.

Due to inefficient and lengthy court proceedings, the 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.

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.