

Guatemala 2024 Human Rights Report

Executive Summary

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

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

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

Section 1. Life

a. Extrajudicial Killings

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

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

b. Coercion in Population Control

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

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

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

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

Section 2. Liberty

a. Freedom of the Press

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

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

Physical Attacks, Imprisonment, and Pressure

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

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

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

Censorship by Governments, Military, Intelligence, or Police

Forces, Criminal Groups, or Armed Extremist or Rebel Groups

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

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

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

Efforts to Preserve the Independence of the Media

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

b. Worker Rights

Freedom of Association and Collective Bargaining

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Forced or Compulsory Labor

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

Acceptable Work Conditions

Wage and Hour Laws

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

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

Occupational Safety and Health

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

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

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

Wage, Hour, and OSH Enforcement

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

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

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

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

any fines collected went to the ministry.

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

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

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

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

c. Disappearance and Abduction

Disappearance

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

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

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

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

Prolonged Detention without Charges

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

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

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

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

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3. Security of the Person

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

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

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

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

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

b. Protection of Children

Child Labor

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

Child Marriage

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

c. Protection to Refugees

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

Provision of First Asylum

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

d. Acts of Antisemitism and Antisemitic Incitement

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

e. Instances of Transnational Repression

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

Misuse of International Law Enforcement Tools

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

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

Efforts to Control Mobility

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