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Situation of human rights in Guatemala

Report of the United Nations High Commissioner for Human Rights****

Summary

In this report, the United Nations High Commissioner for Human Rights describes the human rights situation and the activities of his office in Guatemala from 1 January to 31 December 2024. He highlights advances and persisting challenges in the promotion and protection of human rights, with a focus on issues related to equality and non-discrimination, inclusive and sustainable human development, justice, the fight against impunity and democratic space.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

** The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and English only.



Annex

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guatemala

I. Introduction

1. The present report is submitted pursuant to the agreement between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Government of Guatemala, signed in January 2005 and renewed in January 2024 for three years. The present report analyses the human rights situation in Guatemala from 1 January to 31 December 2024. The report is based on information collected and analysed by OHCHR in Guatemala, as well as information provided by State institutions and other stakeholders at the request of OHCHR. The report also describes the main activities carried out by OHCHR.

2. OHCHR continued to monitor the human rights situation through continued engagement with the authorities and civil society. OHCHR conducted eight public information campaigns on the rights of persons with disabilities, the right to due process, high court elections on the basis of international standards, forced evictions and human rights, young human rights defenders, the right of women to a life free from violence, and on the occasion of Human Rights Day. OHCHR conducted 39 monitoring missions throughout the country and produced 32 publications addressing the situation of various human rights in Guatemala.¹

3. OHCHR provided technical advice to, inter alia, the judicial branch, Congress, the Presidential Secretariat for Women, the Presidential Commission on Peace and Human Rights, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, the Counsel General's Office, the Office of the Human Rights Advocate, the National Youth Council, the Ministry of Social Development, the Ministry of Labour and Social Security and the Ministry of the Interior, specifically the National Civil Police. OHCHR also conducted 34 workshops for several of these institutions on the rights of persons with disabilities; women's rights and gender perspective; the rights of Indigenous Peoples and peoples of African descent to their lands, territories and natural resources; the right to justice, memory and reparation in transitional justice cases; judicial independence; the right to freedom of expression; the right to political participation; and the right to human rights education.

4. OHCHR documented 147 cases of alleged human rights violations and worked with victims, victims' family members, civil society organizations, Indigenous Peoples, peoples of African descent and State institutions to provide advice and to prevent future violations.² OHCHR observed 35 court hearings in person and conducted six visits to defenders who have been deprived of their liberty. It also worked in partnership with international and regional human rights protection mechanisms.

5. The High Commissioner visited the country from 16 to 19 July and held meetings with various stakeholders. At the conclusion of his visit, he stated that it was a priority to go to Guatemala at a pivotal moment in its history and to support the country in its efforts to strengthen democracy and the rule of law, fight corruption and establish a clear and transformative human rights agenda. He expressed deep concern about the improper use of criminal law to persecute human rights defenders, justice officials, journalists, students and

¹ See <https://www.oacnudh.org.gt>.

² See Training Manual on Human Rights Monitoring (United Nations publication, 2001). A revised version from 2011 is available for consultation (in English only) at <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition>.

Indigenous authorities, and urged the Attorney General to take the measures necessary to ensure that such persecution ceased with immediate effect.³

II. Context

6. The country continues to face systemic and structural challenges in relation to inequality and discrimination, the judicial system and impunity, democratic space, and the promotion and protection of human rights.

7. The authorities elected in 2023⁴ took office on 14 January 2024 against a backdrop of high social tension owing to attempts to undermine the process and the results of the elections. It was observed that, in the procedure followed by outgoing members of parliament to hand over to incoming members for the 2024–2028 legislative term, criteria not provided for by law were applied and that there was a lack of transparency and a lack of access for the press. These events caused an unprecedented delay in the swearing-in and inauguration of the newly elected President and Vice-President of the Republic, which took place on the night of 14 January.

8. In his inauguration speech, President Bernardo Arévalo emphasized the efforts of Guatemalan society to defend democratic institutions and to preserve the rule of law. He reiterated that his Government's programme would be implemented in a manner that ensured respect for and the full observance of human rights. The general government policy for the period from 2024 to 2028⁵ is focused on equity as the guiding principle of public action and includes measures aimed at the protection and progressive realization of economic, social and cultural rights.

9. OHCHR welcomes the Government's commitment to the rule of law, democracy and the human rights agenda. For example, as part of this commitment, the Indigenous authorities have had the opportunity each month to engage in direct dialogue with the Government and have signed several agreements at the territorial level with the President of the Republic as a means of addressing their overriding needs and concerns.

10. Despite the above, the Public Prosecution Service persisted in its systematic attempts to undermine the rule of law through actions aimed at setting aside the will of the people as exercised at the ballot box in 2023.⁶ The Public Prosecution Service has requested the lifting of the immunity of the judges of the Supreme Electoral Court⁷ and has initiated criminal proceedings against one female judge and three male judges sitting on this court in connection with the purchase of the computer system used to transmit election results. In a message published on social networks in July, the Attorney General asked the Constitutional Court to order the criminal prosecution of the President and requested the dismissal of four government officials for failure to comply with the remedy of provisional *amparo* granted by the Court in favour of the Public Prosecution Service, by which the executive branch was ordered to refrain from acts intended to restrict the functional and financial autonomy of the Public Prosecution Service.⁸ In May, the President submitted to Congress bill No. 6391, which is currently awaiting consideration and approval, with the aim of modifying the

³ See the statement by the United Nations High Commissioner for Human Rights, Volker Türk, at the conclusion of his official visit to Guatemala, 19 July 2024, available at <https://oacnudh.org.gt/2024/07/22/jefe-de-derechos-humanos-de-la-onu-volker-turk-concluye-su-visita-oficial-a-guatemala/>.

⁴ A/HRC/55/21, para. 9.

⁵ See https://portal.segeplan.gob.gt/segeplan/wp-content/uploads/2024/05/Impresa_PGG-2024-2027.pdf.

⁶ A/HRC/55/21, paras. 11 and 72–75.

⁷ Applications for the lifting of immunity No. 227-2023 and No. 246-2023.

⁸ Constitutional Court, case No. 2759-2024, provisional *amparo* decision of 8 May 2024. See “Fiscal general del Ministerio Público solicita procesar al Presidente Arévalo y destituir a cuatro funcionarios” (Attorney General of the Public Prosecution Service requests the prosecution of President Arévalo and the dismissal of four officials), available at <https://www.youtube.com/watch?v=nwQks7-yFZg>.

grounds on which the Attorney General can be removed from their position set out in the Public Prosecution Service (Organization) Act.

11. At the tenth Congress, the initial composition of the Executive Committee was challenged through applications for *amparo* filed with the Constitutional Court by opposition members of parliament and by Fundación contra el Terrorismo. It was argued that the judge presiding over Criminal Court No. 7 had issued an order suspending the legal personality of the party known as Movimiento Semilla under the Organized Crime Act⁹ and that, consequently, the members of parliament elected from this party were barred from occupying positions in the legislative branch. The Constitutional Court ultimately granted the request for *amparo*, declaring admissible the arguments of the plaintiffs.¹⁰

12. In spite of this, a multiparty alliance was formed in Congress that prioritized a legislative agenda designed to protect and guarantee the rights of Indigenous Peoples, women and persons with disabilities. However, members of Congress continued to submit bills that were contrary to international norms and standards on the right to equality and non-discrimination of LGBTIQ+ persons and sexual and reproductive rights, such as bills No. 6453, on sex education for the protection of children and adolescents, No. 6473, on the comprehensive conservation of society and No. 6475, on amendments to the Criminal Code regarding “sexual inviolability”.

13. OHCHR noted the Executive Committee’s openness to creating spaces for citizen participation in Congress, with the aim of identifying priority issues on the legislative agenda, especially with regard to the rights of Indigenous Peoples.¹¹ OHCHR implemented a training programme on the application of human rights norms and standards for advisors to the Congressional Committee on Human Rights. It also held discussions with members of parliament and advisors to the Committee on Disability Affairs and the Committee on Women’s Affairs.

14. In 2024, OHCHR observed a shift in discourse by government actors in favour of human rights defenders. Nonetheless, 145 cases of attacks against human rights defenders, journalists and justice officials were recorded. Criminalization, intimidation and threats continue to be the main aggressions against human rights defenders. Although the number of attacks is lower than that recorded in 2023, worryingly, aggressions are also carried out by State actors, especially from the justice sector, including the Public Prosecution Service and some courts.

III. Equality and non-discrimination

A. Indigenous, Garifuna and Afro-descendant Peoples

15. In 2024, racial discrimination and systemic racism continued to have an impact on the enjoyment by Indigenous, Garifuna and Afro-descendant Peoples of their rights. OHCHR welcomes the increased participation and representation of Indigenous women in leadership positions in ministries, secretariats and in the departmental governments of Sacatepéquez, Chimaltenango, Totonicapán, Alta Verapaz and Huehuetenango.

16. The leadership of Indigenous Peoples during 106 days of peaceful protests against the backdrop of the 2023 elections was decisive in opening spaces for dialogue between Indigenous Peoples and the national authorities. The President of the Republic and the Executive Committee of Congress visited the Indigenous authorities in their territories to listen to their needs, which is an important step towards the recognition and strengthening of

⁹ A/HRC/55/21, paras. 72 and 73.

¹⁰ Constitutional Court, joined cases No. 243-2024, No. 249-2024, No. 269-2024, No. 272-2024 and No. 277-2024, judgment of 18 June 2024, available at <http://138.94.255.164/Sentencias/855901.243-2024.pdf>.

¹¹ See https://www.congreso.gob.gt/noticias_congreso/11122/2024/1?fbclid=IwAR2bjcY2sATTfWdpcX_4_LBw_Cp4LEjVBqMroFfPTfmenLMwpHQd9Aqzzw#gsc.tab=0.

the ancestral forms of organization of the Indigenous Peoples and their contribution to the governance of the country. The dialogue between the Garifuna and Afro-descendant peoples and the Executive Committee in Livingston (Izabal) resulted in the bringing forward of the reading of bill No. 5398, on the national day of dignity and affirmative action in favour of Garifuna and Afro-descendant women. In addition, the policy on Indigenous Peoples of the legislative branch was issued (Congressional Resolution No. 14-2024).

17. In the case known as the Alaska Summit Massacre, the trial of nine military personnel for extrajudicial killing in the context of events that occurred during a peaceful protest on 4 October 2012, where six Indigenous men died and 33 were wounded,¹² concluded in February. High-Risk Crime Court B issued a judgment acquitting two high-ranking army commanders in charge of the operation and convicted seven soldiers for attempted manslaughter, injuries resulting from a brawl and discharging a firearm. It is worrying that, in issuing the judgment, the Court did not consider international norms and standards on the use of force in the context of peaceful protests and command responsibility.

18. OHCHR continued to provide technical assistance to Indigenous Peoples involved in promoting compliance by State institutions with rulings upholding their collective rights to, inter alia, lands and territories, consultation and freedom of expression, and the rights of Indigenous women. OHCHR is concerned about the persistent tension between Indigenous and municipal authorities over the administration of communal lands, as observed in San José Poaquil (Chimaltenango) and the Mayan Ch'orti' communities of Quezaltepeque and Camotán (Chiquimula). OHCHR has also noted low levels of participation by Indigenous women and young people in decision-making processes related to the granting of legal security of tenure over their lands and in territorial governance within their communities.

19. OHCHR has documented at least seven cases in which Indigenous Peoples have encountered obstacles in gaining access to public sector investment projects for infrastructure and forestry incentives, among others, owing to the State's failure to recognize their right to collective property and their ancestral ways of administering their territories. The Xinka community of Yupiltepeque reported being dispossessed of their communal lands to facilitate the implementation of infrastructure projects by the municipal authorities. It is worrying that legal instruments, such as the Budget Act and its implementing regulations, establish that lands in the possession of Indigenous Peoples must be transferred to the State before public sector investments can be carried out.¹³

20. The Ministry of Energy and Mining and the Indigenous authorities of the Xinka People's Parliament have continued their work in the second phase of the consultations ordered by the Constitutional Court regarding mining activities in El Escobal. The Xinka authorities are continuing to prepare for the consultations and for the possibility of concluding prior agreements. According to the schedule established by the parties, the process is nearing completion. OHCHR provided spaces where Indigenous authorities could exchange information on lessons learned regarding consultations in the context of mining activities.

21. OHCHR provided technical assistance to the Tz'unun ya' community in order to bolster its efforts to defend the right of Indigenous Peoples to a healthy environment and to ensure the conservation of Lake Atitlán, and to facilitate the unofficial visit of the Special Rapporteur on the human rights to safe drinking water and sanitation to San Pedro La Laguna (Sololá).

22. OHCHR conducted missions to Livingston and Puerto Barrios (Izabal) to document the situation of the Garifuna and Afro-descendant peoples and, in this connection, received information on negative impacts on women's rights, including gender-based violence. In Livingston, it supported training sessions for Garifuna and Afro-descendant women leaders on protection mechanisms, provided spaces for the exchange of experiences and the creation of new leadership structures based on an intergenerational approach, and strengthened the

¹² See communication GTM 6/2012, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=19436>.

¹³ Budget Act and its implementing regulations, art. 30 bis.

role of women human rights defenders. OHCHR notes the lack of significant progress made in meeting the objectives of the International Decade for People of African Descent.

B. Women and girls

23. Violence against women and girls remained a source of great concern for OHCHR. Almost half of Guatemalan women have suffered some type of violence in their lifetime.¹⁴ As at November 2024, the Women's Observatory of the Public Prosecution Service had recorded 50,645 cases of violence against women, including 723 femicides and violent deaths.¹⁵ Despite the magnitude of these figures, care for women victims of violence remains limited. According to data provided by the Office of the Prosecutor for Women of the Public Prosecution Service, since the establishment of the model for the provision of comprehensive care to women victims of violence in 2021 up until 30 September 2024, a total of 30,629 victims had received assistance.¹⁶ Between January and October 2024, 46,557 births had been recorded among girls between 15 and 19 years of age and 1,650 births had been recorded among girls under 14 years of age.¹⁷ The Criminal Code defines sexual relations with minors under 14 years of age as rape.¹⁸

24. In March, the Ministry of the Interior issued Ministerial Agreement No. 61-2024,¹⁹ which regulates the procedure for disbursing, implementing and liquidating funds granted to comprehensive support centres for women survivors of violence. This agreement provides for the signing of other agreements between the Ministry and specialized women's organizations for the financing of these centres. Agreements were signed in October, and the funds were transferred at the end of November. These delays affect the performance of the centres and diminish the quality of the care available to women.

25. OHCHR provided technical assistance to the Presidential Secretariat for Women and civil society organizations in order to follow up on the previous concluding observations of the Committee on the Elimination of Discrimination against Women.²⁰ OHCHR, together with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Tz'ununija' Indigenous Women's Movement, organized a regional event in March on general recommendation No. 39 (2022) on the rights of Indigenous women and girls of the Committee on the Elimination of Discrimination against Women, in which more than 80 women leaders from different countries in the region participated. During the event, participants examined the general recommendation and identified dissemination and advocacy measures that could be taken to promote compliance with it.

26. OHCHR continued to provide technical assistance to the National Movement of Indigenous Midwives, Nim Alaxik. OHCHR monitored the situation with regard to the human rights of Indigenous midwives and the right of access to culturally appropriate healthcare for Indigenous women in the Departments of Chimaltenango, Quetzaltenango, Sololá, Quiché and Alta Verapaz. The findings indicate that these health workers, the national policy on the rights of Indigenous midwives and the Constitutional Court ruling recognizing them are little known. In addition, the Indigenous midwives interviewed reported a lack of trust in the justice system when it came to filing complaints in cases of discrimination against them and indicated that supplies have been delivered late. In September, a bill to amend Decree No. 22-2022²¹ was submitted with the aim of providing midwives with annual financial support on a permanent basis. It is estimated that this incentive will benefit more than 23,500 midwives.

¹⁴ See <https://www.ine.gob.gt/encabih/>.

¹⁵ See <https://observatorio.mp.gob.gt/portal-estadistico/>.

¹⁶ Public Prosecution Service, official communication FM/G 2024-000734cxac, 11 October 2024.

¹⁷ See <https://osarguatemala.org/registros-de-nacimientos-y-embarazos-en-madres-adolescentes-ano-2024/>.

¹⁸ Criminal Code of Guatemala, arts. 173 and 174.

¹⁹ Published in Official Gazette No. 44 of 27 March 2024.

²⁰ See [CEDAW/C/GTM/CO/10](#).

²¹ This decree declares 19 May the National Day of the Guatemalan Midwife (Iyom and/or Rati't Ak'al).

27. OHCHR continued to provide technical advice to the National Weavers' Movement to help their members to secure recognition of collective intellectual property rights in respect of the weavings and clothing of Indigenous women. Bill No. 6136, which is aimed at securing this recognition, was submitted to Congress in 2022 and is currently awaiting decision.²² OHCHR has also not learned of any progress made in the implementation of the Constitutional Court ruling²³ urging the Guatemalan Tourism Institute to introduce mechanisms to ensure the proper participation of Indigenous Peoples in the formulation and design of public policies that may affect them.

28. In January, the oral and public debate phase of the judicial proceedings brought for the events that occurred in the children's home known as Hogar Seguro Virgen de la Asunción in 2017²⁴ began in respect of two of the three groups of defendants. OHCHR is concerned about the delay in the judicial proceedings in this case, which are taking place more than seven years after the event, and underlines the negative impact on the right of access to justice. The Committee on the Rights of the Child²⁵ and the Committee on the Elimination of Discrimination against Women²⁶ have both made recommendations in this regard.

C. Persons with disabilities

29. The Office continued to lead, together with the United Nations Development Programme and the United Nations Population Fund, a programme designed to create the preconditions for guaranteeing the rights of persons with disabilities. Mention should be made of the support provided to organizations of persons with disabilities in order to empower those persons to assert their rights and of a training programme for members of Congress on the commitments taken on by Guatemala upon ratifying the Convention on the Rights of Persons with Disabilities. The municipal authorities of Camotán also received assistance in creating a register containing disaggregated and detailed information on persons with disabilities, including their living conditions.

30. OHCHR conducted an analysis of the legal provisions that restrict the legal capacity of persons with disabilities. It is worrying that provisions that limit the full enjoyment by persons with disabilities of their rights still exist. These are even present in the Act on the Biopsychosocial Certification of Persons with Disabilities, contained in Decree No. 6-2024, which was approved by Congress in February. Although this law represents a step forward towards creating a disability certification system, it continues to provide for substitute decision-making for persons with disabilities, which is at odds with the support system proposed by the Convention on the Rights of Persons with Disabilities, and makes it impossible for persons with disabilities to be recognized as equal before the law.

31. The First Lady is leading a dialogue with organizations of persons with disabilities and service providers to listen to their needs and to coordinate the activities of the executive branch in this area. OHCHR participates in this dialogue.

D. Sexual diversity and gender identity

32. In 2024, many lesbian, gay, bisexual, transgender and intersex persons have faced stigmatization, harassment, discrimination and violence. As at November, the National Human Rights Observatory responsible for monitoring cases of violence apparently motivated by sexual orientation and gender identity, which is run by Asociación Lambda, a non-governmental organization, had recorded 35 violent deaths (19 gay men, 6 transgender

²² CEDAW/C/GTM/CO/10, para. 41 (c).

²³ Case No. 2066-2019, Constitutional Court judgment of 22 April 2020.

²⁴ A/HRC/52/23, para. 34, and A/HRC/46/74, para. 40. See also <http://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/InformeHSVA.pdf>.

²⁵ CRC/C/GTM/CO/7, para. 24 (g).

²⁶ CEDAW/C/GTM/CO/10, para. 15 (c).

women, 3 lesbian women and 7 bisexual men), bringing the total number close to that of 39 recorded in 2023.

33. In June, the Constitutional Court granted the request for provisional *amparo* submitted by a private lawyer to prevent the sexual diversity and gender identity parade from taking place, on the basis that it would, inter alia, violate children's rights and that public morals needed to be protected. Although the remedy of provisional *amparo* granted²⁷ allowed the parade to go ahead, it also ordered various State institutions to protect the spiritual and moral values of society, especially those of children and adolescents.

34. In November, several OHCHR country offices in the Americas region teamed up with Red Sin Violencia LGTBI (the Regional Information Network on LGBTI Violence) to organize, in Guatemala, the third regional forum on the development of a Latin American protocol for the investigation of gender-related killings, at which a first draft was considered.

E. Young persons

35. In 2024, the extension of the National Youth Policy 2021–2023 was not approved, thereby weakening the policy framework for the protection and promotion of the human rights of this population group. Despite this, OHCHR has observed that young persons continue to play an important role in promoting human rights and in strengthening democracy through their participation in the civic space. Young persons expressed concern about having only limited access to human rights education, mental health services and decent work, as well as violence and discrimination targeting young women, Indigenous young persons, LGBTIQ+ young persons and migrant and returnee young persons. OHCHR has received reports of social media and media narratives that stigmatize young persons.

36. OHCHR trained members of 14 organizations that make up the Network of Young Human Rights Defenders on international human rights protection mechanisms. OHCHR implemented, together with the United Nations Population Fund and the International Organization for Migration, the Nab'il Project, which reached more than 400 young persons in Huehuetenango. Technical advice was also provided to the Office of the Human Rights Advocate and the National Youth Council.

F. Migrants

37. As at 31 October 2024, 67,284 Guatemalan migrants had been returned from Mexico and the United States of America, including 3,624 families. Of those migrants, 73 per cent were male and 27 per cent were female. Among those returned were 2,223 unaccompanied children and adolescents (74 per cent of whom were male and 26 per cent of whom were female).²⁸

38. The National Migration Policy, which was approved in 2023, was the subject of a wide-ranging awareness-raising campaign aimed at the various institutional actors responsible for its implementation. Thematic area 1 of the National Migration Policy (human rights and groups in situations of vulnerability) represents an opportunity to provide a comprehensive response to migration using a human rights-based approach²⁹ and to benefit from the technical advice of OHCHR.

39. OHCHR monitored the human rights situation of migrants, contributing to the subregional migration strategy under which a circular was issued on human rights trends in

²⁷ Case No. 4085-2024 of 28 June 2024.

²⁸ See Guatemalan Migration Institute, report on Guatemalan nationals returned in 2024, available at <https://app.powerbi.com/view?r=eyJrJoiZDgzNDZmYWUtNTYzNC00YmUyLWVzYjEtNTgwZjJjYWVlMzUzIiwidCI6ImViOTFvNiQxLWVzNGE0NDZmOC1iNzI3LWVzYiU4ODU4NGYxZCJ9>.

²⁹ See National Migration Authority, National Migration Policy, Guatemala, 2023, available at https://igm.gob.gt/wp-content/uploads/2023/12/FINAL-Politica-Migratoria-interiores-1_compressed.pdf.

the context of migration in Central America and Mexico.³⁰ It also participated in the specialized group on migration in Guatemala convened under the auspices of the United Nations and provided technical advice to the Guatemalan Migration Institute.

IV. Inclusive and sustainable human development

A. Access to land, territories and natural resources

40. The current Government revised the mandate of the Presidential Commission on Peace and Human Rights,³¹ assigning the task of dealing with agrarian conflicts to the Office of the Private Secretary to the President.³²

41. On 7 February 2024, the Government signed an agrarian agreement with four campesino organizations with the aim of addressing agrarian conflicts, strengthening the existing institutional framework for gaining access to land through the market, drafting a proposal for a new institutional framework for the agrarian sector and strengthening the campesino economy. OHCHR hopes that provision will also be made for the participation of authorities and Indigenous communities that are not organized in campesino forums, both in relation to the proposals made in the framework of the agrarian agreement and in relation to the management of the Land Fund.

42. Agrarian conflicts continued to occur. Between January and November, OHCHR documented two evictions, two threats of eviction and two extrajudicial evictions. The Public Prosecution Service requested a total of 111 eviction orders. Among the documented extrajudicial evictions, attention must be drawn to the case of the village of Chirrix Tzul (Cobán), where sexual offences against Indigenous women were documented, one of which was reported to the Public Prosecution Service.

43. According to information gathered by OHCHR, the evictions and attempted evictions affected the rights of 524 families, including their rights of access to comprehensive healthcare, water and food, as well as the ability of a high percentage of children to attend school, and had a differential impact on women. Communities living in protected areas find themselves in similar circumstances, since, despite having made proposals for coexistence agreements in harmony with nature, their situation remains unresolved. This is the case of the Santa Amelia community in the Sierra del Lacandón.

44. OHCHR, together with the Presidential Commission on Peace and Human Rights, conducted inter-institutional training sessions on international human rights norms and standards on evictions in Alta Verapaz and Izabal.

B. Business and human rights

45. OHCHR is pleased that the Presidential Commission on Peace and Human Rights intends to continue the baseline assessment for the National Action Plan on Business and Human Rights.

46. In partnership with the United Nations Global Compact, Centrarse, a non-governmental organization, and the United Nations Children's Fund, OHCHR continued to provide companies with training on the Guiding Principles on Business and Human Rights. OHCHR is grateful for the willingness of the HAME Group, Pan American Silver and the

³⁰ OHCHR, "Los derechos humanos de las personas migrantes en México y América Central" (The Human Rights of Migrants in Mexico and Central America), No. 6 (July 2004), available at https://hchr.org.mx/wp/wp-content/uploads/2024/08/Boletin6_Defensores_Derechos_Humanos_Migrantes_America_Central_Mexico.pdf.

³¹ Governmental Agreement No. 27-2024 of 24 January 2024, available at <https://copadeh.gob.gt/acuerdo-de-creacion/>.

³² Governmental Agreement No. 34-2024 of 30 January 2024, available at <https://secretariaprivada.gob.gt>.

Guatemalan Palm Growers' Association to work with it to promote the application of the Guiding Principles in their activities.

47. OHCHR welcomes the creation of a special office for water affairs and the establishment, within the Ministry of the Environment and Natural Resources, of the Office of the Deputy Minister for Water Affairs. However, it remains concerned about the absence of the technical elements required to gather adequate evidence for the investigation of cases related to water contamination. While the Public Prosecution Service had, as at 30 September, registered 396 contamination cases, just 34 had reached the sentencing stage. In three of those cases, the defendants had been acquitted. This means that possible incidences of contamination are going unpunished, thus hampering communities' search for justice.

48. OHCHR documented cases of water contamination that have had an adverse impact on crops, food and the health of Indigenous communities. In three cases of note, for example, the communities reported that the contamination was caused by companies' use of chemicals: in the village of Río Grande, Quezaltepeque, a coffee company was named as the responsible party; in the community of Santa Elena, Sayaxché, the palm industry was blamed; and the communities of Costa Sur reported being affected by the activities of the sugar industry. OHCHR also documented two cases relating to the contamination of water sources in the Ch'orti' communities of Olopa, Camotán and Jocotán, in which the mining industry was named as the responsible party. Despite having filed complaints with various administrative and judicial bodies, the communities have been unable to resolve the situation.

49. The Ministry of Labour and Social Security has strengthened the Inspectorate-General for Labour, which has drawn up a comprehensive and strategic agenda for the workplace inspections planned in 2025 so that it can conduct its work more effectively. The Inspectorate-General indicated that, as at September, it had conducted 345 inspections of sugarcane, African palm, banana, cocoa, coffee and timber plantations, issuing reprimands or imposing penalties following 4.9 per cent of these inspections.³³

V. Justice and the fight against impunity

A. Access to justice

50. OHCHR, together with the Office of the Human Rights Advocate, made progress in developing a training platform on international judicial independence standards, the aim of which is to strengthen the assistance and protection provided to justice officials. OHCHR also organized training activities for justice officials and civil society organizations on international norms and standards on the right of access to justice and the use of the human rights protection mechanisms of the United Nations system.

51. OHCHR is concerned about the continued lack of due process in cases of criminalization of human rights defenders, with issues including a lack of access to case files, undue delays and a lack of public access to proceedings, which prevent persons from having certainty about their legal situation. OHCHR also noted that Indigenous Peoples and peoples of African descent continued to be affected by linguistic and geographical barriers, racist and discriminatory discourse and the lack of an intercultural approach in their interactions with the justice system.

B. Judicial independence and impartiality

52. OHCHR observed the process of electing judges to the Supreme Court of Justice and the Court of Appeal. It welcomes the public nature of the process, which meant that the sessions could be attended by civil society organizations and victims of the internal armed conflict and closely followed by the media, international agencies and relevant specialized organizations. However, there is a clear gender imbalance in the composition of the nominations committees: women account for 16.22 per cent and 13.5 per cent of the members

³³ Official communication UDAIT-528-2024-EEM.

of the committees responsible for electing judges to the Supreme Court and the Court of Appeal, respectively.

53. OHCHR considers that the delays in the establishment of the committees limited the time available to conduct a proper evaluation of candidates' profiles and that there was a lack of tools for objectively assessing candidates' knowledge, skills and suitability for the role.³⁴ Furthermore, the eligibility criteria set by both committees disregarded almost all the objections raised by civil society in that connection, thereby depriving the committees of useful information for assessing whether candidates met the "recognized honourability" criterion established in the Constitution.

54. OHCHR is concerned that Congress elected the judges through a procedure that allegedly precluded it from examining the allegations made against some candidates and that it failed to justify its choices. The current election model and legal framework need to be comprehensively analysed and revised.

55. The Public Prosecution Service, the courts of first instance and the criminal trial courts continue to criminalize justice officials in retaliation for carrying out their prosecutorial, judicial or legal duties. OHCHR received allegations of reprisals, including online violence, threats and undue delays, taken against 70 justice officials. It documented the cases of 28 such officials (20 women and 8 men), all of whom have, for years, been targets of criminal prosecution as the subject of numerous complaints, simultaneous criminal proceedings and repeated arrest warrants and/or arbitrary detention. At least 80 per cent of the victims have been reported by persons being investigated for corruption and/or by Fundación contra el Terrorismo. OHCHR is aware of at least 63 justice officials who have gone into exile as a result of this harassment and the lack of comprehensive protection provided by the State.

56. OHCHR is concerned about the detention, since 1 December 2023, of the former chief anti-corruption prosecutor Stuardo Campo, which violates international norms and standards on deprivation of liberty, including those of reasonableness, necessity and proportionality.³⁵ The continued criminal prosecution of former prosecutors Lesly Pineda and Christian Dávila and lawyer Claudia González is also troubling. OHCHR is concerned about the lack of guarantees of public access to the cases of criminalization of justice officials that are heard by the Tenth Collegiate Criminal Court of First Instance for Drug Trafficking and Environmental Offences.

57. OHCHR expresses concern about the conviction in July, in a second case, of Virginia Laparra, former chief prosecutor of the Office of the Special Prosecutor against Impunity in Quetzaltenango, for the crime of disclosure of confidential or restricted information during a hearing in 2017. A few days after this sentence was handed down, Ms. Laparra, who had been under house arrest since January 2024 following the granting of alternative measures in the first case in which she was convicted, decided to leave the country. OHCHR has no information on compliance with the opinion rendered by the Working Group on Arbitrary Detention in this case.³⁶

58. On 13 August 2024, the former deputy prosecutor of the Office of the Human Rights Advocate, Claudia Caterina Maselli, was sentenced to 3 years' non-commutable imprisonment for dereliction of duty and banned from holding public office for four years. An alternative measure has been imposed until the judgment becomes final. OHCHR considers her case to be a reprisal for her dismissal, in 2017, of a complaint of human rights violations made against other criminalized justice officials.

³⁴ See <https://oacnudh.org.gt/2024/05/16/seleccion-de-altas-cortes-oportunidad-para-fortalecer-la-independencia-judicial/>. The Special Rapporteur on the Independence of Judges and Lawyers made a statement on the high court election process: <https://oacnudh.org.gt/tag/eleccion-cortes/>. At the conclusion of his visit to the country, the High Commissioner stressed the importance of the selection process: <https://www.ohchr.org/en/statements-and-speeches/2024/07/un-human-rights-chief-volker-turk-concludes-official-visit-guatemala>.

³⁵ Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, para. 12.

³⁶ [A/HRC/WGAD/2023/24](#), paras. 107–111.

C. Transitional justice

59. OHCHR continued to document judicial proceedings in 14 high-profile cases related to events that occurred during the internal armed conflict. OHCHR stresses its concern about the significant setbacks in access to justice for victims of that conflict. OHCHR recorded undue delays in the cases of Luz Leticia Hernández Agustín, Molina Theissen and Diario Militar. In the CREOMPAZ case, in November 2024, the Second Chamber of the Criminal Court of Appeal for High-Risk Trials ordered the annulment of all proceedings in the case, taking it back to the investigation stage. It also ordered the release of all defendants, which took a significant toll on the victims and complainants after seven years of stalled proceedings.

60. In the Ixil Genocide (1978–1982) case, the trial of a former high-ranking military officer for genocide, crimes against humanity and enforced disappearance was opened. OHCHR is concerned about the dismissal of, among others, the former prosecutor in charge of the case of Erick de León Morataya, which occurred three days before the closing arguments were due to be made at the trial. It is also concerned about the pressure allegedly brought to bear on the court assigned to hear the case, the staff of the Office of the Special Prosecutor for Human Rights of the Public Prosecution Service and the victims' representatives. OHCHR condemns the improper use of legal challenges, which has led to the annulment of the trial.

61. In the Ixil Genocide (1982–1983) case, which was brought against a former member of the military high command, the decision of High-Risk Crime Court C to prohibit one of the complainants from participating in the hearing on the presentation of evidence was upheld, undermining the complainants' right to participate fully in the proceedings. In the same vein, OHCHR is concerned about the annulment of the investigation and criminal prosecution in the Efraín Bámaca Velásquez case through *amparo* proceedings that took place without the participation of the complainants. The annulment of the investigation would contravene the judgment issued by the Inter-American Court of Human Rights in 2002.³⁷

62. The acquittal of three former army officers in the Dos Erres case and eight former members of civilian self-defence patrols in the Rancho Bejuco case was upheld by the Second Chamber of the Criminal Court of Appeal for High-Risk Trials. OHCHR is concerned about the failure to duly substantiate the judgments with regard to the criminal responsibility of the alleged perpetrators of both massacres.

63. The National Reparations Programme expired on 31 December 2023, leaving 28,345 of the 57,578 applications for reparations filed by victims of the internal armed conflict unanswered. OHCHR welcomes the efforts to develop a national plan for dignity and reparations and to design a democratic memory policy, which will provide for a national register of victims and a national plan on the search for disappeared persons. OHCHR stresses the importance of a comprehensive and participatory dialogue between the State and the victims to guide such action.

64. OHCHR provided technical assistance to the Presidential Commission on Peace and Human Rights on standards for the search for persons, supporting technical strengthening activities and promoting dialogue with victims and civil society organizations.

65. OHCHR also continued to strengthen its work with civil society organizations and young people on the importance of historical archives for the exercise of the right to memory, truth and justice.

³⁷ Inter-American Court of Human Rights, *Bámaca Velásquez v. Guatemala*, judgment of 22 February 2002 (reparations), Series C, No. 91.

VI. Democratic space

A. Right to promote and protect human rights

66. OHCHR recorded 63 cases of attacks against human rights defenders and organizations, involving 92 victims (68 men, 20 women and 4 organizations). This figure, which is significantly lower than that recorded in 2023, reflects the shift in government discourse in favour of the defence of human rights, which has led to various efforts being made to protect human rights defenders, promote their activities and facilitate their participation in different spaces for discussion and decision-making.

67. OHCHR is concerned that the Public Prosecution Service has failed to adequately implement General Instruction No. 5-2018 on crimes against human rights defenders, the purpose of which is to reduce impunity by ensuring the independent and timely investigation and, where appropriate, prosecution of perpetrators.

68. OHCHR received reports that students, faculty and employees at the University of San Carlos have faced persistent criminal prosecution, surveillance and physical and online attacks since the election for the position of Rector in 2022.³⁸ OHCHR documented actions by the Higher University Council and other university authorities that limit the exercise of the rights to freedom of association, expression, peaceful assembly, participation, integrity and due process.³⁹ This situation represents a risk to academic freedom, as defined in international norms and standards,⁴⁰ and to university autonomy.

69. OHCHR notes that attacks against persons defending their land and territory rights continue. Representatives of ancestral authorities and community leaders, and the lawyers defending them, continue to be the main victims. Examples include the cases of the lawyers Carmela Curup and Olivia Sian; the case of Rigoberto Juárez, a Q'aañjob'al leader; the case of Lencho de San Pablo in San Marcos; and the cases of Jorge Coc and Marcelino Xol, Q'eqchi' defenders who were criminalized for defending environmental rights. OHCHR has also documented at least five killings that were said to be linked to the victims' work to defend human rights.

70. OHCHR recognizes the Government's commitment to revitalizing the process for the approval of a public policy for the protection of human rights defenders, 10 years after the issuance of the relevant judgment by the Inter-American Court of Human Rights.⁴¹ In line with the advice provided by OHCHR to the Presidential Commission on Peace and Human Rights, this process has been launched and approved with the involvement of human rights defenders from various territories of the country, including Indigenous leaders, people of African descent, journalists and justice officials.

71. OHCHR also welcomes the establishment of the Unit for the Analysis of Attacks against Human Rights Defenders.⁴² The existing information system and reporting, protection and risk analysis procedures must be further improved in order to ensure that the authorities are able to gather reliable information on attacks. It is essential that this work be carried out with the full participation of civil society and that it follow a territorial, gender-based and intercultural approach.

³⁸ [A/HRC/52/23](#), para. 92, and [A/HRC/55/21](#), para. 84.

³⁹ See reports Nos. 04-2024-06-2024 of the Higher University Council, available at www.usac.edu.gt.

⁴⁰ See the conference room paper of the Working Group on Academic Freedom on principles for implementing the right to academic freedom, available at <https://www.ohchr.org/en/documents/thematic-reports/ahrc56crp2-principles-implementing-right-academic-freedom-working-group>.

⁴¹ Inter-American Court of Human Rights, *Human rights defenders et al. v. Guatemala*, judgment of 28 August 2014 (preliminary objections, merits, reparations and costs), Series C, No. 283.

⁴² Ministerial Decree No. 214-2024.

B. Freedom of expression

72. OHCHR documented 47 cases of violations of the rights to freedom of expression and access to information committed against journalists, media outlets and community communicators. Between January and November 2024, the Rompe el Miedo Network documented 63 cases of attacks against journalists, most of which were perpetrated by State agents.

73. OHCHR also documented situations in which staff from the Administrative and Security Affairs Secretariat of the Office of the President and the National Civil Police had refused to allow the press to cover certain events. Journalists and media outlets faced the greatest risks when reporting on judicial proceedings, especially cases of criminalization of human rights defenders and corruption cases involving officials from previous Governments.

74. In some cases, journalists were directly threatened by officials from the judicial branch. OHCHR highlights the case of Diego España, a journalist for La Hora media outlet, who, during a hearing at the Seventh Criminal Court of First Instance for Drug Trafficking and Environmental Offences on 28 August, was approached, along with journalists and camera operators from other media outlets, by a judicial branch official. The official asked them to leave the courtroom, even though the case was not confidential and there was no court order explicitly establishing any type of restriction. Days later, at the judicial branch's headquarters, the same official made verbal threats against Diego España and another journalist from the same media outlet.

75. OHCHR has continued to monitor and document the criminal proceedings against José Rubén Zamora, a journalist and former president of the defunct media outlet El Periódico. In July, the Working Group on Arbitrary Detention declared his detention to be arbitrary with respect to the conditions of his pretrial detention, the failure to ensure his right to be assisted by counsel and the discriminatory nature of the detention, which was motivated by his political opinions.⁴³ While OHCHR welcomes the granting on 18 October 2024 of alternative measures allowing him to be placed under house arrest after 813 days in detention, it is concerned about the decision by the Second Chamber to revoke those measures.

76. In July 2024, the working group led by the Presidential Commission on Peace and Human Rights was reactivated in order to follow up on the judgment of the Inter-American Court of Human Rights in the case *Maya Kaqchikel Indigenous Peoples of Sumpango et al. v. Guatemala*.⁴⁴ OHCHR notes the intention to allow the four community radio stations that were victims in the case to temporarily use the FM frequencies allocated to the national radio station TGW. Several reparation measures ordered in the judgment are, however, yet to be implemented. OHCHR continued to provide technical assistance to the network of Indigenous women communicators and community radio stations in order to help develop human rights-focused communication campaigns and update the mapping of community radio stations.

77. OHCHR welcomes the judgment handed down on 31 January 2024 by the Chiquimula Criminal Court for Drug Trafficking and Environmental Offences, in which it sentenced three police officers to a term of imprisonment of 3 years and 9 months for the detention of community journalist Norma Sancir and approved all the measures requested in order to recognize and raise awareness of the work of community journalists and the attacks that they have faced. A government programme for the protection of journalists is also being created.

C. Security and use of force

78. OHCHR appreciates the willingness of the Office of the First Deputy Minister for Security of the Ministry of the Interior and the National Civil Police to create spaces for dialogue and collaboration with the Office, with a view to updating protocols on the use of force in the context of demonstrations and evictions. It also recognizes the efforts of the Ministry of the Interior to strengthen its knowledge of international norms and standards on

⁴³ [A/HRC/WGAD/2024/7](#).

⁴⁴ Judgment of 6 October 2021 (merits, reparations and costs), Series C, No. 440.

civil and political rights. OHCHR advised the Subdirector General for Study and Doctrine of the National Police on the inclusion of international human rights norms and standards in the basic training curriculum for police officers. It is of concern, however, that, when adopting the new National Civil Police Act through Decree No. 35-2024, Congress included provisions that are incompatible with international norms and standards, in particular with regard to the right to life, integrity of the person and access to justice in cases involving the use of force by members of the National Civil Police.

79. OHCHR will continue to monitor the judicial proceedings brought against possible perpetrators of the alleged extrajudicial killing of two persons who were said to have been detained at the National Civil Police substation in San Andrés Iztapa.

VII. Conclusions and recommendations

80. The Government of President Bernardo Arévalo is committed to pursuing a human rights agenda. Nonetheless, the country continues to face systemic and structural challenges in relation to inequality and discrimination. Actors within the Public Prosecution Service and the judicial branch have continued to criminalize human rights defenders, including justice officials, thereby perpetuating impunity and affecting democratic spaces and the rule of law. This continues to hinder efforts to ensure the exercise and enjoyment of human rights and effective access to justice.

81. The United Nations High Commissioner for Human Rights reiterates his commitment to continue supporting Guatemala in meeting its international obligations to protect and guarantee all human rights for all persons. Based on his activities in Guatemala, the High Commissioner reiterates previous recommendations and specifically recommends that the State should:

(a) Institutionalize the space for dialogue with Indigenous Peoples and establish a plan to ensure compliance with the agreements reached on free, prior and informed consultation and on agrarian conflict, and adopt a national plan within the framework of the International Decade for People of African Descent;

(b) Strengthen the rule of law by guaranteeing an independent justice system, and create optimal conditions for the effective and comprehensive protection of human rights defenders, including justice officials and journalists;

(c) Develop a plan for the implementation of a public policy for the protection of human rights defenders and promote public policies designed to guarantee the rights of young people and members of the LGBTIQ+ community;

(d) Establish participatory mechanisms for the sharing of information among institutions and the analysis of information on cases of violence against human rights defenders;

(e) Establish an institutional framework that comprehensively addresses the issues in rural areas, on the basis of international norms and standards, in order to guarantee the right to housing and ensure that any evictions are carried out in compliance with international human rights law;

(f) Introduce effective measures to prevent, combat and investigate discrimination and violence based on gender identity and sexual orientation, and guarantee the disbursement and transfer of funds to ensure the proper functioning of the comprehensive support centres for women survivors of violence;

(g) Ensure that the rights of victims to justice, truth and reparation are guaranteed in the processes related to the internal armed conflict, approve and implement the national plan for dignity and reparations, and invigorate memorialization processes with the broad participation of victims and the organizations representing them;

(h) Move forward with the discussion and implementation of an agenda of human rights priorities, including a legislative agenda, on the basis of international human rights norms and standards and the recommendations made to Guatemala by the international mechanisms of the United Nations.
