

Guatemala - Human Rights Scorecard ¹

Guatemala, officially the Republic of Guatemala (Spanish: República de Guatemala), is a country in Central America bordered by Mexico to the north and west, the Pacific Ocean to the southwest, Belize to the northeast, the Caribbean to the east, Honduras to the east and El Salvador to the southeast. With an estimated population of around 15.8 million, it is the most populous state in Central America. A representative democracy, Guatemala's capital and largest city is Nueva Guatemala de la Asunción, also known as Guatemala City.²

Official language: Spanish

Ethnic groups: 41.5% mestizo; 41% indigenous peoples; 18% white

Government: Unitary Presidential Republic

- President: Jimmy Morales
- Vice President: Jafeth Cabrera
- President of the Congress: Mario Taracena
- President of the Supreme Court: Ranulfo Rojas

Death penalty: Retentionist

Population: 15.8 million

Life expectancy: 72.0 years

Under-5 mortality: 22.73 per 1000

Adult literacy: 81.5 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ³

There are reports of government agents carrying out arbitrary and unlawful killings against journalists, politicians, human rights activists, and union workers.

Freedom from disappearance



Respected ⁴

There are no reports of disappearances in Guatemala, and the government is taking actions to investigate and prosecute disappearances from the period of civil war (1960-96).

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected ⁵

There have been several credible reports of abuses and torture at the hands of members of the National Civil Police.

Freedom from arbitrary arrest or detention



Largely disrespected ⁶

Arbitrary arrest and detention are prohibited by the constitution, but there are credible reports of arbitrary and extrajudicial arrests, detentions, and denial of legally mandated trial procedures.

Freedom from denial of fair public trial



Largely disrespected ⁷

The judicial system is inefficient, corrupt, insufficiently staffed, and prone to intimidation of judges, prosecutors, and witnesses. Therefore, many people are denied expedient and fair trials.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected ⁸

The Guatemalan government largely respects constitutional prohibitions from arbitrary interference with privacy.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 38.03, Rank: 121 / 180 – Highly controlled, limited or intimidated¹⁰

The high degree of political instability in Guatemala undermines freedom of speech. Journalists are threatened, harassed, and even killed as a result of covering cases of political corruption.

Freedom from academic censorship



Respected¹¹

There are no government restrictions on academic freedom.

Freedom of peaceful assembly and association



Respected¹²

The government largely respects constitutionally provided rights of freedom of assembly and association.

Freedom of religion



Partially respected¹³

The constitution provides for freedom of religion for the beliefs of all citizens. However, the government has occasionally limited the access of Mayan spiritual leaders to their historic sites. Also, societal tensions exist between indigenous communities and ultra-orthodox Jewish groups.

Protection of refugees and stateless persons



Partially respected¹⁴

The government generally provides for the protection of refugees and stateless persons. However, the UNHCR has expressed concern over inadequate identification and referral mechanisms for potential asylum seekers and lack of awareness of the rules for making refugee status.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



4 / 7 – Partly free¹⁷

While the government protects most civil liberties, freedom of the press has come under fire from security forces and criminal elements, often experiencing threats, harassment, and even death.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



4 / 7 – Partly free¹⁹

Most citizens exercise their right to vote in free and fair periodic elections. However, there is severe underrepresentation of women and indigenous peoples in government,

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 28%, Rank: 123 / 168 – Highly corrupt²¹

Government officials frequently engage in corrupt practices, despite generally well-implemented criminal penalties for corruption. Investigations into corruption have led to the resignation and arrest of Guatemala's previous president and vice-president.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²²

Officials are often cooperative and responsive to the views of a variety of independently operating human rights groups. However, the government seldom investigates reports of threats and intimidation against NGOs and human rights workers, several of whom are killed every year.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 66.7%, Rank: 106 / 145 – Very unequal rights²⁴

Despite having equal rights under the law, women face political underrepresentation and severe economic discrimination, particularly under family and labour law. Women also face disproportionate violence, with sexual assault and femicide remaining major problems in Guatemala.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 70%, Rank: 101 / 165 – Somewhat protected²⁶

Child abuse and sexual exploitation are effectively prosecuted by the government, but remain problems in Guatemala. Education is guaranteed until 14 years of age and the minimum age of marriage is 18, although there are reports of forced early marriages in indigenous communities.

Rights of persons with disabilities



Largely disrespected²⁷

The constitution lacks any specific provisions for persons with disabilities. While the law mandates equal access to public facilities, along with some other provisions, there are few reports of persons with disabilities attending educational institutions or holding jobs.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

Indigenous peoples make up more than 40% of the population, but face societal, legal, developmental, governmental, and economic discrimination. There are no reports of anti-Semitic acts towards the community of roughly 2,000 Jews.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

Anti-discrimination laws do not apply to LGBTI individuals. There are reports of police harassment and extortion of people from the LGBTI community, as well as widespread societal discrimination.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Largely disrespected³¹

The law allows workers to freely associate, bargain collectively, and strike legally. However, there are laws in place that make striking difficult, and corporations violate worker's collective bargaining rights with relative impunity, as the government does not effectively impose the law.

Freedom from forced or compulsory labour



Partially respected³²

The law prohibits all forms of compulsory labour, but the government fails to enforce this law in some cases. Reports persist of people subjected to forced labour in agricultural and domestic sectors.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³³

Child labour is a prevalent problem in Guatemala, with an estimated one million children between the ages of five and seventeen currently in the workforce. Due to insufficient resources and a poor justice system, the government is ineffective in enforcing child labour laws.

Right to acceptable conditions of work



Largely disrespected³⁴

Although the government has laws in place mandating adequate pay and work hours, corporations regularly violate these laws with impunity, due to inadequate fines and court inefficiencies. Occupational health and safety standards are also inadequate and poorly enforced.

Right to employment



2.8% - Reasonable unemployment³⁵

Guatemala's current unemployment is extremely low and is projected to slightly decrease over the next few years.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2015." Amnesty International. March 24, 2014. Accessed June 14, 2016.

<https://www.amnesty.org/en/latest/research/2016/04/death-sentences-executions-2015/>.

³ "Country Reports on Human Rights Practices for 2015 Guatemala." U.S Department of State. January 1, 2016. Accessed June 14, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed June 14, 2016. <https://rsf.org/en/ranking>.

¹¹ "Country Reports on Human Rights Practices for 2015 Guatemala." U.S Department of State. January 1, 2016. Accessed June 14, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017>.

¹² "Guatemala." World Report 2016: Guatemala. January 1, 2016. Accessed June 14, 2016. <http://www.hrw.org/world-report/2016/country-chapters/Guatemala>.

¹³ "Guatemala." International Religious Freedom Report for 2015. January 1, 2016. Accessed June 14, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238548>.

¹⁴ "Guatemala." World Report 2016: Guatemala. January 1, 2016. Accessed June 14, 2016. <http://www.hrw.org/world-report/2016/country-chapters/Guatemala>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed June 14, 2016.

<https://freedomhouse.org/report/freedom-world-2016/methodology>.

¹⁷ "Guatemala." Freedom in the World 2016: Guatemala. January 1, 2016. Accessed June 14, 2016. <https://freedomhouse.org/report/freedom-world/2016/guatemala>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed June 14, 2016. <https://www.freedomhouse.org/report/freedom-world-2016/methodology>

¹⁹ "Guatemala." Freedom in the World 2016: Guatemala. January 1, 2016. Accessed June 14, 2016. <https://freedomhouse.org/report/freedom-world-2016/methodology>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial

secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Guatemala." Corruption by Country. January 1, 2016. Accessed June 14, 2016. <http://www.transparency.org/country#GTM>.

²² "Country Reports on Human Rights Practices for 2015 Guatemala." U.S Department of State. January 1, 2016. Accessed June 14, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Guatemala." World Economic Forum. January 1, 2016. Accessed June 14, 2016. <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=GTM>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed June 14, 2016. <http://www.kidsrightsindex.org/>

²⁷ "Country Reports on Human Rights Practices for 2015 Guatemala." U.S Department of State. January 1, 2016. Accessed June 14, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA State-Sponsored Homophobia." International Lesbian Gay and Intersex Association. May, 2015. Accessed June 14, 2016.

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2015 Guatemala." U.S Department of State. January 1, 2016. Accessed June 14, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253017>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2016. Accessed June 14, 2016. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.