



# CIVIC SPACE IN GUATEMALA

Summary of joint submission to the 42nd Session of the UN Universal Periodic Review (2017-2022)

CIVICUS, Acción Ciudadana and REDLAD

We are deeply concerned by the extreme violence against human rights defenders (HRDs) and journalists, which is aggravated by the continued criminalisation and stigmatisation they face from authorities and non-state actors. We are further alarmed by the adoption of a restrictive legislative framework which could significantly impact on the work of civil society in a context where civil society organisations (CSOs) are already vulnerable through abusive judicial and administrative proceedings.

## KEY CONCERNS



### FREEDOM OF PEACEFUL ASSEMBLY

Security forces have repeatedly used excessive force to disrupt protests. This includes the indiscriminate use of teargas and water cannon, and cases of police officers beating protesters and communicators.

Repression of community-led protests is recurrent, often Indigenous communities resisting extractive projects. In some cases, anti-riot police used live ammunition, rubber bullets and indiscriminate use of teargas injuring, among others, children, teenagers and older persons.

Protesters and HRDs are sometimes criminalised with charges such as vandalism and detained as a way to discredit them and their actions.

When President Giammattei declared a state of siege in the El Estor municipality in October 2021, the government raided the premises of Indigenous rights organisations, suspended civil rights, imposed martial law and militarised the region.



### FREEDOM OF EXPRESSION

Slander, libel and defamation are typified as criminal offences and are used to target civil society actors and journalists, especially under articles 159 to 172 of Guatemala's Penal Code. Criminal legislation is instrumentalised to harass and silence journalists, subjecting them to judicial harassment, retaliation with trumped-up charges and detention. Communicators and media outlets endure rights violations in the form of intimidation, harassment, smear campaigns and physical attacks. Threats and coercion were the most frequent violations between 2017 and 2020.

Authorities often delegitimize the press with stigmatising statements and, on several occasions, security forces were used to intimidate communicators. From 2017, online smear campaigns proliferated against media outlets and journalists expressing criticism of the government.

There is no specialised body to guarantee the implementation of the 2008 Access to Public Information Law (LAIP). While the creation of such a body has been proposed under Initiative 5,792, its directors would be appointed by Congress, increasing control of powerholders over the LAIP's implementation.



### FREEDOM OF ASSOCIATION

The revised Law of Non-governmental Organisations for Development (NGO Law) increases government control over CSO activity and funding, creating onerous reporting requirements. The amendments violate international standards and could facilitate arbitrary restrictions on civil society.

The amended legislation includes vague language which could criminalise the work of CSOs that oppose government activity and policy, express criticism of powerholders or organise protests. Directors of sanctioned organisations may face civil and criminal penalties.

CSOs are criminalised, subjected to surveillance, break-ins and stigmatisation, especially those working on sexual and reproductive health and LGBTQI+ rights. Harassment against these groups has escalated in the context of increasing mobilisation by anti-rights groups.

Labour legislation in Guatemala inhibits workers' rights to join & form trade unions, including by preventing unions from grouping together public & private sector workers. Labour, civil or criminal sanctions may be imposed for strikers in the civil service or by workers in specific enterprises. Trade union leaders continue to face intimidation and extreme violence.

Civic space in Guatemala is currently rated **"OBSTRUCTED"** by the CIVICUS Monitor

## COMMON VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE:



Attacks on their lives, integrity and personal security



Harassment, intimidation, smear campaigns



Killings



Public vilification and stigmatisation



Criminalisation, judicial harassment and judicial processes marred by due process violations



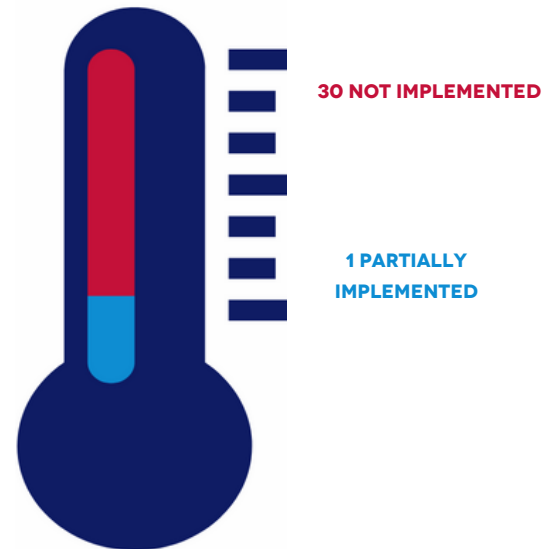
Arrest on trumped-up charges



Surveillance

## PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Guatemala received 31 recommendations relating to the space for civil society (civic space):



## RECOMMENDATIONS

- 1 Remove all undue restrictions on the ability of CSOs to receive international and domestic funding. Specifically, repeal Decree 4-2020 reforming the Law of Non-governmental Organisations for Development to remove undue restrictions on the freedom of association
- 2 Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- 3 Immediately and unconditionally release all HRDs, and journalists and protesters detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- 4 Take steps to lift restrictions on the freedom of expression, including by reforming defamation legislation in conformity with ICCPR article 19.
- 5 Condemn all instances of the use of excessive force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- 6 Ratify the Escazú Agreement and promote responsible business practices.

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