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Freedom in the World 2011 - Guatemala

Capital: Guatemala City

Population: 14,027,000

Political Rights Score: 4 *

Civil Liberties Score: 4 *

Status: Partly Free

Overview

Carlos Castresana, head of the UN-backed International Commission against Impunity in Guatemala (CICIG), resigned in June 2010, citing a lack of cooperation from the Guatemalan government and accusing newly appointed attorney general Conrado Reyes of having ties to organized crime. Reyes was subsequently replaced, but tensions between the CICIG and Guatemalan authorities continued, particularly after the government failed to promptly seek the extradition of former interior minister Carlos Vielmann from Spain, where he had been arrested for alleged abuses dating to 2006. Several high-level officials faced corruption charges during the year, including the chief of the national police, the interior minister, and former president Alfonso Portillo. Guatemala continued to face challenges related to food security, violent crime, and threats to civil society activists.

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 Unity (URNG) guerrilla movement became a legal political group, and a truth commission began receiving complaints of rights violations committed during the conflict. However, voters in 1999 rejected a package of constitutional amendments that had been prepared in accordance with the peace plan. The general consensus was that the government had failed to implement substantive reforms, including ending military impunity, fully recognizing the rights of the Maya Indians, and reforming taxation to pay for health, education, and housing programs for the poor.

In 2003, the Constitutional Court ruled that retired general Efraín Ríos Montt – who had employed brutal tactics against the URNG as ruler of Guatemala in 1982 and 1983 – could run for the presidency, and he was later chosen as the candidate of the Guatemalan Republican Front (FRG) party. However, he placed third in the first round, and Óscar Berger of the Grand National Alliance (GAN) went on to defeat Álvaro Colom of the National Unity for Hope (UNE) in the runoff vote.

The 2007 general elections were the bloodiest in Guatemala's recent history, with more than 50 candidates, activists, and their relatives slain during the campaign period. This violence, some of which was not overtly political, was fueled by the drug trade, gang activity, and armed groups including rogue soldiers. The September vote was nevertheless regarded by international observers as largely free and fair. The UNE party captured 51 seats in Congress, followed by GANA with 37 seats, and former general Otto Pérez Molina's Patriot Party with 29 seats. The FRG won just 14 seats, though the seat secured by Ríos Montt gave him immunity from prosecution; a Spanish court in 2006 had issued arrest warrants for eight former military leaders, including Ríos Montt, for crimes against humanity. In the presidential contest, Colom defeated Molina in a runoff vote in November, capturing 53 percent of the ballots amid a turnout of 45 percent.

After taking office, Colom made efforts to curb official corruption and impunity, including the dismissal of several senior officials in response to scandals, corruption charges, or policy ineffectiveness. In 2009, the mandate of the UN-backed International Commission against Impunity in Guatemala (CICIG) – tasked with investigating corruption, violence, and organized crime within Guatemalan public institutions, political parties, and civil society – was extended through September 2011. In January 2010, a CICIG investigation led by Commissioner Carlos Castresana found that Guatemalan lawyer Rodrigo Rosenberg had arranged his own death in 2009 in an effort to incriminate Colom's administration. Eight people were sentenced in July to between 38 and 48 years in prison for their involvement in the crime.

In May 2010, Attorney General Conrado Reyes – who had been appointed by Colom that same month – began removing prosecutors and investigators working with the CICIG, obstructing its ability to carry out investigations. In June, Castresana resigned in protest, citing insufficient support from Guatemalan officials and alleging that Reyes had connections to organized crime. While Reyes denied the accusations, the Constitutional Court removed him from office in June, due in part to the public outcry that resulted from Castresana's resignation. The United Nations selected former Costa Rican attorney general Francisco Dall'Anese as the CICIG's new commissioner. In August, President Colom asked the United Nations to extend the CICIG's mandate for four more years and expand its scope to include the investigation of war crimes committed during Guatemala's civil war.

However, the commission criticized the government again in October, after Spanish authorities arrested former interior minister Carlos Vielmann in connection with the deaths of seven inmates in a 2006 prison uprising. Guatemalan authorities failed to promptly file a request for his extradition, leading a Spanish judge to release him in November. He was rearrested the following month, and the case remained before the Spanish courts at year's end.

Also in 2010, Guatemala continued to battle the threat of famine, particularly in rural areas. Severe malnourishment claimed the lives of at least 6,575 people during 2010 due to rising food prices, prolonged drought, and a decline in migrant remittances linked to the global economic downturn. In May 2010, Tropical Storm Agatha and the eruption of the Pacaya volcano further threatened food security in the country. Roughly 80 percent of the population lives below the poverty line and does not benefit from social security. Guatemala also performs poorly on inequality indicators, with some 63 percent of gross domestic product concentrated in the hands of 20 percent of the population. The country is a party to the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA) with the United States, and it joined Venezuela's Petrocaribe program in 2008 to receive preferential rates on oil imports.

Political Rights and Civil Liberties

Guatemala is an electoral democracy. Despite intimidation and violence during the campaign period, the 2007 presidential and legislative elections were regarded by international observers as generally free and fair. 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. Two notable traditional parties are the FRG and the National Advancement Party (PAN). Other parties include the URNG, formerly a guerrilla movement, and the UNE, led by current president Álvaro Colom. The GANA coalition, which had supported former president Óscar Berger, split into two factions in 2008.

Efforts to combat corruption, such as the introduction of an electronic procurement system for government entities, have made some progress, but serious problems remain. Unregulated campaign financing enables graft and criminal influence on politics. Among other high-profile corruption cases in 2010, former president Alfonso Portillo was captured by Guatemalan police in January after being indicted by a federal court in New York. Portillo allegedly embezzled \$70 million in Guatemalan state funds while in office, laundering the money through Guatemalan, European, and U.S. banks. A decision on his extradition was pending at year's end. In February, Interior Minister Raúl Velásquez was removed from office following accusations that he had laundered more than \$2 million in payments to the energy company Maskana. Guatemala was ranked 91 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

The 2009 Law for Free Access to Public Information grants citizens access to information on budgets and salaries. In line with this legislation, the government has taken steps toward developing an institutional framework for transparency, including the creation of a Vice Ministry of Fiscal Transparency and Evaluation and a Public Information Unit responsible for handling requests for public records. In a landmark decision in August 2010, the Constitutional Court ruled that information on the beneficiaries of Guatemala's conditional cash transfer (CCT) program, Mi Familia Progres, should be made publicly available.

While freedom of speech is protected by the constitution, those who vigorously condemn the government or past human rights abuses can face persecution. 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 moderate business elites, and most papers have centrist or conservative editorial views. Journalists often face threats and practice self-censorship when covering drug trafficking, corruption, and organized crime. Journalist Marvin del Cid, who frequently covers corruption cases, received multiple death threats and was robbed of computers and work documents in 2010. In September, Víctor Hugo Juárez, a journalist and the owner of two online media outlets, was tortured and killed by unidentified assailants.

The constitution guarantees religious freedom. However, members of 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 raising questions about past human rights abuses or continuing injustices.

Freedom of assembly is guaranteed and generally respected in practice, though police have at times used force to end disruptive demonstrations, resulting in the injury and death of some protesters.

The constitution guarantees freedom of association, and a variety of nongovernmental organizations (NGOs) operate without major legal or government obstacles. However, the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGA) found that 305 activists – including journalists and advocates of union and environmental rights – were victims of intimidation, attacks, or assassinations between January and December 2010. International agencies also encountered intimidation and office burglaries during the year. Amid continued protests against the Marlin Mine in Guatemala's western highlands, the Inter-American Commission on Human Rights (IACHR) in May granted precautionary protective measures to members of 18 indigenous Mayan communities in the Sipacapa and San Miguel Ixtahuacán municipalities. The indigenous inhabitants allege that the Marlin mine has resulted in grave human rights violations and created serious health hazards for the communities. Despite the IACHR's

recommendations, antiminning activist Deodora Hernández was shot by unknown assailants in July, while other activists received threats throughout the year.

Guatemala is home to a vigorous labor movement, but trade unions are subject to intimidation and violence, particularly in rural areas during land disputes. Workers are frequently denied the right to organize and face mass firings and blacklisting, especially in export-processing zones. Countless union members have been threatened or attacked, and some union activists' families have been targeted for rape and murder. In July 2010, the United States filed a formal complaint against Guatemala under DR-CAFTA due to the government's failure to address violations of workers' rights. This is the first case that the United States has pursued against a free trade partner. Also that month, two former policemen were arrested in connection with the 1984 forced disappearance of union leader Fernando García; their trial began in October.

The judiciary is troubled by corruption, inefficiency, capacity shortages, and the intimidation of judges, prosecutors, and witnesses. Threats against judicial-sector workers are common, and according to a 2010 report by the NGO Lawyers' Rights Watch Canada, at least 40 judges and lawyers have been murdered since 2005. In 2009, the CICIG reported irregularities in the selection of judges and accused the public prosecutor's office of impeding its investigations of corruption and organized crime within public institutions.

Pretrial detention is legally limited to three months, but inmates often spend years in jail before trial. Prison conditions are harsh, and the facilities are rife with gang- and drug-related violence and corruption. Although the provision of indigenous-language translators in courtrooms is legally mandated, a lack of funding has prevented proper implementation.

Police have been accused of torture, extortion, kidnapping for ransom, and extrajudicial killings of suspected gang members. In September 2010, Congress passed a Law for the National Prevention of Torture and Other Cruel and Unusual Punishment, which provides for the creation of a monitoring unit to oversee the prevention of torture in prisons. Police officers continue to be charged with drug-related crimes. In March 2010, authorities detained the chief of the national police, Baltazar Gomez, and the head the antinarcotics unit, Nelly Bonilla, in connection with a firefight in 2009 that left five antinarcotics agents dead; the two officials were also charged with drug trafficking and obstructing justice. The government continues to use the military to maintain internal security, despite restrictions on this practice imposed by the 1996 peace accord.

Guatemala is one of the most violent countries in Latin America. There were 5,960 homicide victims in 2010, down from 6,451 in 2009. The country registered an average of 16 murders a day. Violence related to drug trafficking has spilled over the border from Mexico, with rival gangs battling for territory. Trafficking organizations operate 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. In the wake of the global economic downturn, Guatemala has been forced to cut funding for the military's efforts to fight drug smuggling and organized crime.

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.

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, and women overall earn 60 percent as much as men with the same qualifications. Violence against women and children is widespread. Guatemalan women and children are drawn into prostitution both locally and in neighboring countries. The number of women murdered during the first six months of 2010 increased by 16 percent compared

with the same period in 2009. Transgender women and gay men also continue to be targets of violent attacks.

Guatemala has the highest rate of child labor in the Americas, with one-third of school-aged children forced to work illegally on farms or in factories. A 2009 law against human trafficking clarified the legal definition of the crime and increased penalties. However, according to the U.S. State Department's 2010 Trafficking in Persons Report, the government has failed to comply with minimum international standards to eliminate trafficking.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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