

GUATEMALA - WATCHLIST

OVERVIEW OF CURRENT SITUATION¹

Guatemala is a country still suffering from the political, social and human aftermath of 36 years of civil war that ended in the 1990s. The return of civilian multi-party democracy as well as a series of accords formally ended the conflict, but the root causes of the conflict, as well as the insecurity and violence of everyday life, did not end.

In November 2003, parliamentary and presidential elections took place. The party of former dictator Efraín Ríos Montt, the Guatemalan Republican Front (FRG) gained 44 seats, whilst the Grand National Alliance (GANA) and the National Union for Hope (UNE) won 49 and 34 seats, respectively, out of 158 seats. In municipal elections, the FRG won the most municipalities. Presidential elections went into a run-off round, where Oscar Berger (GANA) won the presidency. Organization of American States observers characterized the elections as free and fair. However, earlier in 2003 the Supreme Court allowed Ríos Montt to run, despite an earlier ban, after FRG supporters protested violently outside the Court.

There are particular problems in the administration of the rule of law. The judiciary is seen as corrupt, underfunded, undertrained, and susceptible to intimidation. The inefficiency and corruption of the police forces, as well as strong evidence of their involvement in crimes, extortions, rapes and extrajudicial killings, have been documented. Government penetration by former paramilitaries with links to organized crime remains a problem; in November 2005, the head of Guatemala's anti-drug agency, Adán Castillo, was arrested in the US on drug trafficking charges.

The long-term problems that underlay the civil conflicts of the 1960s, 1970s and 1980s persist in Guatemala. Economic and social inequality remains a vast problem in Guatemala, particularly in relation to the indigenous population. Indigenous groups remain under-represented in politics and business, tend to be poorer than non-indigenous citizens, and experience highly unequal land ownership.

MOST RECENT TRENDS

There remain ongoing problems in bringing those responsible for human rights abuses during the civil war to justice. In February 2005, the Supreme Court ruled against legal precedent, causing an outcry among human rights groups, when it stopped the trial of 16 former paramilitaries accused of having participated in genocidal killings in 1982. Efforts by Spanish courts to investigate crimes against humanity in Guatemala have faced obstacles and opposition in Guatemala.

There is also a trend towards rising levels of societal violence and increasing impunity. Gangs, paramilitary groups, vigilante mobs, and criminal organizations have, through threats and attacks, become a "de facto power in the country and commit crimes without fear of prosecution".² The ongoing violence has claimed journalists, politicians and human rights defenders. Ordinary citizens, especially women and children, have been

¹ Principal author: Democracy Coalition Project

² Guatemala Human Rights Commission (September 2006), p1, available at <http://www.ghrc-usa.org/Publications/HumanRightsReviewJanuaryAugust2006.pdf>

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particularly affected as well. In the first half of 2006 alone, 362 women and 195 children and youths were killed, up from 2005. There are fears that this climate of violence could intensify as the country heads into new elections in November 2007.

ASSESSMENT

Guatemala has participated in all previous Community of Democracies ministerial meetings. As levels of violence continue to rise, and with it impunity, there is clearly cause for concern about the rule of law in Guatemala, as well as for the country's stability. The violence in particular poses a danger to the active functioning of civil society. Nevertheless, Guatemala continues to fulfill the principal criteria for participation in the Community of Democracies. However, as a new electoral cycle commences, observers will have to keep a close watch on how the violence affects campaigning and preparations for the election.

STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Score	Key
Voice and Accountability	35.7	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability and Absence of Violence	21.7	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	29.7	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	46.5	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	14.5	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	17.7	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

Freedom House: Freedom in the World 2007	Score	Key
Political Rights	3	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Status	PF	3 Categories: F (Free); PF (Partly Free); NF (Not Free)

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Bertelsmann Transformation Index 2006	Score	Key
Stateness	7.0	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development)
Political Participation	6.3	
Rule of Law	5.3	
Stability of Democratic Institutions	5.5	
Political and Social Integration	4.3	
Total Score Political Transformation	5.65	Range 0-10 (Lower value indicates negative democratic development; higher value indicates positive democratic development) / Arrow shows trend in democratic development (↑Improved; ↓Worsened)
Total Score Political Management	5.5	Range 0-10 (Lower value indicates lower quality of political management; higher value indicates higher quality of political management)