

**EXCERPTS FROM COUNTRY CONDITIONS REPORTS**

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**WORLD REPORT 2025: GUATEMALA - HUMAN RIGHTS WATCH**

Guatemala grapples with organized crime, drug trafficking, and institutional weaknesses in the justice system.

The homicide rate, which peaked in 2009 at 46 per 100,000 people, has since declined steadily, reaching 16.1 per 100,000 in 2023. During the first half of 2024, there was a seven percent decrease in the homicide rate in the country compared to the same period the previous year, according to government data. There are also other significant challenges, including high levels of human trafficking, extortion, and violence against women.

The 2023 National Survey of Household Quality and Well-being (ENCABIH) revealed that **48 percent of women have suffered some type of gender-based violence at least once in their lifetime.** In the first half of 2024, civil society groups reported 206 violent deaths of women, with 44 percent classified as femicides. **Impunity in cases of violence against women remains the norm.**

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**GUATEMALA COUNTRY SECURITY REPORT - U.S. DEPARTMENT OF STATE'S OVERSEAS SECURITY ADVISORY COUNCIL (OSAC)**

The U.S. Department of State has assessed Guatemala City as being a CRITICAL-threat location for crime directed at or affecting official U.S. government interests.

The U.S. Department of State has included a Crime "C" Indicator on the Travel Advisory for Guatemala, indicating that there may be widespread violent crime and/or organized crime present in the country, and/or that local law enforcement may have limited ability to respond to serious crimes.

Crime in Guatemala stems from many sources, its impact magnified by corruption, an inadequate justice system, and the prevalence of gang and narco-trafficking activity across the country. The most common crimes against expatriates and foreigners include petty theft and armed robbery.

Even the most upscale residential and commercial areas of Guatemala City (Zones 4, 10, 14, 15, and 16) experience violent crimes in broad daylight. These trends are not isolated to one specific part of the country. No area in Guatemala is immune to crime, including the most popular tourist destinations such as Antigua and Tikal.

Guatemala has historically had one of the highest violent crime rates in Central America [...].

Despite the downward trend in homicides, Guatemala remains dangerous. Endemic poverty, an abundance of weapons, a legacy of societal conflict, and the presence of organized criminal gangs like Barrio 18 (18th Street) and Mara Salvatrucha (MS-13) all contribute to violent crime. Guatemala's high murder rate is driven by narco-trafficking activity, gang-related violence, a heavily armed population, and a law enforcement and judicial system unable to hold criminals accountable.

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**GUATEMALA 2024 HUMAN RIGHTS REPORT - U.S. DEPARTMENT OF STATE**

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

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.

Observers noted the slow pace of investigations and lack of judicial resources hampered efforts to reduce pretrial detention and illegal incarceration.

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 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.

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### **PRELIMINARY OBSERVATIONS ON-SITE VISIT TO GUATEMALA 2024 - INTER-AMERICAN COMMISSION OF HUMAN RIGHTS**

The 2023 National Survey of Household Quality and Well-being (ENCABIH) revealed that 48.8% of women have suffered some type of gender-based violence at least once in their lives.

Added to this figure is the alarming number of 206 violent deaths of women, girls and adolescents registered by civil society in the first six months of 2024, of which 44% have been categorized as femicides.

The United Nations Development Program (UNDP) recorded around 19 cases of sexual violence against women and girls per day during 2022. Of these cases, 9.6% corresponded to girls between 0 and 12 years old, including an intersex girl. According to data from the National Institute of Forensic Sciences of Guatemala (INACIF), in 2023, 6,610 expert examinations were performed for sexual crimes, of which 32% were performed on girls aged 0 to 17 years (2,136). The Commission heard repeatedly that violence against women and girls is the most prevalent of all forms of violence in Guatemala.

Despite the progress achieved with the adoption of the Law against Femicide and other Forms of Violence against Women, during its visit, the Commission was informed about a pattern of impunity in cases of violence against women, as well as the lack of budget and support from the State for the mechanisms of justice and care for victims and their families. Although the Public Prosecutor's Office indicated having 12,453 convictions in cases of gender-based violence against women between 2017 and 2021, during the visit, civil society organizations reported that 768,552 complaints were dismissed between 2018 and April 2024.

The Commission also received reports of civil society regarding very high levels of violence against women, including sexual violence, most of which is characterized by impunity.

During the visit, the IACHR also received information on serious cases of rape against women and girls on the move, committed by groups of people, including police officers.

Since its last visit to the country in 2017, the rule of law and democratic institutionality in Guatemala have severely deteriorated... criminalization is a generalized phenomenon. [...] It also noted that criminalization is a generalized phenomenon that affects all persons who participate in the civic and democratic space, with the purpose of favoring a context of corruption, lack of accountability, and structural impunity.

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### **CENTRAL AMERICA REFUGEE CRISIS: AID, STATISTICS AND NEWS - OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)**

More than 1 million people were uprooted from their homes in Central America by the end of 2022 due to violence, insecurity and persecution, mainly by criminal organizations. El Salvador, Guatemala and Honduras have some of the highest rates of violence in the world. Gang violence, political turmoil, threats, extortion, persecution and sexual violence have forced hundreds of thousands of people to flee their homes in search of safety and a better life. Approximately 665,200 people are seeking refuge in neighboring countries and more than 318,000 are internally displaced within the region.

Women, girls and LGBTQI+ individuals are victims of SGBV at incredibly high rates. Tens of thousands have fled the NCA countries in order to escape domestic violence, rape and sexual assault.

A multi-year drought affecting the “Dry Corridor” running through Honduras, Guatemala and El Salvador is causing a dramatic rise in hunger in the region. Hurricanes Eta and Iota, two of the most powerful storms to hit Central America in decades, have also displaced an estimated 1.5 million people in the region.

Violence, insecurity, fragile institutions, the impact of climate change and deep-rooted inequalities will force more people to flee, either within their own countries or across borders.

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### **CENTRAL AMERICAN WOMEN FLEEING DOMESTIC VIOLENCE DESERVE REFUGEE STATUS - HUMAN RIGHTS WATCH “NEWS PORTAL”**

A 2015 UNHCR report, “Women on the Run,” collected Central American women’s accounts of being trapped in marriages with prolonged and severe domestic violence, for which authorities provided no meaningful help. Some of the women’s abusive partners had additional power leverage because they had ties to the police. The report said that 10 percent of the women interviewed stated that the police or other authorities were the direct source of their harm.

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### **GENDER-BASED VIOLENCE COUNTRY PROFILE: GUATEMALA - WORLD BANK**

Guatemala has one of the highest rates of femicide in the world, with violent deaths of women increasing from 1.3 per 100,000 women in 2020 to 1.6 per 100,000 women in 2021, resulting in 527 femicides reported in 2021 and 534 in 2022, and 69 femicides reported by March 2023. Adult women continue to exhibit the highest rate of violence against women; however, young women aged 18-24 were the primary victims of lethal violence in 2021. Moreover, in 2021, there was a rise in the number of women victims of all ages, particularly girls aged 0-14.

High-risk groups facing multiple and intersecting forms of discrimination include young and adolescent girls, indigenous women, those who have experienced adolescent pregnancies, early unions or marriages, women and girls living with disabilities, and LGBTQ+ groups. In 40% of femicides, there was already a complaint of violence against women by the victims in the two years prior to their murder.

Guatemala has one of the highest rate of femicide in the world.<sup>8</sup> By 2021, violent deaths of women increased by 1.6 deaths per 100,000 women compared to 2020 (1.3 deaths per 100,000 women) and according to official statistics by the end of 2021, 527 femicides were reported. As for 2022, the

Statistical Portal of the Women Observatory reported 534 femicides and by March 2023 there are already 69 femicides reported.

In 2021, at least one woman or girl died violently every day in Guatemala. The violent death rate of women and girls in 2021 was 4.8 per 100, 000 women, the highest compared to 2020; however, this is lower than pre – pandemic levels. Of these victims, young women ages 18 – 24 were the primary victims of lethal violence. Accordingly, the Public Ministry typified 38.9% of these homicides as femicides as compared to the last six years.

Despite the fact that adult women continue to exhibit the highest rate of violence against women, 2028 young and adolescent girls entered the cycle of the continuum of Violence Against Women. In 2020, there were 1,012 recorded cases of domestic/ intrafamily violence and 8,767 cases of sexual violence in Guatemala.<sup>12</sup> High-risk groups that face multiple and intersecting forms of discrimination include young and adolescent girls, indigenous women, those who have experienced adolescent pregnancies, those in early unions or marriages, women and girls living with disabilities, and LGBTQ+ groups. Moreover, in 2021 as compared to the previous year, there was a rise in the number of women victim of all ages, particularly of girls ages 0 – 14 (23%).

Furthermore, The Centro de Investigaciones Económicas (CIEN) stated in a research that the crime of femicide was legally established by Guatemala in 2008 and since then 2,168 cases of murders of women or femicides have been registered. In the same period 630 men were convicted for the crime of femicide, which is equivalent to 29% of the total number of homicides, meaning that 71% of the murders of women in the Central American nation remain unpunished. In addition, in 40 percent of femicides there was already a complaint of violence against women by the victims in the two years prior to their murder.

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## **AMERICAS AND THE CARIBBEAN: GUATEMALA - UN WOMEN'S PORTAL**

Violence against women, this situation has been a continuum in the history of Guatemala and gender violence was perpetuated as a tool of submission and control on women's bodies and lives, this also based in the patriarchal and conservative culture added to a fragile security and legal system that breeds impunity.

Guatemala ranks among the countries with the highest rate of violent deaths among women (9.7 in 100,000). In 2013, according to data from the National Institute of Forensic Sciences (INACIF), 748 women lost their lives to violence, a 10% increase compared to 2012, this gives an average of 2 death per day; violent deaths in men even if they are 10 times higher they had a noticeable decrease. Since coming in to effect in 2008, of the Law against Femicide and other Forms of Violence against Women, the number of criminal complaints has increased. In 2012, the Public Prosecutor's Office, reported 51,790 complaints of violence against women this makes it the crime with more criminal complaints, in 2013 56,000 were reported. Violence against women complaints in 2012 only 2,260 complaints (6.4%) resulted in accusations; the Judicial Branch ruled on 473 sentences in violence against women. The impunity rate in general has decreased slowly; however in femicide it still persists and is estimated in 98%. Violence at the hands of their intimate partner or former partner, including sexual violence, is the experience that will have a more lasting effect on the life of women, especially if they are young women.

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### **FEMICIDAL VIOLENCE IN FIGURES LATIN AMERICA AND THE CARIBBEAN - UN ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN (ECLAC)**

In 2023, at least 3,897 women were victims of femicide or feminicide in 27 countries and territories of Latin America and the Caribbean. This represents at least 11 violent deaths of women due to gender every day in the region, according to the latest data reported by official bodies to the Gender Equality Observatory of Latin America and the Caribbean (OIG) of the Economic Commission for Latin America and the Caribbean (ECLAC).

“In 2023, at least 11 women were murdered every day for reasons of gender in Latin America and the Caribbean. This painful and unacceptable number reminds us that, despite advances in laws and protocols, femicide remains present in our region and is the extreme expression of patriarchal and violent patterns. It is time to act with a sense of urgency,” noted José Manuel Salazar-Xirinachs, Executive Secretary of ECLAC, on the eve of the International Day for the Elimination of Violence against Women, commemorated on November 25, which begins 16 days of activism until December 10, Human Rights Day.

Despite legislative progress, increased visibility and social awareness, and improved institutional responses from States, violence against women and

girls remains a persistent reality in Latin America and the Caribbean and a serious violation of their human rights, underlines ECLAC.

National surveys reveal that between 63% and 76% of women have experienced some form of gender-based violence at some point in their lives, and according to estimates from the World Health Organization, 1 in 4 women in the region has experienced physical and/or sexual violence from their partner at least once in their lifetime. Girls and adolescents are also particularly exposed to gender-based violence, with child, early, and forced marriages affecting 1 in 5 girls in the region.

In 2023, of the 18 Latin American countries that provided information on femicide, 11 recorded a rate higher than 1 victim per 100,000 women.

The ECLAC report also indicates that the majority of gender-related deaths of women in the region occurred within the context of relationships between couples.

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### **BEING A WOMAN IN GUATEMALA: BETWEEN RESISTANCE AND INJUSTICE - FUNDACION ALBOAN'S PORTAL**

Being a woman in Latin America has different implications than being a woman in any other region of the world. The situations of violence and inequality that women face in the region negatively impact the full exercise of their human rights.

#### ***The crisis of femicides and impunity***

In recent years, Guatemala has experienced an increase in the brutality of violence, as well as in cases of disappearances of women. Violence continues to be a fundamental cause of women's migration. Certain groups, such as human rights defenders, LGBTQ+ women, sex workers/women in prostitution, Indigenous women, and young women, are particularly vulnerable.

Domestic and sexual violence are among the most frequently reported crimes in Guatemala, and the femicide rate is very high. As of September 2023, the Public Prosecutor's Office's Women's Observatory documented 290 violent deaths of women in Guatemala; of these, 162 have been classified as femicides, representing 55.9% of the total. This represents an increase from the 128 femicides reported during 2022. According to civil society organizations, between 90% and 95% of femicides go unpunished. These

high rates of impunity demonstrate a pattern of structural discrimination against women.

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### **THE INE PRESENTS INDICATORS OF THE PREVALENCE OF VIOLENCE AGAINST WOMEN IN GUATEMALA - GUATEMALA'S NATIONAL INSTITUTE OF STATISTICS (INE)**

INE Manager Brenda Miranda mentioned that the ENCABIH was administered by a technical team made up exclusively of women, with the purpose of achieving high levels of empathy and openness, so that the respondents felt confident in reporting incidents of violence against women throughout their lives and in the last twelve months.

Among the most significant findings, 48.8% of women reported experiencing at least one instance of violence against women in their lifetime. Furthermore, 34.48% of women reported experiencing some form of sexual violence, and 31.67% reported experiencing psychological violence. 18.14% of women experienced physical violence, and 14.93% experienced economic violence.

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### **ZERO VIOLENCE AGAINST WOMEN: A COMMITMENT FROM ALL OF SOCIETY - UNFPA IN GUATEMALA**

Violence against women and girls is one of the most persistent and devastating human rights violations worldwide. Guatemala is no exception. According to data from the National Survey of Household Quality and Well-being (ENCABI, INE, 2023), one in two Guatemalan women has experienced violence at some point in their lives, reflecting a problem that affects all sectors of society and demands a strong response.

The impact of violence against women extends beyond the individual; it affects families, communities, and the development of the country as a whole. The figures demonstrate the magnitude of the problem: between 2014 and 2019, the rate of women victims of violence remained at 60 per 10,000, a figure that showed a slight increase during the COVID-19 pandemic, reaching 63 in 2021.

The departments of El Progreso and Retalhuleu have the most alarming rates, with more than 100 victims per 10,000 women. Furthermore, femicide remains one of the most extreme expressions of this violence, with 122 cases

registered in 2023, a figure that, far from decreasing, has remained constant since 2019.

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**NEARLY 6,500 WOMEN HAVE RECEIVED ASSISTANCE IN GUATEMALA FOR SEXUAL VIOLENCE IN 2024 - SWI SWISSINFO "NEWS PORTAL"**

**Nearly 6,500 women have received assistance in Guatemala for sexual violence and another 19,000 for physical assaults so far in 2024, according to data released this Thursday by official sources.**

Guatemala's National Institute of Forensic Sciences (Inacif) detailed in a statement that from January 1 to December 10 of this year, a total of 6,469 women have received "medical recognition for sexual crime".

Similarly, the state entity pointed out that 19,023 women have been assisted for physical assaults against them during the same period.

According to the same source, most cases take place in the departments of Guatemala (central) and Quetzaltenango (west), that is, the two largest cities in the Central American country.

**According to data released in recent years by the Public Prosecutor's Office, the main crime committed in Guatemala is violence against women.**

Specifically, crimes perpetrated against women and minors increased by 4.2% in Guatemala during 2023 compared to the previous year, the Prosecutor's Office indicated.

During 2023, 67,979 crimes against women and minors were recorded, exceeding by 2,749 (4.2%) the 65,220 cases registered in 2022.

In 2023 alone, an average of 168 reports were filed daily for crimes such as sexual assault, child abuse, femicide, and economic violence, among others, according to data from the Public Prosecutor's Office. **However, the majority of these reports go unpunished, according to reports from international organizations.**



# Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS  
Form G-28  
OMB No. 1615-0105  
Expires 05/31/2021

## Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)  
▶ 0 0 7 4 9 2 2 5 4 3 8

### Name of Attorney or Accredited Representative

2.a. Family Name (Last Name) **HAVERROTH SILVA**  
2.b. Given Name (First Name) **Otavio**  
2.c. Middle Name **N/A**

### Address of Attorney or Accredited Representative

3.a. Street Number and Name **P.O.Box 90487**  
3.b.  Apt.  Ste.  Flr. **N/A**  
3.c. City or Town **San Diego**  
3.d. State **CA** 3.e. ZIP Code **92169**  
(USPS ZIP Code Lookup)  
3.f. Province **N/A**  
3.g. Postal Code **N/A**  
3.h. Country **USA**

### Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number **5102419336**  
5. Mobile Telephone Number (if any) **5102419336**  
6. Email Address (if any) **otavio@legalhs.com**  
7. Fax Number (if any) **N/A**

## Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a.  I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority  
**California**

1.b. Bar Number (if applicable)  
**343486**

1.c. I (select **only one** box)  am not  am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)  
**HS Law Corp**

2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization  
**N/A**

2.c. Date of Accreditation (mm/dd/yyyy)  
**N/A**

3.  I am associated with **N/A**, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate  
**N/A**



**Part 3. Notice of Appearance as Attorney or Accredited Representative**

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

- 1.a.  U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.
- 2.a.  U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a.  U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
- 4. Receipt Number (if any)  
▶
- 5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):  
 Applicant    Petitioner    Requestor  
 Beneficiary/Derivative    Respondent (ICE, CBP)

**Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)**

- 6.a. Family Name (Last Name)
- 6.b. Given Name (First Name)
- 6.c. Middle Name
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
- 8. Client's USCIS Online Account Number (if any)  
▶
- 9. Client's Alien Registration Number (A-Number) (if any)  
▶ A-

**Client's Contact Information**

- 10. Daytime Telephone Number
- 11. Mobile Telephone Number (if any)
- 12. Email Address (if any)

**Mailing Address of Client**

**NOTE:** Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name
- 13.b.  Apt.    Ste.    Flr.
- 13.c. City or Town
- 13.d. State    13.e. ZIP Code
- 13.f. Province
- 13.g. Postal Code
- 13.h. Country

**Part 4. Client's Consent to Representation and Signature**

**Consent to Representation and Release of Information**

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



**Part 4. Client's Consent to Representation and Signature (continued)**

**Options Regarding Receipt of USCIS Notices and Documents**

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a.  I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b.  I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).  
**NOTE:** If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**
- 1.c.  I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

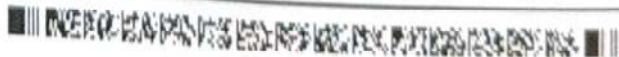
**Signature of Client or Authorized Signatory for an Entity**

- 2.a. Signature of Client or Authorized Signatory for an Entity  
➔ Luis Otavio Pinheiro Coelho
- 2.b. Date of Signature (mm/dd/yyyy) 10/17/2025

**Part 5. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. a. Signature of Attorney or Accredited Representative  
[Handwritten Signature]
- 1. b. Date of Signature (mm/dd/yyyy) 10/17/2025
- 2. a. Signature of Law Student or Law Graduate  
[Blank]
- 2. b. Date of Signature (mm/dd/yyyy) N/A





1 Santanna Law  
Natalia Vieira Santanna (337502)  
2 Po Box 7528 Oakland, CA 94601  
3 510-922-0154  
natalia@santannalaw.com  
4

5 Attorney for Jaime David Pablo Jose  
6

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

10 \_\_\_\_\_ )  
11 GUARDIANSHIP OF THE PERSON OF ) Case N.:  
12 **Jaime David Pablo Jose** ) BIRTH CERTIFICATE IN SUPPORT OF GUARDIANSHIP  
13 ) OF THE PERSON AND SPECIAL IMMIGRANT JUVENILE  
14 ) FINDINGS  
15 )

16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following birth certificate in support of guardianship of the person and  
special immigrant juvenile findings.

18 Date:

19 Respectfully submitted,  
20

21 DATED:

\_\_\_\_\_  
22 Natalia Vieira Santanna  
23  
24  
25  
26  
27  
28



National Registry of Persons

Registration Number: I0002503603072024

VERIFIER: F9F96ED099A4



ID: 036000-20337

**Civil Registry of Persons  
Birth Certificate**

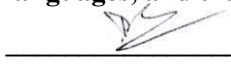
The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

**CERTIFIES**

that on February first, two thousand and five, in certificate 096, page 399 of book 17 of the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, the birth below was registered:

- Jaime Davis, Pablo José -			
Names and Surnames of Person Registered			
Picture not available	<b>Registered Person's Information</b>		
	2965918661322		
	Identification Document		
	January nineteenth, two thousand and five		
	Date of Birth		
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA			
Birthplace			
Male			
Sex			
<b>Mother's Information</b>		 Picture not available	<b>Father's Information</b>
2761156861322			
Identification Document			
- Vicenta, José Ramírez -		- Desiderio, Pablo García -	
Mother's Names and Surnames		Father's Names and Surnames	
January thirtieth, nineteen sixty-one		--	
Date of Birth		Date of Birth	
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		<b>this town</b>	
Place of Origin		Place of Origin	
			
Page 1 of 2	9E0C844BDAFAF9C980262F604838AE9D67769976	2246326630101 07/03/2024 01:29:09 p.m. 001AA070E1C1	<b>CIVIL REGISTRY OF PERSONS RENAP NATIONAL REGISTRY OF PERSONS OFFICE 36 CONCEPCIÓN HUISTA HUEHUETENANGO</b>

**I, Teodoro Daniel Larsen, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Spanish to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.**



\_\_\_\_\_

**Date: October 9, 2025.**



## Registro Civil de las Personas Certificado de Nacimiento

El Infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango,  
CERTIFICA

que con fecha uno de febrero de dos mil cinco, en la partida 096, folio 399 del libro 17, del Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrito el Nacimiento de:

- Jaime David , Pablo José -

Nombres y Apellidos del Inscrito

Fotografía  
no  
disponible

### Datos del Inscrito

2965918661322

Documento de Identificación

Diecinueve de enero de dos mil cinco

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Masculino

Sexo

### Datos de la Madre

2761156861322

Documento de Identificación

- Vicenta , José Ramírez -



Fotografía  
no  
disponible

### Datos del Padre

- Desiderio , Pablo García -

Nombres y Apellidos de la Madre

Treinta de enero de mil novecientos sesenta y uno

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO,  
CONCEPCIÓN HUISTA

Lugar de Origen



Nombres y Apellidos del Padre

Fecha de Nacimiento

este pueblo

Lugar de Origen



1 Santanna Law  
2 Natalia Vieira Santanna (337502)  
3 Po Box 7528 Oakland, CA 94601  
4 510-922-0154  
5 natalia@santannalaw.com

6 Attorney for Jaime David Pablo Jose

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**01/07/2026 at 10:37:02 AM**  
By: Xian-xii Bowie,  
Deputy Clerk

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

10 GUARDIANSHIP OF THE PERSON OF )

11 **Jaime David Pablo Jose** )

Case N.: **26PR163128**

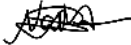
) BIRTH CERTIFICATE IN SUPPORT OF GUARDIANSHIP  
) OF THE PERSON AND SPECIAL IMMIGRANT JUVENILE  
) FINDINGS

12 )  
13 )  
14 )  
15 )  
16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following birth certificate in support of guardianship of the person and  
18 special immigrant juvenile findings.

19 Date:

20 Respectfully submitted,

21 DATED: 1/7/26

  
\_\_\_\_\_  
Natalia Vieira Santanna



National Registry of Persons

Registration Number: I0002503603072024

VERIFIER: F9F96ED099A4


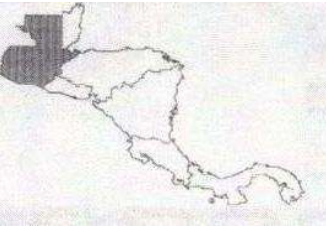

ID: 036000-20337

**Civil Registry of Persons  
Birth Certificate**

The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

CERTIFIES

that on February first, two thousand and five, in certificate 096, page 399 of book 17 of the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, the birth below was registered:

- Jaime Davis, Pablo José -					
Names and Surnames of Person Registered					
Picture not available	<b>Registered Person's Information</b>				
	2965918661322				
	Identification Document				
	January nineteenth, two thousand and five				
Date of Birth					
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA					
Birthplace					
Male					
Sex					
<b>Mother's Information</b>			Picture not available	<b>Father's Information</b>	
2761156861322					
Identification Document					
- Vicenta, José Ramírez -				- Desiderio, Pablo García -	
Mother's Names and Surnames				Father's Names and Surnames	
January thirtieth, nineteen sixty-one				--	
Date of Birth				Date of Birth	
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		<b>this town</b>			
Place of Origin				Place of Origin	
Page 1 of 2	9E0C844BDAFAF9C980262F604838AE9D67769976		2246326630101		<b>CIVIL REGISTRY OF PERSONS RENAP NATIONAL REGISTRY OF PERSONS OFFICE 36 CONCEPCIÓN HUISTA HUEHUETENANGO</b>
		07/03/2024 01:29:09 p.m.			
		001AA070E1C1			

**I, Teodoro Daniel Larsen, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Spanish to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.**



**Date: October 9, 2025.**



### Registro Civil de las Personas Certificado de Nacimiento

El Infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango,

CERTIFICA

que con fecha uno de febrero de dos mil cinco, en la partida 096, folio 399 del libro 17, del Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrito el Nacimiento de:

- Jaime David , Pablo José -

Fotografía  
no  
disponible

#### Datos del Inscrito

Nombres y Apellidos del Inscrito

2965918661322

Documento de Identificación

Diecinueve de enero de dos mil cinco

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Masculino

Sexo

#### Datos de la Madre

2761156861322

Documento de Identificación

- Vicenta , José Ramírez -



Fotografía  
no  
disponible

#### Datos del Padre

- Desiderio , Pablo García -

Nombres y Apellidos de la Madre

Treinta de enero de mil novecientos sesenta y uno

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO,  
CONCEPCIÓN HUISTA

Lugar de Origen



Nombres y Apellidos del Padre

--

Fecha de Nacimiento

este pueblo

Lugar de Origen



# Exhibit list

Exhibits:	Pages:
<b>Exhibit 1 - Academic Evaluation</b>	
Academic evaluation	1-0
Summary of Cover Letter	1-0
Diploma and transcripts	1-0
Membership in a professional association(s)	1-0
Passport	1-0
Curriculum Vitae	1-0
Other comparable evidence of eligibility is also acceptable	1-0
Evidence of legal status	1-0
Birth certificate	1-0
Passport	1-0
Petition Cover Sheet	1-0
Table of Contents	1-0
Form G-28: Notice of Entry of Appearance as Attorney or Accredited Representative	1-0
A license to practice your profession or certification for your profession or occupation	1-0
Recognition for your achievements and significant contributions to your industry or field by your peers, government entities, professional or business organizations	1-0
Evidence that you have commanded a salary or other remuneration for services that demonstrates your exceptional ability	1-0
Birth certificate	1-0

Marriage certificate	1-0
Divorce certificate	1-0
Evidence of legal status	1-0
Business/Professional plan	1-0
Legal research about the national importance of immigrant profession 1 (Record only)	1-0
Form ETA-9089 – Appendix A: Foreign Worker Information	1-0
Accountant Letter	1-0
Company records and contracts	1-0
Professional Experience	1-0
Letter of Support (EBs, O, P, E)	1-0
Evidence of viability of business/professional plan - Bank statement of investor/partners	1-0
G-1145, E-Notification of Application/Petition Acceptance	1-0

---

**FORM 1**

Form ETA-9089 – Final Determination: Permanent Employment Certification Approval	1-0
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# **Exhibit 1 - Academic Evaluation**

# The INE presents indicators of the prevalence of violence against women in Guatemala

 [ine.gob.gt/2024/03/07/el-ine-presenta-indicadores-de-prevalencia-de-violencia-contra-las-mujeres-en-guatemala](https://ine.gob.gt/2024/03/07/el-ine-presenta-indicadores-de-prevalencia-de-violencia-contra-las-mujeres-en-guatemala)

By INE Admin

Guatemala, March 6, 2024. In the context of International Women's Day, the results of the first National Survey of Household Quality and Well-being -ENCABIH, carried out by the National Institute of Statistics, from September to November 2023, were presented.

The ENCABIH was implemented with the objective of generating information on the prevalence and incidence of violence against women aged 15 and over, in the public and private spheres; by type of violence and relationship with the aggressor, among other generated indicators.

The data presented by the National Institute of Statistics is significant because it allows us to focus on where the greatest incidence of violence against women is, generating input for decision-makers in order to propose and guide public policies on the prevention, care and eradication of violence against women.

The survey was administered in 18,120 households across all 22 departments of the Republic of Guatemala. The sample design was specifically tailored to generate results at both the departmental and national levels.

Guatemala has a total population of 17,843,132 inhabitants, of which the male population is 8,777,379 and the female population is 9,065,753; therefore, in the country, 50.8% of the population is made up of women, according to population projections from the INE.

INE Manager Brenda Miranda mentioned that the ENCABIH was administered by a technical team made up exclusively of women, with the purpose of achieving high levels of empathy and openness, so that the respondents felt confident in reporting incidents of

violence against women throughout their lives and in the last twelve months.

“In all 22 departments of the country we achieved very good acceptance and thanks to the participation of women today we have these important results, which are a guide to direct efforts and actions towards building a country where all women live free from violence, and can reach their full potential,” Miranda emphasized in her speech.


Among the most significant findings, 48.8% of women reported experiencing at least one instance of violence against women in their lifetime. Furthermore, 34.48% of women reported experiencing some form of sexual violence, and 31.67% reported experiencing psychological violence. 18.14% of women experienced physical violence, and 14.93% experienced economic violence.

The survey was divided by geographic area, and 55.2% of women in urban areas reported having experienced an incident of violence in their lifetime, while 40.5% of women in rural areas reported experiencing it. Nationally, the department of Guatemala had the highest prevalence of violence against women at 67.38%, followed by the department of Escuintla at 56.82%. The departments of Alta Verapaz and Totonicapán had the lowest prevalence of violence against women, at 30.25% and 23.34%, respectively.

Finally, the INE Manager thanked the Ministry of Economy -MINECO-, the Presidential Secretariat for Women -SEPREM-, the International Organization for Migration in Guatemala (IOM), UN Women, the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA); because without their support the ENCABIH would not have been possible.

# Central America Refugee Crisis: Aid, Statistics and News

---

 [unrefugees.org/emergencies/central-america](https://www.unrefugees.org/emergencies/central-america)

## Emergencies

### CENTRAL AMERICA REFUGEE CRISIS

## 1 million

More than 1 million people have been uprooted from their homes in Central America due to violence, insecurity and persecution, mainly by criminal organizations (as of December 2022)

## 665K

The number of asylum-seekers and refugees from El Salvador, Guatemala and Honduras worldwide has reached 665,200 (as of December 2022).

## 118K

Mexico ranks among the top receiving countries of asylum applications in the world, with 118,800 new asylum claims (as of December 2022).

## About the Crisis in Central America

---

More than 1 million people were uprooted from their homes in Central America by the end of 2022 due to violence, insecurity and persecution, mainly by criminal organizations. El Salvador, Guatemala and Honduras have some of the highest rates of violence in the world. Gang violence, political turmoil, threats, extortion, persecution and sexual violence have forced hundreds of thousands of people to flee their homes in search of safety and a better life. Approximately 665,200 people are seeking refuge in neighboring countries and more than 318,000 are internally displaced within the region.

Asylum systems in Central America and Mexico continued to deal with an increasing number of asylum claims. Mexico ranks among the top receiving countries of asylum applications in the world, with 118,800 new asylum claims by the end of 2022.

Women, girls and LGBTQI+ individuals are victims of [SGBV](#) at incredibly high rates. Tens of thousands have fled the NCA countries in order to escape domestic violence, rape and sexual assault. Members of the LGBTI community are also subject to severe discrimination, including barriers to basic services - such as health, education and employment - and often lack legal protection.

A multi-year drought affecting the “Dry Corridor” running through Honduras, Guatemala and El Salvador is causing a dramatic rise in hunger in the region. Hurricanes Eta and Iota, two of the most powerful storms to hit Central America in decades, have also displaced an estimated 1.5 million people in the region.

Violence, insecurity, fragile institutions, the impact of climate change and deep-rooted inequalities will force more people to flee, either within their own countries or across borders.



Watch Video: <https://youtu.be/iv7B-TbaMWI>

## VIDEO

**Gang violence is forcing people from the North of Central America to flee their homes**

The UN Refugee Agency is working closely with over 70 partners and governments in the NCA region to strengthen protection alternatives and encourage long term solutions for people forced to flee. Through the MIRPS ([Regional Comprehensive Protection and Solutions Framework](#)), UNHCR undertakes the following activities:

- - Providing shelters and protection services to deliver immediate assistance to people on the move.
  - Working with host countries to help coordinate response plans and establish fair and efficient refugee status determination procedures.
  - Providing [cash-based assistance](#) as well as [livelihoods](#) and educational opportunities to support internally displaced people, women, children and members of the LGBTBI community.

- Delivering [relief efforts](#) such as food, hygienic kits, healthcare and psychological support to refugees and displaced people during the pandemic.
- Launching campaigns, such as [My face, their stories](#) campaign to promote peace and coexistence with host communities.
- Supporting survivors of SGBV, and vulnerable women and children, with information and case worker support through mobile vans.



A girl from Honduras stands outside of her room in Tapachula, Mexico after fleeing gang violence.

#### More Facts About the Central America Refugee Crisis

- Unaccompanied minors make up a large portion of those seeking refuge in El Salvador, Guatemala and Honduras. They undertake treacherous journeys alone to avoid gang recruitment and face heightened risks of being kidnapped, trafficked, raped or killed.
- As of 2021, LGBTI individuals in El Salvador, alongside women and adolescents from ages 12-29, are the most likely to be internally displaced.
- In 2022, Honduras saw an increase in criminal activity and displacement. In addition, landslides, floods and road collapses affected more than 80,000 people and caused more than 20 deaths.

1 Santanna Law  
Natalia Vieira Santanna (337502)  
2 Po Box 7528 Oakland, CA 94601  
3 510-922-0154  
natalia@santannalaw.com  
4

5 Attorney for Jaime David Pablo Jose  
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF ALAMEDA**  
9

10 \_\_\_\_\_ )  
11 GUARDIANSHIP OF THE PERSON OF )  
12 **Jaime David Pablo Jose** )  
13 )  
14 \_\_\_\_\_ )

**Case N.:**

**DEATH CERTIFICATE IN SUPPORT  
OF GUARDIANSHIP OF THE PERSON  
AND SPECIAL IMMIGRANT  
SPECIAL IMMIGRANT JUVENILE  
FINDINGS.**

15  
16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following Death Certificate of Esteban Juan José in support of guardianship  
of the person and special immigrant juvenile findings.

18 Date:

19 Respectfully submitted,  
20

21 DATED:

\_\_\_\_\_  
Natalia Vieira Santanna  
22  
23  
24  
25  
26  
27  
28



National Registry of Persons

Registration Number: I0002403621052025

VERIFIER: 2091EA1EA9AD



**Civil Registry of Persons  
Death Certificate**

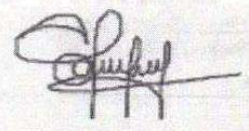
The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

CERTIFIES

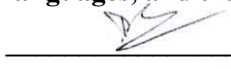
that on November third, two thousand and twenty-three, in the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, death registration No. 944 was registered for:

**Deceased's Information**

<b>- Esteban, Juan José -</b>			
Names and Surnames of the Deceased			
	1819555121322		Male
	ID		Sex
	84 Years and 1 Month old	Single	Farmer
	Age	Marital Status	Occupation
	GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		
Birthplace			
--			
Names and Surnames of Spouse			
<b>Death information</b>			
June second, two thousand twenty-three			06 p.m.
Date of Death			Time of Death
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA			
Place of Death			
Cause A			
Acute Myocardial Infarction			
Cause B			
Cause C			
Cause D			
		2246326630101 05/21/2025 10:43:36 a.m. 001AA070E1C1	CIVIL REGISTRY OF PERSONS <b>RENAP</b> ,,,/illegible/.... Office No. 36 Concepción Huista Huehuetenango
Page 1 of 2	A7DA9A7223B6E163B7EA49F9EDCA73912670873E		

<b>Mother's Information</b>	Picture not available	Picture not available	<b>Father's Information</b>
- María, Gómez -			- Cesario, Ramírez -
Mother's Names and Surnames			Father's Names and Surnames
<b>Remarks</b>			
NO ANNOTATION RECORDED			
Issued on May twenty-first, two thousand twenty-five by the Civil Registrar of Persons, and authenticated as a true copy of the original.			
-----	<b>LAST LINE</b>		-----
I certify	 Ana Lucía, Hernández Sáenz DEPUTY CIVIL REGISTRAR OF PERSONS		CIVIL REGISTRY OF PERSONS <b>RENAP</b> ,,,/ illegible/.... Office No. 36 Concepción Huista Huehuetenango
	RENAP		
This certificate was printed in bond paper on May twenty-first, two thousand and twenty-five and is valid for six months or three QR code verifications. For the uses convenient to the interested party, its authenticity must be verified through the link <a href="https://www.renap.gob.gt/verificacion-de-certificado">https://www.renap.gob.gt/verificacion-de-certificado</a> or calling 1516.			
Page 2 of 2			

**I, Teodoro Daniel Larsen, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Spanish to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.**



**Date: October 9, 2025.**



### Registro Civil de las Personas Certificado de Defunción

El infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango, CERTIFICA que con fecha tres de noviembre de dos mil veintitrés, en el Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrita la Defunción No. 944 de:

#### Datos del Difunto

- Esteban , Juan José -

Nombres y Apellidos del Difunto

1819555121322

Masculino

DPI

Sexo



84 Años 1 Mes

Soltero

Agricultor

Edad

Estado Civil

Profesión

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Nombres y Apellidos del Cónyuge

#### Datos de la Defunción

dos de junio de dos mil veintitrés

18:00

Fecha de Defunción

Hora de Defunción

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA, Aldea Onlaj

Lugar de Defunción

Causa A

Infarto Agudo del Miocardio

Causa B

Causa C

Causa D



**Datos de la Madre**

- María , Gómez -

\_\_\_\_\_  
Nombres y Apellidos de la Madre

Fotografía no disponible	Fotografía no disponible
--------------------------------	--------------------------------

**Datos del Padre**

- Cesario , Ramírez -

\_\_\_\_\_  
Nombres y Apellidos del Padre

**Observaciones**

NO CONSTA NINGUNA ANOTACIÓN

Extendida el día veintiuno de mayo de dos mil veinticinco por el Registrador Civil de las Personas, la cual es auténtica por ser una copia fiel de su original.

-----ULTIMA LÍNEA-----

Doy fe

Ana Lucía , Hernández Sáenz  
REGISTRADOR CIVIL DE LAS PERSONAS EN FUNCIONES



Este certificado fue impreso en papel bond el día veintiuno de mayo del dos mil veinticinco y tiene vigencia de seis meses o tres verificaciones del código QR. Para los usos que al interesado convenga deberá de verificar su autenticidad a través del link: <https://www.renap.gov.gt/verificacion-de-certificado> o bien llamando al 1516.

1 Santanna Law  
2 Natalia Vieira Santanna (337502)  
3 Po Box 7528 Oakland, CA 94601  
4 510-922-0154  
5 natalia@santannalaw.com

6 Attorney for Jaime David Pablo Jose

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**01/07/2026 at 10:37:02 AM**  
By: Xian-xii Bowie,  
Deputy Clerk

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

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12 **Jaime David Pablo Jose** )  
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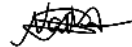
**Case N.: 26PR163128**  
**DEATH CERTIFICATE IN SUPPORT**  
**OF GUARDIANSHIP OF THE PERSON**  
**AND SPECIAL IMMIGRANT**  
**SPECIAL IMMIGRANT JUVENILE**  
**FINDINGS.**

15  
16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following Death Certificate of Esteban Juan José in support of guardianship  
18 of the person and special immigrant juvenile findings.

19 Date:

20 Respectfully submitted,

21 DATED: 1/7/26



22 \_\_\_\_\_  
23 Natalia Vieira Santanna  
24  
25  
26  
27  
28



National Registry of Persons

Registration Number: I0002403621052025

VERIFIER: 2091EA1EA9AD

**Civil Registry of Persons  
Death Certificate**

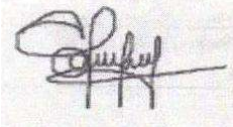
The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

CERTIFIES

that on November third, two thousand and twenty-three, in the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, death registration No. 944 was registered for:

**Deceased's Information**

<b>- Esteban, Juan José -</b>			
Names and Surnames of the Deceased			
	1819555121322		Male
	ID		Sex
	84 Years and 1 Month old	Single	Farmer
	Age	Marital Status	Occupation
	GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		
	Birthplace		
--			
Names and Surnames of Spouse			
<b>Death information</b>			
June second, two thousand twenty-three			06 p.m.
Date of Death			Time of Death
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA			
Place of Death			
Cause A			
Acute Myocardial Infarction			
Cause B			
Cause C			
Cause D			
		2246326630101 05/21/2025 10:43:36 a.m. 001AA070E1C1	CIVIL REGISTRY OF PERSONS <b>RENAP</b> ,,,/illegible/.... Office No. 36 Concepción Huista Huehuetenango
Page 1 of 2	A7DA9A7223B6E163B7EA49F9EDCA73912670873E		

Mother's Information	Picture not available	Picture not available	Father's Information
- María, Gómez -			- Cesario, Ramírez -
Mother's Names and Surnames			Father's Names and Surnames
<b>Remarks</b>			
NO ANNOTATION RECORDED			
Issued on May twenty-first, two thousand twenty-five by the Civil Registrar of Persons, and authenticated as a true copy of the original.			
-----	LAST LINE		-----
I certify	 Ana Lucía, Hernández Sáenz DEPUTY CIVIL REGISTRAR OF PERSONS		CIVIL REGISTRY OF PERSONS <b>RENAP</b> ,,,/ illegible/.... Office No. 36 Concepción Huista Huehuetenango
	RENAP		
This certificate was printed in bond paper on May twenty-first, two thousand and twenty-five and is valid for six months or three QR code verifications. For the uses convenient to the interested party, its authenticity must be verified through the link <a href="https://www.renap.gob.gt/verificacion-de-certificado">https://www.renap.gob.gt/verificacion-de-certificado</a> or calling 1516.			
Page 2 of 2			

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**Date: October 9, 2025.**



### Registro Civil de las Personas Certificado de Defunción

El infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango,

CERTIFICA

que con fecha tres de noviembre de dos mil veintitrés, en el Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrita la Defunción

No. 944 de:

#### Datos del Difunto

- Esteban , Juan José -

Nombres y Apellidos del Difunto

1819555121322

Masculino

DPI

Sexo



84 Años 1 Mes

Soltero

Agricultor

Edad

Estado Civil

Profesión

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Nombres y Apellidos del Cónyuge

#### Datos de la Defunción

dos de junio de dos mil veintitrés

18:00

Fecha de Defunción

Hora de Defunción

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA, Aldea Onlaj

Lugar de Defunción

Causa A

Infarto Agudo del Miocardio

Causa B

Causa C

Causa D



**Datos de la Madre**

- María , Gómez -

Nombres y Apellidos de la Madre

Fotografía  
no  
disponible

Fotografía  
no  
disponible

**Datos del Padre**

- Cesario , Ramírez -

Nombres y Apellidos del Padre

**Observaciones**

NO CONSTA NINGUNA ANOTACIÓN

Extendida el día veintiuno de mayo de dos mil veinticinco por el Registrador Civil de las Personas, la cual es auténtica por ser una copia fiel de su original.

-----ULTIMA LÍNEA-----

Doy fe

Ana Lucía , Hernández Sáenz

REGISTRADOR CIVIL DE LAS PERSONAS EN FUNCIONES



Este certificado fue impreso en papel bond el día veintiuno de mayo del dos mil veinticinco y tiene vigencia de seis meses o tres verificaciones del código QR. Para los usos que al interesado convenga deberá de verificar su autenticidad a través del link: <https://www.renap.gov.gt/verificacion-de-certificado> o bien llamando al 1516.

1 Santanna Law  
2 Natalia Vieira Santanna (337502)  
3 Po Box 7528 Oakland, CA 94601  
4 510-922-0154  
5 natalia@santannalaw.com

6 Attorney for Jaime David Pablo Jose

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

10 \_\_\_\_\_ ) Case N.:  
11 GUARDIANSHIP OF THE PERSON OF )  
12 **Jaime David Pablo Jose** ) PROOF OF ADDRESS IN SUPPORT OF GUARDIANSHIP  
13 ) OF THE PERSON AND SPECIAL IMMIGRANT JUVENILE  
14 ) FINDINGS  
15 )

16 NOW COMES the Proposed Guardian, by and through the Proposed Guardian’s attorney,  
17 and hereby submits the following Proof of Address in support of guardianship of the  
18 person and special immigrant juvenile findings.

19 Date:

20 Respectfully submitted,

21 DATED:

22 \_\_\_\_\_  
23 Natalia Vieira Santanna  
24  
25  
26  
27  
28



# EAST BAY MUNICIPAL UTILITY DISTRICT

1-866-40-EBMUD

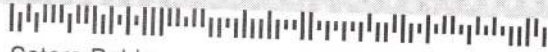
YOUR ACCOUNT NUMBER:

24795700001

Next Read Date is 12/30/2025

**Your Payment is Due by 11/17/2025**

Act now to prepare for emergencies - sign up for safety alerts, store emergency water for your household, pack go-bags with essentials and create a family evacuation plan. Taking small steps today will help ensure you'll be ready to protect yourself, your loved ones and your community when it matters most. Learn more at [ebmud.com/emergency-preparedness](http://ebmud.com/emergency-preparedness)



Sotero Pablo  
2313 SEMINARY AVE  
OAKLAND, CA 94605-1319

Bill Date: 10/31/25

Billing Period (60 Days)	
From	To
8/28/25	10/27/25

- [EBMUD Home Page](#)
- [View Newsletter](#)
- [Bill FAQs](#)
- [Rates & Charges](#)
- [Contact Info](#)

For: 2313 Seminary Ave  
Private Residence

### PREVIOUS CHARGES AND CREDITS

	AMOUNT	TOTAL
PREVIOUS AMOUNT DUE	283.22	
FULL PAYMENT - 10/01/25	-283.22	0.00
<b>EBMUD - WATER CHARGES</b>		
WATER SERVICE CHARGE	53.70	
WATER FLOW CHARGE 9 UNITS @7.89	71.01	124.71
<b>EBMUD - WASTEWATER CHARGES</b>		
WASTEWATER TREATMENT CHARGE	57.52	
SF BAY POLLUTION PREVENTION FEE	0.40	57.92

### PASS THROUGH CHARGES FOR THE CITY OF OAKLAND SEWER SERVICES

92.60

PLEASE SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

**275.23**

METER SIZE	ELEV. Band	METER READINGS		UNITS	CONSUMPTION INFORMATION		
		Current	Previous		Gallons	Days	Gal/Day
5/8 inch	1	851	842	9	6,732	60	112
		LAST	YEAR	12	8,976	62	144

PLEASE DETACH AND RETURN THIS PAYMENT STUB WITH CHECK OR MONEY ORDER PAYABLE TO EBMUD

2313 Seminary Ave, Oakland, CA 946051319    8/28/25    10/27/25    ACCOUNT NO.: 24795700001

Pay by credit/ATM/e-check for a fee.  
Call 1-888-963-0909

Mail payment to:

TOTAL PREVIOUS    0.00  
TOTAL CURRENT    275.23

EBMUD PAYMENT CENTER  
PO BOX 51191  
LOS ANGELES CA 90051-5491

**275.23**

2479570000180000275230000000000007

1 Santanna Law  
Natalia Vieira Santanna (337502)  
2 Po Box 7528 Oakland, CA 94601  
3 510-922-0154  
natalia@santannalaw.com  
4

5 Attorney for Jaime David Pablo Jose  
6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF ALAMEDA**  
9

10 \_\_\_\_\_ ) Case N.:  
11 GUARDIANSHIP OF THE PERSON OF )  
12 **Jaime David Pablo Jose** ) DEATH CERTIFICATE IN SUPPORT OF  
13 ) GUARDIANSHIP OF THE PERSON AND  
14 ) SPECIAL IMMIGRANT JUVENILE FINDINGS  
15

16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following Death Certificate of María Luisa Ramírez Gómez in support of  
guardianship of the person and special immigrant juvenile findings.

18 Date:

19 Respectfully submitted,  
20

21 DATED:

\_\_\_\_\_  
Natalia Vieira Santanna  
22  
23  
24  
25  
26  
27  
28



National Registry of Persons

Registration Number: I0002503621052025

VERIFIER: 629828B5F938

**Civil Registry of Persons  
Death Certificate**

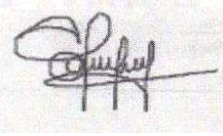
The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

CERTIFIES

that on November third, two thousand and twenty-three, in the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, death registration No. 943 was registered for:

**Deceased's Information**

<b>- María Luisa, Ramírez Gómez -</b>			
Names and Surnames of the Deceased			
	1819555201322		Female
	ID		Sex
	81 Years and 4 Months old	Single	Household employee
	Age	Marital Status	Occupation
	GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		
	Birthplace		
--			
Names and Surnames of Spouse			
<b>Death information</b>			
September twenty-third, two thousand twenty-three			01:30 a.m.
Date of Death			Time of Death
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA			
Place of Death			
Diabetic Ketoacidosis			
Cause A			
Diabetes Mellitus			
Cause B			
Cause C			
Cause D			
		2246326630101 05/21/2025 10:46:54 a.m. 001AA070E1C1	CIVIL REGISTRY OF PERSONS <b>RENAP</b> ,,/illegible/... Office No. 36 Concepción Huista Huehuetenango
Page 1 of 2	AE962F2085659B5D4E8DE68C69926B862283DC65		

<b>Mother's Information</b>			<b>Father's Information</b>
- Dominga, José -	Picture not available	Picture not available	- Esteban, Juan -
Mother's Names and Surnames			Father's Names and Surnames
<b>Remarks</b>			
Reason: This Late Registration is made based on Payment Note No. 829010020128 and Receipt No. 44515833.			
Issued on May twenty-first, two thousand twenty-five by the Civil Registrar of Persons, and authenticated as a true copy of the original.			
-----	<b>LAST LINE</b>		-----
I certify	 Ana Lucía, Hernández Sáenz DEPUTY CIVIL REGISTRAR OF PERSONS RENAP		CIVIL REGISTRY OF PERSONS <b>RENAP</b> ,,,/ illegible/.... Office No. 36 Concepción Huista Huehuetenango
This certificate was printed in bond paper on May twenty-first, two thousand and twenty-five and is valid for six months or three QR code verifications. For the uses convenient to the interested party, its authenticity must be verified through the link <a href="https://www.renap.gob.gt/verificacion-de-certificado">https://www.renap.gob.gt/verificacion-de-certificado</a> or calling 1516.			
Page 2 of 2			

**I, Teodoro Daniel Larsen, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Spanish to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.**



**Date: October 9, 2025.**



**Registro Civil de las Personas**  
**Certificado de Defunción**

El infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango, CERTIFICA que con fecha tres de noviembre de dos mil veintitrés, en el Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrita la Defunción No. 943 de:

**Datos del Difunto**

- María Luisa , Ramírez Gómez -

Nombres y Apellidos del Difunto

1819555201322

Femenino

DPI

Sexo



81 Años 4 Meses

Soltero

Domésticos

Edad

Estado Civil

Profesión

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Nombres y Apellidos del Cónyuge

**Datos de la Defunción**

veintitrés de septiembre de dos mil veintitrés

01:30

Fecha de Defunción

Hora de Defunción

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA, Aldea Orlej

Lugar de Defunción

Ceto Acidosis Diabética

Causa A

Diabetes Mellitus

Causa B

Causa C

Causa D



**Datos de la Madre**

- Dominga , José -

Nombres y Apellidos de la Madre

Fotografía no disponible	Fotografía no disponible
--------------------------------	--------------------------------

**Datos del Padre**

- Esteban , Juan -

Nombres y Apellidos del Padre

**Observaciones**

Razón: La presente Inscripción Extemporánea se realiza con base a la Nota de Pago No. 829010020128 y Recibo No. 44515833

Extendida el día veintiuno de mayo de dos mil veinticinco por el Registrador Civil de las Personas, la cual es auténtica por ser una copia fiel de su original.

-----ULTIMA LÍNEA-----

Doy fe

Ana Lucía , Hernández Sáenz  
REGISTRADOR CIVIL DE LAS PERSONAS EN FUNCIONES



Este certificado fue impreso en papel bond el día veintiuno de mayo del dos mil veinticinco y tiene vigencia de seis meses o tres verificaciones del código QR. Para los usos que al interesado convenga deberá de verificar su autenticidad a través del link: <https://www.renap.gov.gt/verificacion-de-certificado> o bien llamando al 1516.

1 Santanna Law  
Natalia Vieira Santanna (337502)  
2 Po Box 7528 Oakland, CA 94601  
3 510-922-0154  
natalia@santannalaw.com  
4

5 Attorney for Jaime David Pablo Jose  
6

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

10 \_\_\_\_\_ )  
11 GUARDIANSHIP OF THE PERSON OF ) Case N.:  
12 **Jaime David Pablo Jose** ) BIRTH CERTIFICATE IN SUPPORT OF GUARDIANSHIP  
13 ) OF THE PERSON AND SPECIAL IMMIGRANT JUVENILE  
14 ) FINDINGS  
15 )

16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following birth certificate in support of guardianship of the person and  
special immigrant juvenile findings.

18 Date:

19 Respectfully submitted,  
20

21 DATED:

\_\_\_\_\_  
22 Natalia Vieira Santanna  
23  
24  
25  
26  
27  
28



National Registry of Persons

Registration Number: I0002503603072024

VERIFIER: F9F96ED099A4



ID: 036000-20337

**Civil Registry of Persons  
Birth Certificate**

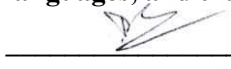
The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

**CERTIFIES**

that on February first, two thousand and five, in certificate 096, page 399 of book 17 of the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, the birth below was registered:

- Jaime Davis, Pablo José -			
Names and Surnames of Person Registered			
Picture not available	<b>Registered Person's Information</b>		
	2965918661322		
	Identification Document		
	January nineteenth, two thousand and five		
	Date of Birth		
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA			
Birthplace			
Male			
Sex			
<b>Mother's Information</b>		 Picture not available	<b>Father's Information</b>
2761156861322			
Identification Document			
- Vicenta, José Ramírez -		- Desiderio, Pablo García -	
Mother's Names and Surnames		Father's Names and Surnames	
January thirtieth, nineteen sixty-one		--	
Date of Birth		Date of Birth	
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		<b>this town</b>	
Place of Origin		Place of Origin	
			
Page 1 of 2	9E0C844BDAFAF9C980262F604838AE9D67769976	2246326630101 07/03/2024 01:29:09 p.m. 001AA070E1C1	<b>CIVIL REGISTRY OF PERSONS RENAP NATIONAL REGISTRY OF PERSONS OFFICE 36 CONCEPCIÓN HUISTA HUEHUETENANGO</b>

**I, Teodoro Daniel Larsen, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Spanish to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.**



**Date: October 9, 2025.**



## Registro Civil de las Personas Certificado de Nacimiento

El Infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango,  
CERTIFICA

que con fecha uno de febrero de dos mil cinco, en la partida 096, folio 399 del libro 17, del Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrito el Nacimiento de:

- Jaime David , Pablo José -

Nombres y Apellidos del Inscrito

Fotografía  
no  
disponible

### Datos del Inscrito

2965918661322

Documento de Identificación

Diecinueve de enero de dos mil cinco

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Masculino

Sexo

### Datos de la Madre

2761156861322

Documento de Identificación

- Vicenta , José Ramírez -



Fotografía  
no  
disponible

### Datos del Padre

- Desiderio , Pablo García -

Nombres y Apellidos de la Madre

Treinta de enero de mil novecientos sesenta y uno

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO,  
CONCEPCIÓN HUISTA

Lugar de Origen



Nombres y Apellidos del Padre

Fecha de Nacimiento

este pueblo

Lugar de Origen



1 Santanna Law  
2 Natalia Vieira Santanna (337502)  
3 Po Box 7528 Oakland, CA 94601  
4 510-922-0154  
5 natalia@santannalaw.com

6 Attorney for Jaime David Pablo Jose

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**01/07/2026 at 10:37:02 AM**  
By: Xian-xii Bowie,  
Deputy Clerk

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

10 GUARDIANSHIP OF THE PERSON OF )

11 **Jaime David Pablo Jose** )

Case N.: **26PR163128**

) BIRTH CERTIFICATE IN SUPPORT OF GUARDIANSHIP  
) OF THE PERSON AND SPECIAL IMMIGRANT JUVENILE  
) FINDINGS

12 )  
13 )  
14 )  
15 )  
16 NOW COMES the Petitioner, by and through the Petitioner's attorney, and hereby  
17 submits the following birth certificate in support of guardianship of the person and  
18 special immigrant juvenile findings.

19 Date:

20 Respectfully submitted,

21 DATED: 1/7/26

  
\_\_\_\_\_  
Natalia Vieira Santanna



National Registry of Persons

Registration Number: I0002503603072024

VERIFIER: F9F96ED099A4


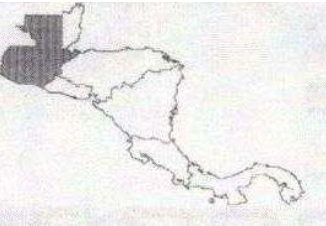

ID: 036000-20337

**Civil Registry of Persons  
Birth Certificate**

The Undersigned Civil Registrar of Persons of the National Registry of Persons of the Municipality of Concepción Huista, Department of Huehuetenango,

CERTIFIES

that on February first, two thousand and five, in certificate 096, page 399 of book 17 of the Civil Registry of the Municipality of CONCEPCIÓN HUISTA, Department of HUEHUETENANGO, the birth below was registered:

- Jaime Davis, Pablo José -			
Names and Surnames of Person Registered			
Picture not available	<b>Registered Person's Information</b>		
	2965918661322		
	Identification Document		
	January nineteenth, two thousand and five		
Date of Birth			
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA			
Birthplace			
Male			
Sex			
<b>Mother's Information</b>			Picture not available
2761156861322			
Identification Document		<b>Father's Information</b>	
- Vicenta, José Ramírez -		- Desiderio, Pablo García -	
Mother's Names and Surnames		Father's Names and Surnames	
January thirtieth, nineteen sixty-one		--	
Date of Birth		Date of Birth	
GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA		<b>this town</b>	
Place of Origin			Place of Origin
			
Page 1 of 2	9E0C844BDAFAF9C980262F604838AE9D67769976	2246326630101 07/03/2024 01:29:09 p.m. 001AA070E1C1	<b>CIVIL REGISTRY OF PERSONS RENAP</b> NATIONAL REGISTRY OF PERSONS OFFICE 36 CONCEPCIÓN HUISTA HUEHUETENANGO

**I, Teodoro Daniel Larsen, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Spanish to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.**



**Date: October 9, 2025.**



### Registro Civil de las Personas Certificado de Nacimiento

El Infrascrito Registrador Civil de las Personas del Registro Nacional de las Personas del Municipio de Concepción Huista, Departamento de Huehuetenango,

CERTIFICA

que con fecha uno de febrero de dos mil cinco, en la partida 096, folio 399 del libro 17, del Registro Civil del Municipio de CONCEPCIÓN HUISTA, Departamento de HUEHUETENANGO, quedó inscrito el

Nacimiento de:

- Jaime David , Pablo José -

Fotografía  
no  
disponible

#### Datos del Inscrito

Nombres y Apellidos del Inscrito

2965918661322

Documento de Identificación

Diecinueve de enero de dos mil cinco

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO, CONCEPCIÓN HUISTA

Lugar de Nacimiento

Masculino

Sexo

#### Datos de la Madre

2761156861322

Documento de Identificación

- Vicenta , José Ramírez -



Fotografía  
no  
disponible

#### Datos del Padre

- Desiderio , Pablo García -

Nombres y Apellidos de la Madre

Treinta de enero de mil novecientos sesenta y uno

Fecha de Nacimiento

GUATEMALA, HUEHUETENANGO,  
CONCEPCIÓN HUISTA

Lugar de Origen



Nombres y Apellidos del Padre

--

Fecha de Nacimiento

este pueblo

Lugar de Origen



1 Santanna Law  
Natalia Vieira Santanna (337502)  
2 Po Box 7528 Oakland, CA 94601  
3 510-922-0154  
natalia@santannalaw.com  
4

5 Attorney for Jaime David Pablo Jose  
6

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ALAMEDA**

10 \_\_\_\_\_ )  
11 GUARDIANSHIP OF THE PERSON OF ) Case N.:  
12 **Jaime David Pablo Jose** ) GREEN CARD IN SUPPORT OF GUARDIANSHIP  
13 ) OF THE PERSON AND SPECIAL IMMIGRANT  
14 ) JUVENILE FINDINGS  
15 )  
16 )  
17 )

18 NOW COMES the Proposed Guardian, by and through the Proposed Guardian’s attorney,  
19 and hereby submits the following Green Card in support of guardianship of the person  
20 and special immigrant juvenile findings.

21 Date:

22 Respectfully submitted,

23 DATED:

24 \_\_\_\_\_  
25 Natalia Vieira Santanna  
26  
27  
28



UNITED STATES OF AMERICA  
PERMANENT RESIDENT



Pablo Lorenzo Sotero 22 APR 1975

Surname: **PABLO LORENZO**  
Given Name: **SOTERO**  
USCIS#: **098-838-469**  
Country of Birth: **Guatemala**  
Date of Birth: **22 APR 1975**  
Sex: **M**  
Card Expires: **01/18/28**  
Resident Since: **05/02/06**  
Category: **AS7**







# Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

**DHS**  
**Form G-28**  
OMB No. 1615-0105  
Expires 05/31/2021

### Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)  
▶ 0 0 7 4 9 2 2 5 4 3 8

### Name of Attorney or Accredited Representative

2.a. Family Name (Last Name) **HAVERROTH SILVA**  
2.b. Given Name (First Name) **Otavio**  
2.c. Middle Name **N/A**

### Address of Attorney or Accredited Representative

3.a. Street Number and Name **P.O. Box 90487**  
3.b.  Apt.  Ste.  Flr. **N/A**  
3.c. City or Town **San Diego**  
3.d. State **CA** 3.e. ZIP Code **92169**  
(USPS ZIP Code Lookup)  
3.f. Province **N/A**  
3.g. Postal Code **N/A**  
3.h. Country **USA**

### Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number **5102419336**  
5. Mobile Telephone Number (if any) **5102419336**  
6. Email Address (if any) **otavio@legalhs.com**  
7. Fax Number (if any) **N/A**

### Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a.  I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority  
**California**

1.b. Bar Number (if applicable)  
**343486**

1.c. I (select **only one** box)  am not  am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)  
**HS LAW CORP**

2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization  
**N/A**

2.c. Date of Accreditation (mm/dd/yyyy)  
**N/A**

3.  I am associated with **HS LAW CORP**, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate  
**N/A**



**Part 3. Notice of Appearance as Attorney or Accredited Representative**

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a.  U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

I-765

2.a.  U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

N/A

3.a.  U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

N/A

4. Receipt Number (if any)

▶ N / A

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

Applicant  Petitioner  Requestor

Beneficiary/Derivative  Respondent (ICE, CBP)

**Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)**

6.a. Family Name (Last Name) SOARES PINHEIRO

6.b. Given Name (First Name) Kavya Morganna

6.c. Middle Name N/A

7.a. Name of Entity (if applicable)

N/A

7.b. Title of Authorized Signatory for Entity (if applicable)

N/A

8. Client's USCIS Online Account Number (if any)

▶ N / A

9. Client's Alien Registration Number (A-Number) (if any)

▶ A- 2 4 0 3 7 9 0 1 8

**Client's Contact Information**

10. Daytime Telephone Number

+1 415 964-7147

11. Mobile Telephone Number (if any)

+1 415 964-7147

12. Email Address (if any)

kavyaspinheiro@gmail.com

**Mailing Address of Client**

**NOTE:** Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name P.O. Box 90487

13.b.  Apt.  Ste.  Flr. N/A

13.c. City or Town San Diego

13.d. State CA 13.e. ZIP Code 92169

13.f. Province N/A

13.g. Postal Code N/A

13.h. Country

USA

**Part 4. Client's Consent to Representation and Signature**

**Consent to Representation and Release of Information**

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



**Part 4. Client's Consent to Representation and Signature (continued)**

**Options Regarding Receipt of USCIS Notices and Documents**

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a.  I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b.  I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).
- NOTE:** If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**
- 1.c.  I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

**Signature of Client or Authorized Signatory for an Entity**

- 2.a. Signature of Client or Authorized Signatory for an Entity  
➔ Kavya Abhinava Gomes Pereira
- 2.b. Date of Signature (mm/dd/yyyy) 10/14/2025

**Part 5. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative  
[Signature]
- 1.b. Date of Signature (mm/dd/yyyy) 10/14/2025
- 2.a. Signature of Law Student or Law Graduate  
[Signature]
- 2.b. Date of Signature (mm/dd/yyyy) N/A



**Part 6. Additional Information**

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number     2.b. Part Number     2.c. Item Number

2.d.

3.a. Page Number     3.b. Part Number     3.c. Item Number

3.d.

4.a. Page Number     4.b. Part Number     4.c. Item Number

4.d.

5.a. Page Number     5.b. Part Number     5.c. Item Number

5.d.

6.a. Page Number     6.b. Part Number     6.c. Item Number

6.d.



Dear Hericles Fagundes Galle and Maria Luísa da Silva Moreno,

As you are aware, your I-140 petition for the EB-1 category (case No. IOE0927855996), filed on September 24, 2024, was denied on December 1, 2025. Before this decision, as a preventive measure, we filed a new I-140 petition (case No. IOE0934557669) and requested that your pending Adjustment of Status (Form I-485) applications be transferred to this new petition in order to protect your situation and mitigate the accrual of unlawful presence. However, it is important to note that this does not guarantee the preservation of your status, and there are inherent risks involved.

At this time, it is not entirely clear whether USCIS has effectively completed this transfer and properly linked your Adjustment of Status (Form I-485) to the new underlying I-140, as USCIS does not have a formal notification procedure to confirm when or whether such transfers have been processed.

As previously explained, an Adjustment of Status (Form I-485) is not, by itself, an immigration “status,” but rather an authorization to remain in the United States while the application is pending. It depends on a valid, pending, or approved underlying immigrant petition. It is possible that USCIS will accept our transfer request and treat the new I-140 as the underlying petition for your pending Adjustment of Status (Form I-485); however, USCIS does not have a formal notification procedure to confirm if or when such a transfer has been effected, so we may not receive any express confirmation of this.

When an I-140 that serves as the basis for an Adjustment of Status (Form I-485) is denied, the corresponding Adjustment of Status (Form I-485) can lose its legal foundation and may be denied by USCIS, even if it still appears as “pending” in the system. In a scenario where USCIS has not correctly transferred the new I-140 as the basis for your Adjustment of Status (Form I-485), there is a risk that your current Adjustment of Status (Form I-485) may be denied and that unlawful presence could begin to accrue if you do not depart the United States after such a denial, which may lead to severe consequences.

You were also advised that any international travel and attempted reentry to the United States under these circumstances carries risk, even with a valid Advance Parole. U.S. Customs and Border Protection (CBP) officers have full discretion to admit or refuse entry. Given the denial of the prior I-140 and the uncertainty regarding the effective transfer of your Adjustment of Status (Form I-485) to the new petition, CBP may closely scrutinize your immigration history and deny reentry.

In light of the above, you should carefully weigh the risks of remaining in the United States and/or traveling internationally while your Adjustment of Status (Form I-485) remains

pending under these uncertain conditions. Depending on how USCIS ultimately treats the linkage between your Adjustment of Status (Form I-485) and the new I-140, should your Adjustment of Status (Form I-485) be denied, the safest legal course may be to depart the United States and await the approval of a future immigrant petition, completing the process through consular processing at the U.S. Embassy or Consulate in Brazil. You have been informed of these risks and understand that your current situation does not constitute a clear, recognized lawful nonimmigrant or permanent resident status, and that continued presence in the U.S. and international travel may result in significant immigration consequences.

Please let us know how you would like to move forward, and we will guide you through the next steps accordingly.

Sincerely,



**Otávio Haverroth Silva**  
**California Bar #343468**

**Acknowledgment:**

We, Hericles Fagundes Galle and Maria Luísa da Silva Moreno, acknowledge that we have been informed about the denial of the I-140 petition (case No. IOE0927855996), the uncertainty regarding the transfer of our pending Adjustment of Status (Form I-485) to the new EB-1 petition (case No. IOE0934557669), and the risks this situation creates for our stay in the United States and for any international travel. We understand that an Adjustment of Status (Form I-485) is not, by itself, an immigration status and that, if our Adjustment of Status (Form I-485) is denied, the safest legal course is to depart the United States and await the result of any future petition from abroad.

**Hericles Fagundes Galle – Signature:** \_\_\_\_\_

**Maria Luísa da Silva Moreno – Signature:** \_\_\_\_\_

Please note that even if this document is not physically signed, its delivery and access by you constitute acknowledgment that you were informed of the above risks.

Dear Hericles Fagundes Galle and Maria Luísa da Silva Moreno,

As you are aware, your I-140 petition for the EB-1 category (case No. IOE0927855996), filed on September 24, 2024, was denied on December 1, 2025. Before this decision, as a preventive measure, we filed a new I-140 petition (case No. IOE0934557669) and requested that your pending Adjustment of Status (Form I-485) applications be transferred to this new petition in order to protect your situation and mitigate the accrual of unlawful presence. However, it is important to note that this does not guarantee the preservation of your status, and there are inherent risks involved.

At this time, it is not entirely clear whether USCIS has effectively completed this transfer and properly linked your Adjustment of Status (Form I-485) to the new underlying I-140, as USCIS does not have a formal notification procedure to confirm when or whether such transfers have been processed.

As previously explained, an Adjustment of Status (Form I-485) is not, by itself, an immigration “status,” but rather an authorization to remain in the United States while the application is pending. It depends on a valid, pending, or approved underlying immigrant petition. It is possible that USCIS will accept our transfer request and treat the new I-140 as the underlying petition for your pending Adjustment of Status (Form I-485); however, USCIS does not have a formal notification procedure to confirm if or when such a transfer has been effected, so we may not receive any express confirmation of this.

When an I-140 that serves as the basis for an Adjustment of Status (Form I-485) is denied, the corresponding Adjustment of Status (Form I-485) can lose its legal foundation and may be denied by USCIS, even if it still appears as “pending” in the system. In a scenario where USCIS has not correctly transferred the new I-140 as the basis for your Adjustment of Status (Form I-485), there is a risk that your current Adjustment of Status (Form I-485) may be denied and that unlawful presence could begin to accrue if you do not depart the United States after such a denial, which may lead to severe consequences.

You were also advised that any international travel and attempted reentry to the United States under these circumstances carries risk, even with a valid Advance Parole. U.S. Customs and Border Protection (CBP) officers have full discretion to admit or refuse entry. Given the denial of the prior I-140 and the uncertainty regarding the effective transfer of your Adjustment of Status (Form I-485) to the new petition, CBP may closely scrutinize your immigration history and deny reentry.

In light of the above, you should carefully weigh the risks of remaining in the United States and/or traveling internationally while your Adjustment of Status (Form I-485) remains

pending under these uncertain conditions. Depending on how USCIS ultimately treats the linkage between your Adjustment of Status (Form I-485) and the new I-140, should your Adjustment of Status (Form I-485) be denied, the safest legal course may be to depart the United States and await the approval of a future immigrant petition, completing the process through consular processing at the U.S. Embassy or Consulate in Brazil. You have been informed of these risks and understand that your current situation does not constitute a clear, recognized lawful nonimmigrant or permanent resident status, and that continued presence in the U.S. and international travel may result in significant immigration consequences.

Please let us know how you would like to move forward, and we will guide you through the next steps accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Otávio Haverroth Silva".

**Otávio Haverroth Silva**  
**California Bar #343468**



# Authorization for Credit Card Transactions

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form G-1450

## How To Fill Out Form G-1450

1. Type or print legibly in black ink.
2. Complete the "Applicant's/Petitioner's/Requester's Information," "Credit Card Billing Information," and "Credit Card Information" sections and sign the authorization. **NOTE:** The credit card must be issued by a U.S. bank.
3. Place your Form G-1450 ON TOP of your application, petition, or request package.

**NOTE:** Failure to provide the requested information may result in USCIS and your financial institution not accepting the payment. USCIS cannot process credit card payments without an authorized signature.

**NOTE:** Please see the USCIS Form G-1450 website for additional information.

**We recommend that you print or save a copy of your completed Form G-1450 to review in the future and for your records.**

By completing this transaction, you agree that you have paid for a government service and that the filing fee, biometric services fee and all related financial transactions are final and not refundable, regardless of any action USCIS takes on an application, petition, or request. You must submit all fees in the exact amounts. USCIS will charge your credit card up to the amount you authorize below.

Please refer to the form(s) you are filing for additional information, or you may call the USCIS Customer Contact number at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Applicant's/Petitioner's/Requester's Information (Full Legal Name)			
Given Name (First Name) Paulo Nathan	Middle Name (if any)	Family Name (Last Name) SILVA MELO	
Credit Card Billing Information (Credit Card Holder's Name as it Appears on the Card)			
Given Name (First Name)	Middle Name (if any)	Family Name (Last Name)	
Credit Card Holder's Billing Address:			
Street Number and Name		Apt. Ste. Flr. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Number
City or Town		State <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	ZIP Code
Credit Card Holder's Signature and Contact Information:			
Credit Card Holder's Signature			
Credit Card Holder's Daytime Telephone Number		Credit Card Holder's Email Address	
Credit Card Information			
Credit Card Number	Credit Card Type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express <input type="checkbox"/> Discover	Authorized Payment Amount \$ 1440 .00	
Credit Card Expiration Date (mm/yyyy)			



1  
2 Natalia Vieira Santanna,  
3 CA BAR No. 337502  
4 MI BAR No. P76443  
5 SANTANNA LAW OFFICES  
6 PO Box 7528, Oakland, CA, 94601  
7 (510) 922-0154 (Telephone)  
8 natalia@santannalaw.com (Email)  
9 Attorney for Petitioner-Plaintiff

Otavio Haverroth Silva,  
CA BAR No. 343846  
HS LAW CORP  
PO Box 90487, San Diego, CA 92169  
(510) 241-9336 (Telephone)  
otavio@legalhs.com (Email)  
Attorney for Petitioner-Plaintiff

6 UNITED STATES DISTRICT COURT FOR THE  
7 EASTERN DISTRICT OF CALIFORNIA

8 W.V.S.M.,  
9 Petitioner-Plaintiff,  
10 v.

Case No.

**(PROPOSED) ORDER  
MOTION TO PROCEED VIA  
PSEUDONYM**

10 Minga WOFFORD, Field Office Director, Mesa  
11 Verde, Office of Detention and Removal, U.S.  
12 Immigrations and Customs Enforcement; U.S.  
13 Department of Homeland Security;

12 Sergio ALBARRAN, Acting Field Office Director  
13 of the San Francisco Immigration and Customs  
14 Enforcement Office

14 Todd M. LYONS, Acting Director, Immigration  
15 and Customs Enforcement, U.S. Department of  
16 Homeland Security;

16 Kristi NOEM, in her Official Capacity, Secretary,  
17 U.S. Department of Homeland Security; and

17 Pam BONDI, in her Official Capacity, Attorney  
18 General of the United States;

18 Respondents-Defendants.

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**[PROPOSED] ORDER**

Upon review of Plaintiff's Motion to Proceed under Pseudonyms is **GRANTED**.

**IT IS SO ORDERED.**

Date: November \_\_\_\_, 2025 at \_\_\_\_\_.

\_\_\_\_\_  
United States District Judge

# Nearly 6,500 women in Guatemala received assistance for sexual violence in 2024

**swi** [swissinfo.ch/spa/cerca-de-6.500-mujeres-han-sido-atendidas-en-guatemala-por-violencia-sexual-en-2024/88585385](https://www.swissinfo.ch/spa/cerca-de-6.500-mujeres-han-sido-atendidas-en-guatemala-por-violencia-sexual-en-2024/88585385)

December 12, 2024

Guatemala City, 12 (EFE) - Nearly 6,500 women have received assistance in Guatemala for sexual violence and another 19,000 for physical assaults so far in 2024, according to data released this Thursday by official sources.

Guatemala's National Institute of Forensic Sciences (Inacif) detailed in a statement that from January 1 to December 10 of this year, a total of 6,469 women have received "medical recognition for sexual crime".

Similarly, the state entity pointed out that 19,023 women have been assisted for physical assaults against them during the same period.

According to the same source, most cases take place in the departments of Guatemala (central) and Quetzaltenango (west), that is, the two largest cities in the Central American country.

The Inacif also indicated that it carried out psychological evaluations during the year on 21,088 women for various reasons, mainly for violence against women or minors or for violence.

According to data released in recent years by the Public Prosecutor's Office, the main crime committed in Guatemala is violence against women.

Specifically, crimes perpetrated against women and minors increased by 4.2% in Guatemala during 2023 compared to the previous year, the Prosecutor's Office indicated.

During 2023, 67,979 crimes against women and minors were recorded, exceeding by 2,749 (4.2%) the 65,220 cases registered in 2022.

In 2023 alone, an average of 168 reports were filed daily for crimes such as sexual assault, child abuse, femicide, and economic violence, among others, according to data from the Public Prosecutor's Office. However, the majority of these reports go unpunished, according to reports from international organizations. EFE

jcm/fa/sbb



# Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS  
Form G-28  
OMB No. 1615-0105  
Expires 05/31/2021

## Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)  
▶ 0 0 7 4 9 2 2 5 4 3 8

### Name of Attorney or Accredited Representative

2.a. Family Name (Last Name) **HAVERROTH SILVA**  
2.b. Given Name (First Name) **Otavio**  
2.c. Middle Name **N/A**

### Address of Attorney or Accredited Representative

3.a. Street Number and Name **P.O.Box 90487**  
3.b.  Apt.  Ste.  Flr. **N/A**  
3.c. City or Town **San Diego**  
3.d. State **CA** 3.e. ZIP Code **92169**  
(USPS ZIP Code Lookup)  
3.f. Province **N/A**  
3.g. Postal Code **N/A**  
3.h. Country **USA**

### Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number **5102419336**  
5. Mobile Telephone Number (if any) **5102419336**  
6. Email Address (if any) **otavio@legalhs.com**  
7. Fax Number (if any) **N/A**

## Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a.  I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority  
**California**

1.b. Bar Number (if applicable)  
**343486**

1.c. I (select **only one** box)  am not  am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)  
**HS Law Corp**

2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization  
**N/A**

2.c. Date of Accreditation (mm/dd/yyyy)  
**N/A**

3.  I am associated with **N/A**, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate  
**N/A**



**Part 3. Notice of Appearance as Attorney or Accredited Representative**

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a.  U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

I-765

2.a.  U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

N/A

3.a.  U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

N/A

4. Receipt Number (if any)

▶ N / A

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

Applicant  Petitioner  Requestor

Beneficiary/Derivative  Respondent (ICE, CBP)

**Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)**

6.a. Family Name (Last Name) CAVALCANTI BARROS JUNIOR

6.b. Given Name (First Name) Alexandro

6.c. Middle Name N/A

7.a. Name of Entity (if applicable)

N/A

7.b. Title of Authorized Signatory for Entity (if applicable)

N/A

8. Client's USCIS Online Account Number (if any)

▶ N / A

9. Client's Alien Registration Number (A-Number) (if any)

▶ A- 2 4 2 4 2 2 5 4 2

**Client's Contact Information**

10. Daytime Telephone Number

+1 (415) 964-7155

11. Mobile Telephone Number (if any)

+1 (415) 964-7155

12. Email Address (if any)

kavyaspinheiro@gmail.com

**Mailing Address of Client**

**NOTE:** Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name P.O.Box 90487

13.b.  Apt.  Ste.  Flr. N/A

13.c. City or Town San Diego

13.d. State CA 13.e. ZIP Code 92169

13.f. Province N/A

13.g. Postal Code N/A

13.h. Country

USA

**Part 4. Client's Consent to Representation and Signature**

**Consent to Representation and Release of Information**

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



**Part 4. Client's Consent to Representation and Signature (continued)**

**Options Regarding Receipt of USCIS Notices and Documents**

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a.  I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b.  I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).  
**NOTE:** If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**
- 1.c.  I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

**Signature of Client or Authorized Signatory for an Entity**

- 2.a. Signature of Client or Authorized Signatory for an Entity  
➔ Alex Sandro C. B. Jurnia
- 2.b. Date of Signature (mm/dd/yyyy) 10/14/2025

**Part 5. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. a. Signature of Attorney or Accredited Representative  
[Signature]
- 1. b. Date of Signature (mm/dd/yyyy) 10/14/2025
- 2. a. Signature of Law Student or Law Graduate  
[Blank]
- 2. b. Date of Signature (mm/dd/yyyy) N/A







**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT**

Respondent Name:  
**XIGUA LOPEZ, NEYLI FLORISELDA**

Address:  
815 S GRANT ST  
APT A  
SAN MATEO, CA 94402-1444

A-Number:  
245-179-495

REJECTION NOTICE

Date: 11/12/2025

**REJECTED FILING  
NOTICE TO ATTORNEY OR REPRESENTATIVE**

This notice is to inform you that the document(s) received by the Immigration Court on 11/07/2025 is/are being rejected for the reasons given below. When re-filing the corrected document(s) other than initiation documents, please attach this rejection notice. A copy of the corrected filing must also be served on the opposing party.

Document(s) being rejected:  
Country Conditions - Neyli.pdf

Rejection Reason(s)

1. Improper Formatting (No Pagination)
2. Improper Formatting (No Table of Contents)

Rejection Explanation:

**Certificate of Service**

This document was served:

Via:  Mail  Personal Service  Electronic Service  
To:  Alien  Alien c/o custodial officer  Alien's atty/rep.  DHS  
By: BeelS,  Court Staff  Immigration Judge  
Date: 11/12/2025

**HS Law Corp.**  
**Otavio Haverroth Silva, SBN#343486**  
**P.O. Box 90487**  
**San Diego, CA 92169**  
**(510) 241-9336**

**Non-Detained**

**UNITED STATES DEPARTMENT OF JUSTICE**  
**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**  
**IMMIGRATION COURT**  
100 Montgomery St., Suite 800  
San Francisco, CA 94104

---

**In the Matter of** )  
 )  
**Michelle Quintao Ferreira Luna** )  
**Weverton Silva Moreira** )  
 )  
**In Removal Proceedings** )  
 )  

---

**File No. A. 226-096-303**  
**File No. A. 226-096-234**

Immigration Judge: N/A

Next Hearing: N/A

**RESPONDENTS' WRITTEN PLEADINGS**

HS Law Corp.  
Otavio Haverroth Silva, SBN#343486  
P.O. Box 90487  
San Diego, CA 92169  
(510) 241-9336

Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
100 Montgomery St., Suite 800  
San Francisco, CA 94104

_____	)	
In the Matter of	)	
	)	
Michelle Quintao Ferreira Luna	)	File No. A. 226-096-303
Weverton Silva Moreira	)	File No. A. 226-096-234
	)	
In Removal Proceedings	)	
_____	)	

RESPONDENTS' WRITTEN PLEADINGS

Pursuant to the Immigration Judge's Initial Scheduling Order dated November 21, 2025, Otavio Silva, counsel for the above-referenced Respondents, respectfully submits the following written pleadings.

1. The Respondents admit proper service of the Notice to Appear, dated June 14, 2024.
2. I have explained to the Respondent:
  - a) The rights set forth in **8 C.F.R. § 1240.10(a)**;
  - b) The consequences of failing to appear in court as set forth in **INA § 240(b)(5)**;
  - c) The limitation on discretionary relief for failure to appear as set forth in **INA § 240(b)(7)**;
  - d) The consequences of knowingly filing or making a frivolous application as set forth in **INA § 208(d)(6)**;
  - e) The requirement to notify the court within five days of any change of address or telephone number, using **Form EOIR-33/IC**, pursuant to **8 C.F.R. § 1003.15(d)**;
3. The Respondent concedes the allegation of 212 (a) (6) (A) (i) of the Immigration and

Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

4. The Respondent admits the stipulated allegations 1 through 4 in the Notice to Appear, corresponding to:
  - a) The Respondent is not a citizen or national of the United States;
  - b) The Respondent is a native of Brazil and a citizen of Brazil;
  - c) The Respondent arrived in the United States at or near Tecate, California, on or about June 13, 2024;
  - d) The Respondent was not then admitted or paroled after inspection by an Immigration Officer.
5. The respondent concedes the charge(s) of removability.
6. In the event of removal, the Respondents **decline to designate a country of removal**. The Respondents intend to apply for the following forms of relief from removal: Asylum, Withholding of Removal, and protection under the Convention Against Torture (CAT);
7. If background and security investigations are required, the Respondents will comply with the instructions to be received from DHS. I will explain the biometric instructions to the respondent. Additionally, I will explain that, under 8 C.F.R. § 1003.47(d), failure to provide biometrics or other biographical information within the time allowed will constitute abandonment of the application unless the Respondent demonstrates that such failure was the result of good cause.
8. The Respondents estimate that the individual merits hearing will take approximately **three (3) hours**. Accordingly, they respectfully request that the Court reserve sufficient time for the conduct of the hearing.
9. The Respondent's native language is **Brazilian Portuguese**. Therefore, the Respondents respectfully request an interpreter for future hearings.
10. Based on the foregoing, counsel respectfully requests that the Court accept these Written Pleadings.

Respectfully



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**Otavio Haverroth Silva (Bar N.343486)**

**Attorney at Law**

**P.O. Box 90487**

**San Diego, CA 92169**

*Counsel for Respondent*

**Michelle Quintao Ferreira Luna**  
**Weverton Silva Moreira**

**File No. A 226-096-303**  
**File No. A 226-096-234**

**PROOF OF SERVICE**

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

**RESPONDENTS' WRITTEN PLEADINGS**

To the following:

<b>Office Location:</b>	<b>Mailing Address:</b>
Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel P.O. Box 26449 San Francisco, CA 94126-644

by:

- o Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



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**Otavio Silva (Bar N. 343486)**  
**Attorney at Law**  
**P.O. Box 90487**  
**San Diego, CA 92169**  
*Counsel for Respondent*



# UN Women – Americas and the Caribbean

 [lac.unwomen.org/en/donde-estamos/guatemala](http://lac.unwomen.org/en/donde-estamos/guatemala)



## Background

Women in Guatemala represent 51.2% of the total 15.8 million, estimated for 2014. After the signing of the Peace Accords in 1996 several mechanisms specifically for women were created (DEMI and SEPREM); laws were issued (women's comprehensive development, domestic violence, sexual violence, trafficking and exploitation, femicide and other forms of violence); policies were drafted (National policy for the promotion and comprehensive development of women - PNPDIM). Despite these advances only 2% of the municipalities are run by women; more than 4,000 girls 10-14 years of age give birth every year; and 759 women died by violence in 2013.

Guatemala has an area of 108,889 km<sup>2</sup>, 51.5% of the population lives in rural areas. In 2009 the fertility rate was 3.6, the annual population growth is 2.5%, and this is equivalent to double the rate of Latin American and the Caribbean (1.2%). The modern contraceptive prevalence rate is 44%; this does not respond to the needs of 20.8% of women with regard to family planning and this figure doubles among indigenous women.

Guatemala has a population that is predominantly young – the average age of women is 26 and men 25 years (ENEI, 2013). The productive age rate is 54.1% (15-64 years). Fertility rate is 66.7 live births per 1,000 adolescent girls aged 13 – 19; 1 in 5 of live births is in girls and adolescents; maternal mortality rate is 140 per 100,000 live births (ECLAC) and life expectancy is 75 years for women and 68 for men (INE 2013). The HIV epidemic is considered to be concentrated in Guatemala; women represent 38% of the adults living with HIV. The prevalence is expected to rise 0.89% in 2015, the majority of which will be girls 10-14 years and adolescents 15-24.

The country has 24 linguistic groups and 4 peoples groups: Maya, Garifuna, Xinca and Mestizo or Ladino. According to the last three population census (1981 -2002), the indigenous population is 43% of the total population. Guatemala has a strong history of discrimination of indigenous populations in general and women in particular. In 2011 illiteracy rate among indigenous women was 48% and men 25%, compared to non-indigenous women 19% and men 11%; this numbers show high levels of social exclusion. Access to formal means of financial resources, health services and education are still limited. The full involvement of women in economic development is being limited by the territorial, ethnic and gender interconnected inequalities. Exclusion and racism have produced structural, legal and institutionalized forms of violence and discrimination that deepen in the case of indigenous women, particularly in those who live in rural areas. Added to this are weak State institutions in charge of sustainable development and economic growth.

According to the World Bank, in 2013 Guatemala was among the group of low-medium income countries, with a nominal gross domestic product (GDP) of USD 53,796 million and a per capita national income of USD 2,341 (prices as of 2005). Historically the GDP national growth was modest – 3.5% - with a high and persistent “extreme inequality” income (Gini index of 0.57) in the last two decades. Despite the efforts made through public policies, when compared to countries with similar per capita income, Guatemala continues among the countries with the highest poverty index in Latin America and the Caribbean: 53.7% poverty and 13.3% extreme poverty (ENCOVI 2011). According to the Human Development Index (HDI), Guatemala is classified in the group of countries with medium human development level, with a 0.628 average in 2013 (0.596 for women and 0.655 for men), occupying position 125 of 187 countries. The Gender Inequality Index for the same year gave Guatemala a 0.523 index. Data from the National Maternal and Child Health Survey (ESMI 2088/2009) resulted in 52% chronic malnutrition in children less than five years, mainly affecting children in rural areas (58.6%), and indigenous population (65.9%).

The mean years of schooling in Guatemalans over the age of 15 is 6.5 years (INE 2011). In the metropolitan area, the average level of education is 8 years, this contrasts with the rural area with only a 4 year schooling average. Indigenous women only account for 3 years of schooling, non-indigenous women 5.3 years; compared to indigenous vs non-indigenous men 4.2 and 5.9 respectively. The country has made significant progress in the Gender Parity Index in enrolment rates at all levels of education: primary 0.93, secondary 0.86 and tertiary 0.99 (MINEDUC 2013), but the quality and coverage area are still a challenge in the country especially for indigenous women in secondary education. University education is the more restricted level of education, with

only 12% of the population attending, even though today more women graduate than men, especially in the Humanistic Studies field with 70% of the students being women (SEPREM 2013). Guatemala is highly vulnerable to natural disasters, with negative social impact especially in the agricultural field, housing, highway and bridge infrastructure, as well as in the economy and environment. The country classification related to GDP vulnerability to natural disasters places it among the five countries with highest risk in the world, 83.3% of the GDP is produced in high-risk areas (ECLAC 2011). Some studies have shown that the loss produced by natural disasters affects directly the more vulnerable populations, elderly, women – especially indigenous women – children and particularly those who live in poor rural areas.

After 36 years of internal armed conflict, a new phase for the political arena opens up in 1996 with the signing of the Peace Accords and a new agenda for building a more inclusive country. During the negotiations, of the 22 negotiators two were women; one of them signed the Peace Accords (11 signatories in total). It's the first Peace Accord in Latin America to recognize violence against women and created specific mechanisms for indigenous women (DEMI) and to institutionalise peace.

The Guatemalan Commission for Historical Clarification (CHC) found that sexual violence was prevalent during the three decades of the conflict. The CHC recognizes that the figures on sexual violence are underestimated in relation to other human rights violations, and reports that 2.38% of all the 42,275 registered human rights violations correspond to sexual violence. Only 285 cases of the 1,465 reported at the time, could be documented by the Commission. The demand of the women for transforming justice embodied in the 2008 Huehuetenango Declaration, concluded in 2011 with the First Court of Conscience On Sexual Violence Against Women in Guatemala. This Court sanctioned, as a message of impunity and permissiveness, the lack of diligence to investigate and prosecute sex crimes and the absence of policies to prevent them. In 2014, the Sepur Zarco sexual slavery case reached the judicial phase in the national court, this is a historic moment being the first case of this nature to come to trial.

Notwithstanding the documented progress of the implementation, many of the commitments are still pending and their validity as a social pact continues to be weak. High levels of social conflict continue in Guatemala today as a result of the exclusions of the past, a weak state presence and response, lack of legal certainty of land and property ownership, polarization of ideas borne from the armed conflict and in some other cases the difference of opinion in which development model to adopt in the exploitation of natural resources.

Regarding social conflict, the Special Rapporteur on Indigenous Peoples, James

Anaya, concluded that in the country there is a lack of respect, of the collective rights of the indigenous peoples, when they are not consulted about the process of mining exploration and exploitation.

Violence against women, this situation has been a continuum in the history of Guatemala and gender violence was perpetuated as a tool of submission and control on women's bodies and lives, this also based in the patriarchal and conservative culture added to a fragile security and legal system that breeds impunity.

Guatemala ranks among the countries with the highest rate of violent deaths among women (9.7 in 100,000). In 2013, according to data from the National Institute of Forensic Sciences (INACIF), 748 women lost their lives to violence, a 10% increase compared to 2012, this gives an average of 2 death per day; violent deaths in men even if they are 10 times higher they had a noticeable decrease. Since coming in to effect in 2008, of the Law against Femicide and other Forms of Violence against Women, the number of criminal complaints has increased. In 2012, the Public Prosecutor's Office, reported 51,790 complaints of violence against women this makes it the crime with more criminal complaints, in 2013 56,000 were reported. Violence against women complaints in 2012 only 2,260 complaints (6.4%) resulted in accusations; the Judicial Branch ruled on 473 sentences in violence against women. The impunity rate in general has decreased slowly; however in femicide it still persists and is estimated in 98%. Violence at the hands of their intimate partner or former partner, including sexual violence, is the experience that will have a more lasting effect on the life of women, especially if they are young women.

Through the Judicial system efforts have been made to address violence against women and stop the impunity levels related to it, specialized victim's care, investigation and criminal prosecution units have been set up and also jurisprudential bodies. From January to June 2013, 38 femicides were reported and 19 firm sentences were issued by the specialized courts. Of the 95 cases heard on regular courts only 5 firm sentences were issued, and a total of 21 convictions. The Judiciary Body still has a lot to achieve due to the fact that the regular courts don't have the right approach to cases of violence against women and the specialized courts have limited coverage.

The Labor market characterizes by unequal relations between men and women. According to data gathered by the ENEI 2013, 64% of the working-age population is economically active population (EAP), with a male labor force participation of 83% contrasting with 40% for women. Women work mainly in commerce (39%), informal economic activities were they don't have Social Security. Of the total women's labor force (169,000) approximately 7.2% work

as household employees and are not covered by adequate laws, which allows for salaries below the standard minimum wage and they are not subscribed to the Social Security system, more than 80% are indigenous women. Women report that they work less in agriculture (10.2%) while men mainly work in agriculture (43%), and to a lesser extent in commercial activities (22.9%). Women's wages represents 78% of the men's wage average (ENEI 2014), the gaps are wider when considering urban or rural areas and indigenous women. In some regions, women's work in agricultural activities, specially for indigenous women, is not compensated it's considered a part of the men's income. Women dedicate 6.1 hours of their day to non-compensated labor that contributes to the family's wellbeing and society's development; and 7.5 hours to paid labor; this contrasts with men dedicating 2.6 hours to non-compensated labor and 8.6 hours to paid labor, this becomes a work overload for women (ENCOVI, 2011). Women's unemployment is 4.6% and men's 2.4%.

According to the National Maternal and Child Health Survey – ENSMI (2008 – 2009), women report these forms of violence in the last 12 months: verbal 21.6%, physical 7.8%, sexual 4.8%; at least one of the three 23.4%. Nationally the INACIF performed 23,101 evaluations on sexual crimes from 2009 to 2013 (90% women). In 2013 the National Civilian Police – PNC responded to a total of 11,720 cases of violence against women and 4,702 cases of domestic violence. From 2008 to 2012 a total of 20,397 women survivors of violence have been care for in five Comprehensive Care Centers for Women Survivors of Violence – CAIMUS.

The 2008 – 2009 ESMI asked men if his wife or partner needed to ask his permission to perform certain activities, this is intimately linked to key aspects of women's independence. A total of 81.6% answered that they needed to ask permission to leave the house, 58.9% that they required asking for the use of contraceptives; 67.0% for managing the household money and 77.8% to perform other activities (like work or study outside the house). These answers were more frequent in residents of rural areas, 33.5%; in the northwest part of the country 49.1%; indigenous men 36.2%; with lower educational levels 39.4% and in the lowest economic quintile 44.3%. However, a 10% positive response in the highest economic quintile should be cause for concern. Additionally, 82.7% of men answered that family problems should only be discussed with family members and 49.2% believed that a man needs to show that he is the one who is in command of the household. These limitations affect the way women address health care, maternal mortality, infant morbidity and mortality, malnutrition; as well as contact with family and their financial independence.

Girls and boys are also subject to violence. According to the Public Prosecutor's Office (MP), the crime with more prevalence against children and adolescents is "abuse against minors". The country has one of the highest rates of girl and adolescent pregnancy in the Central and Latin American Region. Trends in pregnancies as a result of sexual violence in girls 10-14 years are: 1,634 in 2010; 1,076 in 2011; 3,644 2012; 2,906 from January to June 2013. Incest is a practice that is invisible but prevalent in Guatemalan patriarchal culture. Girl and adolescent pregnancy has been made visible in the last years with government and civil society support and participation.

During the administration of President Otto Pérez Molina, actions related to peace, security, justice, economic empowerment and poverty eradication continue being a priority. The government has launched the National Policy on Violence and Crime Prevention, Citizen Security and Peaceful Coexistence (2014-2034). This policy includes prevention of violence against women. The Public Prosecutor's Office, the Supreme Court of Justice (CSJ) and the Judicial Body (OJ) have agreed to follow up on monitoring the observance of women's human rights within their institutions, both through their gender policy as well as through the strengthening of the courts specialized on femicide. UNWOMEN has given support to the MP-OJ Joint Strategy to expand women's access to justice (2014).

Political Participation, for the 2011 elections 7,340,841 were registered voters, 51% were women, showing a 46.9% increase from the 2007 registry. As a result of this, women accounted for 69.3% of the voters. The most significant change was the participation of 6 women candidates as part of the 11 presidential nominations, two of them indigenous women, three were presidential candidates and three candidates to the vice-presidency. For the first time in Guatemalan political history a woman was elected to the Vice-presidency. To date no woman has been elected as President, but they have been elected to preside the Judicial and Legislative Branches of Government.

Other results of the 2011 elections were that only 18 women (14.1%) won seats in Congress (of 158 available). The number of indigenous candidates, men and women, was 22 with only three women (1.9%). These figures show the gaps and asymmetries in gender and ethnicity that are a characteristic of the National Congress, a sign of exclusion and racism that are part of the Guatemalan society and political system. Representation of women at the local level, in the 2011 elections only 7 women were elected as Mayor (from a total of 333 municipalities). A more positive experience was the representation to the Central American Parliament (PARLACEN), 6 of the 20 Guatemalan seats were won by women, and this is equivalent to 30%. As a result of the cohesion and work of the women parliamentarians, one of them was elected President to the

PARLACEN in 2014. Guatemala has not passed any laws or other affirmative measures regarding the political participation of women. The Constitutional Court passed a favorable opinion on the Reform to the Electoral and Political Parties Law, the final approval to this initiative is pending.

The National Development Councils System, CODEDES, is the main channel to conduct public affairs in the democratic process of planning development, taking into account the principles of national unity and of Guatemala as a multicultural, multiethnic and multilingual nation. The political participation of women at this local level, according to official data for 2009, 190 women were part of the CODEDES (53 indigenous women) along with 881 men. Women's participation is still in minor seats with no decision taking responsibilities.

In the Executive Branch women directed only 3 of the 14 ministries in 2012 (21.4%). Data from the CENADOJ for the year 2013 women's participation in the Judicial Body was 36.4%. During the 2009-2014 period, the Supreme Court had only one woman Justice of 13 magistrates, she presided the Court in 2011 - 2012. In 2014 this magistrate was given the charge of General attorney presiding the Public Prosecutor's Office, she had a woman as predecessor. Additionally, Public Criminal Defender's Office is headed by a woman. In 2014 a new Supreme Electoral Tribunal was formed with low representation of women, only one woman was elected among 5 magistrates. In the previous Judiciary there were three women and one of them presided.

Institutional level, it is necessary to strengthen the main mechanisms for women, especially in the implementation of their mandate, coordination with other public offices and monitoring of national policies. The Presidential Secretariat for Women (SEPREM) is the advisory and coordinating entity for public policies to promote the comprehensive development of Guatemalan women. The Office for the Defense of Indigenous Women (DEMI) was set up to promote the full realization of their rights and contribute to the eradication of all forms of violence against indigenous women. Other institutions are the Ombudsman's office for the defense of women; Gender Units in each of the Ministries; and the Vice-President's Special Cabinet for Women (GEM), with 17 member institutions. Special attention will be given to the Municipal Offices for Women – OMM – to respond to women's demands at the municipal level and responsible for the promotion of women's participation and development planning.

Women's organizations have a strong participation and incidence in the drafting of public policies and in monitoring the national budget, and also national policies on women. Regarding indigenous women organizations it includes the Articulated Agenda on Mayan, Garifunas and Xinka Women; they

contributed to strengthen the National Policy for the Promotion and Comprehensive Development of Women and other sectoral policies. Globally, a recent historic process was developed, the global consensus for indigenous women and the definition of the Political Positioning Document and Action Plan for the World's Indigenous Women 2014 – 2015, this constitutes a guide for articulating the demands and proposals, as well as a reference for other global processes like the World Conference on Indigenous Peoples 2014. Really significant has been the participation of several women and indigenous organization in preparing Cairo +20, Beijing +20 and the Post 2015 Development Agenda.

### **Proposed Program**

UN Women Guatemala's Program is aligned with UN Women's Global Strategic Plan 2014-2017 and UNDAF Guatemala 2015-2019, as well as the legal and public policy framework for Guatemala, especially the National Policy for the Promotion and Comprehensive Development of Women – PNPDIM 2008 – 2023 – National Development Plan K'atun: Our Guatemala 2032.

The general objective is guarantee women's rights through empowerment, facilitating their participation and to reap benefits from the national development process. The program aims to strengthen national capacities to comply with institutional obligations regarding the rights of women, in line with international conventions and standards. It will also support coordination and develop partnerships among the different women's organizations in order to dialog with the government, adopt laws and implement public policies in favor of women's empowerment and gender equality, particularly indigenous women and women living in rural areas, supporting the generation of knowledge and giving technical assistance.

Social mobilization and advocacy will help secure a favorable environment for women so they can fully develop their potential, it will also enable to recognize, promote and support the valuable contribution women are to the economy (paid and unpaid work) and in decision making processes. The program proposes to increase women's access to other programs who will give support to their economic ventures, securing sustainable incomes and raising quality of life; also enable them participation in decisions that affect their lives and communities. Comprehensive programs to prevent violence against women and girls help them reduce the obstacles they face to participate as equals in the labor market, get education and in the public sphere. Assure access to specialized centers will help women raise their self-esteem and give comprehensive care to women survivors of VAW, give them new opportunities including financial options to handle their own resources. Access to justice will

increase and impunity reduced if judges are better trained and a system is set up to supervise the outcomes of the implementation of the specialized courts. The sustainability of all these actions will be assured through a comprehensive approach and interaction between women's political, financial and physical independence for the exercise of a full citizenship. Given the post-conflict nature of the Guatemalan State empowering women contributes to solidify peace and respect of women's human rights, and assure a sustainable progress in line with what was established in the Peace Accords.

**The Program includes five components:**

Women, Peace, Security & Humanitarian Response component will continue giving support, according to their nature, to justice and security institutions towards the implementation of the reforms for gender equality, to increase women's participation in decision making positions, training staff on the rights of women, and promote better services for women. These include the Public Prosecutor's Office, Judicial Body and the National Civilian Police. It will also continue strengthening the capacities in the national courts to prosecute cases of women survivors and victims of violence during the armed conflict. Additionally, support will be given to the implementation of a National Plan of Action, in accordance with Resolution 1325 and others linked to the United Nations Security Council, ensuring the participation of women in conflict prevention and resolution and emergency preparedness and response. Given the post-conflict nature of the Guatemalan State a follow up is needed on the Peace Accords related to women, contributing to the consolidation of peace and respect for human rights. To face the new challenges that affect women like crime, social conflicts and organized crime, it also includes strengthening the security and justice sector.

Women's Political and Citizen Participation component will give support to the advocacy efforts done by civil society to promote women's participation as candidates for public office in two elections: 2015 and 2019. It will also strengthen the capacities of the Electoral Institute to work with of women's democratic, political and citizen participation at the national and municipal level. Through a specialized unit accompany the efforts of the Supreme Electoral Tribunal to integrate gender perspective to the activities planned. Support the analysis of legislative bill proposals that eliminate barriers that prevent women from exercising their citizenship; reinforce political skills and negotiation capacity of women leaders, especially the young and indigenous to form a critical mass; generate knowledge that makes visible the obstacles to women's participation. Women's participation in local decision making processes will be supported through the National Development Councils System and the Municipal Offices for Women – OMM – to increase local

investment and implementation of projects for women. The main allies and partners are the Supreme Electoral Tribunal, National Congress, women's organizations from civil society, Presidential Secretariat for Women – SERPREM – and the Office for the Defense of Indigenous Women.

Economic Empowerment, this component continues support of the development of policies that will promote economic and labor rights of women. It will also join efforts to develop social protection programs with gender perspective that contribute to women's economic empowerment, as well as the implementation of development programs designed for women entrepreneurs, promoting a holistic approach to strengthen the productive, trade, and personal capacities of women, especially in rural areas. Support knowledge creation on the share women bring to the economy, analysis of macroeconomic policies and their impact on formal and informal labor markets, and provide input for national policies. This component will work with the Ministry of Economy and Agriculture, the National Institute for Statistics (INE) and SERPREM. It will seek alliances with different actors from the economic sector to adhere the private sector to the seven principles of women's empowerment (WEPS). At the inter-agency level it will support mainstreaming a gender perspective in initiatives for growth, inclusive development and food safety.

Given the high rates of violence against women, UN Women will work a new component to support actions that prevent and respond to the violence against women and girls. In accordance with national policies support the development and implementation of national and local plans against violence. Promote a zero tolerance culture towards violence against women and girls through mobilization of key partners, including UN agencies. Provide technical assistance to increase the delivery quality of comprehensive care services, for women survivors, by state institutions and NGOs, and it will support reference networks to ensure access to justice. This component also includes data analysis and evaluation of the implementation of policies and laws that aim to reduce high rates of impunity that characterize crimes against women. The program will work towards the integration of the responses from the Ministry of Interior, SEPREM, DEMI and institutions and organization that are part of the National Council for the prevention of violence – CONAPREVI, the networks and organizations of civil society specialized in the issues to assure sustainability and to lead the inter-agency efforts of the UN system to prevent violence against women and girls. It will continue joining the efforts to integrate the gender perspective and address gender violence in the HIV interagency group.

The International Standards component will continue centered around strengthening national institutions, women's movement and indigenous women organizations in intergovernmental processes like CSW, post 2015 Agenda, Beijing +20, World Conference on Indigenous Peoples, as well as the dissemination and follow up of the resulting recommendations of these forums. This includes strengthening women's institutions especially SEPREM, DEMI, Special Cabinet for Women (GEM), and gender units on the implementation of the National Policy for the promotion and comprehensive development of women (PNPDIM) 2008 – 2023. It will also support monitoring and drafting of national and alternative reports on the advances made in the implementation of the CEDAW recommendations and other human rights frameworks on women like the Universal Periodic Review; and the preparedness of the official delegations to international events.

It is important to highlight the systemic-strategic approach of the five-year program through the coordination and interaction of the different areas. Assurances will be made so that the rights of indigenous women are addressed as a cross-cutting strategy and that strategic investment in them is prioritized as agents of change. A three tier strategy will be developed to strengthen capacities, it will include: 1) strengthen public institutions according to their mandate, 2) promote women's participation at the local level, and 3) monitor public policies and the situation of women. The program will highlight the coordinating role of UN Women among the other UN System agencies as a way to contribute jointly to the comprehensive development of women, guarantee continuity, broadening and strengthening of the advances made so far in policies, plans and actions. Finally a communication strategy/PI will be set in motion in each program to: 1) advice and support the advocacy efforts for the empowerment of women and gender equality; 2) increase visibility of UN Women's contributions, and 3) increase public conscience about gender equality goals.

UN Women manages its program through direct implementation, which gives it direct responsibility of their activities' implementations, establishing consensus with its public sector partners through MOUs or letters requesting cooperation and specific work plans. It also subscribes cooperation agreements with NGOs.

## **Partnerships**

UN Women Guatemala has established partnerships with several UN agencies, other donors and national and international NGOs. To promote women's political participation and to accompany the Supreme Electoral Tribunal important partnerships will be established nationally with the United Nations Development Programme (UNDP), Netherlands Institute for multiparty

Democracy (NIMD) and the National Democratic Institute for International Affairs (NDI). UN Women has established partnership with Butterfly Wings and Civic Political Convergence (MOLOJ) to advocate for a greater number of women occupying decision making positions. NIMD is a strong partner to work with locally in a campaign to promote women's participation. UN Women works in collaboration with UNDP to strengthen the capacities of indigenous women organizations. In collaboration with UNICER, UNFPA, PAHO and UNESCO, and other donors, including Canada and United Kingdom, we will continue the efforts to prevent child marriage, empowerment of indigenous girls, prevent pregnancies in girls under 14 years of age, and also a new alliance to empower indigenous women.

In the area for economic empowerment of women, UN Women will join efforts with WFP, FAO and IFAD to strengthen gender policies in the Ministry of Agriculture, as well as the economic empowerment of women and food security. Within the Global Compact Framework a partnership will be established with UNDP to promote the adherence of the private sector to the women's empowerment principles. The organized private sector, especially the Chambers of Commerce, are strategic allies for the promotion of WEPs as well as towards strengthening the capacities of rural women entrepreneurs. With UNDP, UNICEF and UNFPA, continue engaging in advocacy for public policies with gender perspective, including social protection. In collaboration with ILO, UNDP and OHCHR to promote Convention 189. Other main cooperation agreements are with Sweden and Norway.

Regarding VAW eradication, there is a process to establish an Alliance with GIZ (German Cooperation) to promote local prevention campaigns and municipal dialogs. Other actions to prevent VAW and activities linked to the last year of the UNITE campaign will be addressed together with UNFPA, PAHO/OMS, UNICEF, and OHCHR. The main donor relations include Spain.

Women, Peace and Security, continue work in partnership with Impunity Watch and the Training Institute for Sustainable Development (IEPADES) to develop a National Action Plan for the implementation of Resolution 1325 and advocate for the needs of women with the National Coordinator of Widows of Guatemala (CONAVIGUA). In collaboration with UNFPA and the Centre for Research, Training and Support of Women, efforts will be made towards increasing women's access to justice and better knowledge of service providers; with UNDP and Lawyers without borders - LWOB – to strengthen national capacities in research and pursue human rights violations of women, particularly sexual violence in armed conflict and post-conflict; together with the Artisan Collective and UNODC, continue monitoring standards of women in detention, and with UNICEF monitor the situation of their children. To monitor

the implementation of the recommendations provided by human rights entities, an alliance was established with OHCHR to strengthen the capacities of the Ombudsman Office, and to reinforce the institutional framework of women and civil society. The main cooperation relationships include the Peace Building Fund (PBF) Department of State and Justice Rapid Response (JRR).

UN Women will continue the promotion of partnerships with women's organizations to join in the advocacy efforts made by civil society, such as Women's Sector, Women's Political Agenda: Women in Diversity, March 8th Coordinating Committee, November 25th Coordinating Committee, No Violence Against Women Network (REDNOVI), Beijing +20 Commission, and the Association of Women Domestic and Garment Factory Workers (ATRAHDOM), among others. Other partnerships with the private sector include the Rafael Landivar University (URL), the Women's University Institute of San Carlos University (IUMUSAC); Guatemalan Exporter Association (AGEXPRONT), and other private enterprises with a social responsibility focus. The Civil Society Advisory Group (GASC) has contributed to strengthen the relationship with civil society and has produced valuable inputs for future actions and this Strategic Plan. Within the framework for the HeforShe Campaign new partnerships will be established with groups of women living with HIV; faith based organizations and men committed to the issue.

Finally, UN Women has developed a Partnership strategy with the Media to position priority issues at the Country office level as well as with the Regional and Global Office.

# 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.

# UNFPA Guatemala | Zero violence against women: a commitment of all of society

 [guatemala.unfpa.org/es/news/cero-violencia-contra-las-mujeres-un-compromiso-de-toda-la-sociedad](https://guatemala.unfpa.org/es/news/cero-violencia-contra-las-mujeres-un-compromiso-de-toda-la-sociedad)



Violence against women and girls is one of the most persistent and devastating human rights violations worldwide. Guatemala is no exception. According to data from the National Survey of Household Quality and Well-being (ENCABI, INE, 2023), one in two Guatemalan women has experienced violence at some point in their lives, reflecting a problem that affects all sectors of society and demands a strong response.

The impact of violence against women extends beyond the individual; it affects families, communities, and the development of the country as a whole. The figures demonstrate the magnitude of the problem: between 2014 and 2019, the rate of women victims of violence remained at 60 per 10,000, a figure that showed a slight increase during the COVID-19 pandemic, reaching 63 in 2021.

The departments of El Progreso and Retalhuleu have the most alarming rates, with more than 100 victims per 10,000 women. Furthermore, femicide remains one of the most extreme expressions of this violence, with 122 cases registered in 2023, a figure that, far from decreasing, has remained constant since 2019.

## Sexual violence and its consequences

Sexual violence is the most prevalent form of aggression against women, affecting 34.48% of them, followed by psychological (31.67%), physical (18.14%), and economic (14.93%) violence, according to ENCABIH. These aggressions leave deep scars on survivors, many of whom face prolonged trauma, isolation, and stigmatization, hindering their recovery and social integration.

Systematic and exhaustive data collection allows us to obtain information to understand, recognize and prevent violence against women and girls.

In the case of girls and adolescents, the situation is even more critical. Every year, more than 60,000 minors in Guatemala face pregnancies, many of them the result of sexual violence.

In 2023, 1,944 girls between the ages of 10 and 14 became mothers, a figure that has shown a worrying increase since 2020. They are forced to assume responsibilities that rob them of their childhood and constitute a clear violation of their human rights. This phenomenon imposes a high cost on the development of the girls, their communities, and the municipalities where it occurs, perpetuating the cycle of poverty and violence that affects future generations.

According to the United Nations Population Fund (UNFPA), only 2% of pregnant adolescents manage to continue their education, and their income in adulthood is 30% lower compared to those who become mothers later in life. This phenomenon not only affects girls but also the country's economic and social development.

### **A comprehensive response to eradicate violence**

Eradicating violence against women and girls is a challenge that requires a comprehensive and sustained commitment from all sectors of society. In Guatemala, the National Plan for the Prevention and Eradication of Violence against Women (PLANOVI) 2020-2029 is a key tool for addressing this problem strategically. Its implementation requires the coordination of efforts and resources among governmental, intergovernmental, and civil society actors.

### **Transforming the norms for a future free of violence**

It is essential to transform the norms and attitudes that have perpetuated discrimination and violence. This involves working in homes, communities, schools, and workplaces to promote values of equality, respect, and justice.

The United Nations Population Fund (UNFPA) has among its main objectives the eradication of violence and harmful practices affecting girls and women, such as early and forced unions and teenage pregnancies. To achieve this goal, UNFPA focuses its efforts on helping ensure access to essential services for survivors of violence. It also promotes prevention strategies and changes to gender norms, and contributes to strengthening information systems and statistical analysis related to this issue.

**Neyli Floriselda Xigua Lopez**  
**Moises Benjamin Miranda Xigua**

**File No. A. 245-179-495**  
**File No. A. 245-179-492**

**Proof of Service**

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

**RESPONDENT'S COUNTRY CONDITIONS IN SUPPORT OF ASYLUM AND WITHHOLDING  
OF REMOVAL**

To the following:

<b>Office Location:</b>  Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	<b>Mailing Address:</b>  US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel P.O. Box 26449 San Francisco, CA 94126-644
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by:

- Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



**Otavio Silva (Bar N. 343486)**  
**Attorney at Law**  
**P.O. Box 90487**  
**San Diego, CA 92169**  
*Counsel for Respondent*

# Being a woman in Guatemala: between resistance and injustice

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 [alboan.org/en/node/2657](https://www.alboan.org/en/node/2657)

15 de janeiro de 2025

Being a woman in Latin America has different implications than being a woman in any other region of the world. The situations of violence and inequality that women face in the region negatively impact the full exercise of their human rights.

Today we want to bring to your attention the case of Guatemala, which, despite having made progress in the protection and promotion of women's human rights by strengthening its legal and institutional framework, has not managed to ensure that in practice these reforms have been complemented by budgetary commitments, leaving obstacles to the full realization of women's human rights.

## The crisis of femicides and impunity

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In recent years, **Guatemala has experienced an increase in the brutality of violence, as well as in cases of disappearances of women.** Violence continues to be a fundamental cause of women's migration. Certain groups, such as human rights defenders, LGBTQ+ women, sex workers/women in prostitution, Indigenous women, and young women, are particularly vulnerable.

Domestic and sexual violence are among the most frequently reported crimes in Guatemala, and the femicide rate is very high. **As of September 2023, the Public Prosecutor's Office's Women's Observatory documented 290 violent deaths of women in Guatemala; of these, 162 have been classified as femicides, representing 55.9% of the total.** This represents an increase from the 128 femicides reported during 2022. According to civil society organizations, **between 90% and 95% of femicides go unpunished.** These high rates of impunity demonstrate a pattern of structural discrimination against women.

These situations disproportionately affect Indigenous women due to factors such as poverty, racial discrimination, and lack of access to justice. According to reports from human rights organizations, **rates of violence against Indigenous women are alarmingly high** and are often exacerbated by impunity and a lack of effective measures to protect them and guarantee their rights.

## Stories of resistance and a call to action

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The fight for gender equality and the eradication of violence against women is a collective effort that requires visibility, support, and constant action. In this spirit, ASERJUS and Alboan, with the support of AECID, have worked to gather the **voices of 14 Guatemalan women from the Department of Quetzaltenango in a short compilation of their life stories, aiming to remind us of and bring to light these situations that are often ignored or minimized.** This document seeks not only to raise awareness but also to serve as a call to action to promote real and lasting change, in which all women have the right to live in a safe and just environment, free from violence.

Through these stories, we want to showcase testimonies of resilience. Women who bravely defy invisibility and injustice. A clear example of this is Luisa Vásquez, from San Juan Ostuncalco, who states, *"Physical and emotional violence became a constant in my life,"* and recounts how her husband took away the house she had worked so hard to build, forcing her to start over.

With these stories **we want to recognize the dignity of those who star in them and encourage continued efforts towards a world where stories like these do not have to be repeated.**



# OSAC Country Security Report Guatemala

Published: May 15, 2025

*This report is intended to supplement the U.S. Department of State Guatemala Travel Advisory and [Guatemala Country Information Page](#).*

## Embassy & Consulate Contact Information

### U.S. Embassy Guatemala City

Boulevard Austriaco 11-51, Zona 16, Ciudad de Guatemala.  
Tel: +502-2354-0000; or from the U.S. 1-301-985-8164  
Hours: 0800-1700 Monday-Thursday; 0800-1200 Friday.

## OSAC Country Chapter(s)

The Guatemala City Country Chapter is active and meets quarterly.

Contact [OSAC's Americas team](#) with any questions.

## Guatemala Travel Advisory

The current U.S. Department of State [Travel Advisory](#) at the date of this report's publication assesses that travelers should reconsider travel to Guatemala due to crime.

## Crime

The U.S. Department of State has assessed Guatemala City as being a **CRITICAL**-threat location for crime directed at or affecting official U.S. government interests.

The U.S. Department of State has included a Crime "C" Indicator on the Travel Advisory for Guatemala, indicating that there may be widespread violent crime and/or organized crime present in the country, and/or that local law enforcement may have limited ability to respond to serious crimes.

Crime in Guatemala stems from many sources, its impact magnified by corruption, an inadequate justice system, and the prevalence of gang and narco-trafficking activity across the country. The most common crimes against expatriates and foreigners include petty theft and armed robbery.

It is important to be vigilant of surroundings and report any crime incidents promptly to the police. Theft and armed robbery are the most common crimes committed against U.S. travelers. Members of the expatriate community can fall victim to these crimes due to a

perceived display of affluence, or by not following sound personal security practices. The threat stemming from gang rivalries and extortion occurring in areas controlled by gangs has become a major issue in some communities.

Many robberies occur during daylight hours while victims are walking or driving in well-known, well-traveled areas, including markets, public parks, and popular restaurant districts. Even the most upscale residential and commercial areas of Guatemala City (Zones 4, 10, 14, 15, and 16) experience violent crimes in broad daylight. These trends are not isolated to one specific part of the country. No area in Guatemala is immune to crime, including the most popular tourist destinations such as Antigua and Tikal.

A common trend in the commission of armed robberies is the use of motorcycles. Typically, two men on a motorcycle accost the driver of a car or pedestrian and demand valuables and cell phones. Often, a second pair of armed individuals accompany the assailants, functioning as lookouts. If the assailants encounter any resistance, they escalate the situation through extreme violence (e.g., stabbings, shootings). The use of motorcycles allows the assailants to flee quickly; police rarely apprehend them. Additionally, pickpockets and purse-snatchers are active in all cities and tourist sites. Petty criminals frequently target high-traffic tourist areas for petty crime. Markets, national parks, crowded venues, and shopping areas are all major areas of operation for criminals.

Guatemala has historically had one of the highest violent crime rates in Central America, but progress has been made at lowering the homicide rate in recent years. 2024 closed with 2,869 homicides nationally, a 3.6% decrease from 2023 with 2,944 homicides. The 2024 homicide rate is estimated at 16.1 homicides per 100,000 residents. This marks a 5-year period where the homicide rate has fluctuated around 15-17 homicides per 100,000 residents. The last year the homicide rate exceeded 20.0 was in 2019. The departments of Guatemala and Escuintla department accounted for about 50% of homicides in the country in 2024. The number of missing persons in 2024 was 2,007, a 13.1% decrease from 2023 with 2,311 missing persons. This followed a 13.6% decrease from 2022 to 2023, with 2,675 missing persons reported in 2022. In 2024, assaults increased by 15.8% with about 56% of reported assaults occurring in the Guatemala department. Note: police do not record crimes as homicides if the victim left the crime scene alive but subsequently died from injuries elsewhere.

Despite the downward trend in homicides, Guatemala remains dangerous. Endemic poverty, an abundance of weapons, a legacy of societal conflict, and the presence of organized criminal gangs like Barrio 18 (18th Street) and Mara Salvatrucha (MS-13) all contribute to violent crime. Guatemala's high murder rate is driven by narcotrafficking activity, gang-related violence, a heavily armed population, and a law enforcement and judicial system unable to hold criminals accountable.

The two primary gangs in Guatemala terrorize businesses and private citizens through targeted extortion attempts. Reported extortion increased significantly from 2022 to 2023, with 14,725 incidents in 2022 and 18,096 reported incidents in 2023, or a 18.6% increase. There was a

further 38% increase in extortion from 2023 to 2024 with 24,978 reported incidents. This increase may also suggest that the public is becoming more comfortable reporting extortion.

Extortion is common and affect all sectors of society, with public bus and taxi drivers being the most common victims. However, local small businesses, the U.S. private sector, and local national employees of the U.S. Embassy were all frequent targets. The gangs also target schoolchildren, street vendors, and local residents. In recent years the number of reported extortions has increased, although most incidents go unreported and there is uncertainty about the true magnitude of the problem. Further complicating the widespread issue of extortion is the presence of persons who imitate gang members to threaten and receive extortion payments, despite not belonging to gangs. Gang members usually punish non-compliant victims with violent assault or murder and victimize their family members as punishment. Extortion tactics have expanded using social media in recent years. Gang members and imitators will use various types of social media to threaten their targets and receive extortion payments.

Home invasions by armed groups continue to occur in upscale neighborhoods. Reports of home invasion increased 50% from 2023 to 2024, with 747 total cases in 2024. This followed a decline from 2022 to 2023, with 556 and 496 reports, respectively. Similarly, there were 590 reports in 2021 and 517 in 2020. Thieves gain access by enticing a resident to open the door for a delivery or rushing in when family or staff open the door. Household staff may also sometimes be complicit in home invasions, acting as insider threats and informants to criminals.

While reported cases of sexual assault decreased year-on year from 2022 to 2024, the Embassy believes that the actual number of sexual assaults, including against foreigners, is far greater than reported numbers. Cultural stigmas and sporadic police presence in rural areas cause significant underreporting. Most reported victims are female. There were 178 reported cases of sexual assault in 2024, 200 in 2023, and 221 in 2022.

The bulk of crimes related to drug trafficking occur near the Mexican border. As such, the departments of San Marcos and Huehuetenango are considered Level 4: Do Not Travel locations due to the prevalence of criminal groups operating in these areas and limited law enforcement capacity. Guatemalan criminal organizations usurp the territories of more established Mexican cartels, inciting violent standoffs. Narcotraffickers are heavily armed and operate with relative impunity. Limited Guatemalan resources make it difficult to combat narcotrafficking and the violence associated with it.

Although there is widespread trafficking in Guatemala most activity does not affect the general populace. There have been instances of homicides near clandestine airfields and areas in Petén near the Mexican border, particularly along CA-13 between La Libertad and El Ceibo. Narcotraffickers tend to avoid confrontation with security forces when unprovoked.

Of particular concern to businesses and landowners in remote regions of Guatemala is the threat of narco-traffickers forcibly seizing land to facilitate the landing and offloading of aircraft transporting large amounts of cocaine. Heavily armed narcotraffickers invade properties, restrain all residents and/or employees, and clear an area to land aircraft. Narcotraffickers then

release the families and employees and depart the area after offloading all drugs onto transport vehicles.

Traffic congestion in urban areas and the highways leading out of the capital is extremely heavy, and severely impacts travel time between destinations. Traffic is often at a standstill for hours at a time; such congestion exacerbates the threat to motorists from armed criminals on motorcycles. Use vehicles with all windows tinted. Criminals often look for drivers using cell phones at night and easily identify their targets due to the illumination of smartphones or tablets. One of the newer tactics being utilized in heavy traffic situations is thieves using Bluetooth to identify vehicles that contain high-value phones. By using Bluetooth, thieves can locate “Sam’s iPhone 16” and the vehicle the phone is in. It is recommended that you change your phone name on your device to not include the model, if possible, as well as disable Bluetooth if you are not using it to link to the car for navigation.

Emboldened armed robbers sometimes attack vehicles on main roads in broad daylight. Travel on rural roads increases the risk of encountering a criminal roadblock or ambush. Driving outside of urban areas at night is dangerous and not recommended—do not conduct intercity travel after dark. Caravan with at least two cars when traveling outside of Guatemala City. The Inter-American Highway (CA-1) and the road from Guatemala City to the Caribbean coast (CA-9) are especially dangerous due to heavy traffic, including large trucks and trailers, and poorly maintained vehicles that often lack properly functioning lights. The main road to Lake Atitlán via CA-1 and Sololá is safer than the alternative secondary roads near the lake.

In the past, armed attacks occurred on roads between Guatemala City and Petén, as well as between Tikal and the Belize border. Plan and research routes prior to departing for your destination. Although many GPS applications work in Guatemala, they may not accurately reflect road conditions. Roads and routes identified on a GPS may be nothing more than a poorly built dirt road accessible only by 4x4 vehicles. GPS applications trying to minimize travel times can also route drivers through gang-controlled neighborhoods.

Informal bus lines are the most common mode of public transportation in Guatemala. These bus routes are serviced by brightly colored, poorly maintained, recycled U.S.-style school buses. Driver qualification levels vary, creating an untenable safety situation. Additionally, these bus lines are prime targets for extortions and robberies. Criminals habitually assault and murder bus drivers because of non-compliance with extortion demands. The official U.S. government community in Guatemala is prohibited from using public buses as a means of transportation.

Taxis are also unsafe. Unlicensed taxis and taxi companies serve metropolitan areas. The U.S. government prohibits its personnel present in Guatemala from hailing taxis on the street. Taxi drivers can be targeted for or complicit in criminal activity. Only use pre-arranged and radio-dispatched taxi services.

Uber operates in Guatemala City, Antigua, and some other urban areas. Uber is a reliable source of transportation, and U.S. government personnel may use the service. It is important to note, however, that local taxi operators do not support Uber and have engaged in physical

confrontations with Uber drivers. Wait in a secure location for an available Uber; expect the driver to request that a passenger ride in the front seat to mask the appearance of being a car service.

The principal international airport, La Aurora International Airport (GUA) is in Zone 13, an area of Guatemala City that suffers from elevated levels of crime. Remain cautious when leaving the airport, as assailants may steal money, passports, or luggage. In some cases, taxi drivers rob travelers of their possessions. Pre-arrange transportation arrangements to and from the airport using pre-screened, vetted transportation services, including Uber. A pre-screened, vetted taxi service is available at the airport. Travelers can hire a vetted driver at the kiosk under the “SAFE” sign. Assailants have worn full/partial police uniforms and have used vehicles that resemble police vehicles, indicating that some elements of the police might be involved.

### Kidnapping Threat

The U.S. Department of State has not included a Kidnapping “K” Indicator on the Travel Advisory for Guatemala.

Kidnappings are not as prevalent in Guatemala in recent years as in the past. Given the complexity of kidnapping and police attention to this type of crime, kidnapping is not as viable a criminal enterprise as extortion.

The kidnappings that do occur generally involve victims who are involved or perceived to be involved with drug trafficking. In these instances, traffickers will use brutal force to extort, kidnap, and kill victims. Some kidnapping groups kill their victims regardless of a paid ransom. In 2024 there were 9 reported kidnapping cases, a decrease from 13 in 2023. Reporting in previous years show similarly low numbers of reported kidnapping with 11 in 2022, 9 incidents in 2021, and 15 in 2020.

### Terrorism

The U.S. Department of State has assessed Guatemala as being a **LOW**-threat location for terrorism directed at or affecting official U.S. government interests.

The U.S. Department of State has not included a Terrorism “T” Indicator on the Travel Advisory for Guatemala.

There are no known transnational or domestic terrorist organizations present in Guatemala.

However, in February, the U.S. Department of State designated eight Latin American transnational criminal organizations (TCOs) as Foreign Terrorist Organizations (FTOs) and Specially Designated Global Terrorists (SDGTs). This listed the six Mexican groups, including the Cartel de Sinaloa and Cartel de Jalisco Nueva Generación (CJNG), which have ties to Guatemalan criminal groups. The Central American street gang Mara Salvatrucha (MS-13) was also designated as an FTO and is one of the predominant criminal gangs in Guatemala.

In relation to the FTO designations, U.S. organizations should be aware of criminal penalties associated with providing material support to FTOs. The primary criminal statutes OSAC members need to be aware of regarding FTOs include 18 U.S.C. § 2339 A-D. These statutes define material support such as (tangible or intangible) property, monetary instruments, lodging, training, advice, equipment, transportation, and other goods or services. This can include paying extortion demands to criminal groups designated as FTOs. Compliance departments should ensure that an organization does not knowingly, or unknowingly, provide material support to any FTO or FTO-affiliated entity.

## Political Violence and Civil Unrest

The U.S. Department of State has assessed Guatemala City as being a **MEDIUM**-threat location for political violence directed at or affecting official U.S. government interests.

The U.S. Department of State has not included a Civil Unrest “U” Indicator on the Travel Advisory for Guatemala. Civil unrest can develop quickly without prior notice, often interrupting logistics and services. Avoid demonstration activity, as even those planned to remain peaceful have the potential to turn violent.

## Elections/Political Stability

Guatemala is a multiparty constitutional republic. They last held a general election on June 25, 2023, with a subsequent presidential run-off on August 20 that year. The general election occurred largely without incident despite isolated cases of electoral violence, intimidation of poll workers, and the disqualification of multiple opposition candidates. Current President Bernardo Arevalo unexpectedly finished second in the presidential primary and qualified for the run-off which he also won before being inaugurated in January 2024. Since before his inauguration he has faced legal challenges from the Attorney General’s office, led by Consuelo Porras – who is considered to have been involved in instances of significant [corruption](#).

Protests and demonstrations continue to occur regularly, often related to issues such as corruption, pensions, and other government services.

The next general election is expected to occur in June 2027.

## Protests & Demonstrations

Large demonstrations occur, sometimes with little to no notice, and can cause serious traffic disruptions. In recent years, Guatemala has experienced a variety of protests demonstrating against topics ranging from public corruption and the cost of living to motorcycle restriction laws and veteran employment. Although most demonstrations are peaceful, they can turn violent.

Protests in Guatemala City tend to occur near government buildings in the historic center or Zona 1. This includes locations near Plaza de la Constitución, the National Palace, and Congreso de la República.

Travelers must also be aware of the high frequency of demonstrations/protests in Guatemala. Several highly organized groups are capable of drawing thousands of people to support their cause. Protests often lead to disruption in public infrastructure such as blocking roads like the CA1, CA5, and the Pan American Highway. Some protesters have started small fires and clashed with police during their demonstrations. The use of roadblocks and/or blocking of public facilities, including airports, may delay or prevent tourists from reaching their destination.

A good resource for updated information regarding traffic concerns throughout Guatemala is PROVIAL, a roadside assistance force that routinely provides updates on significant issues related to accidents, traffic conditions, and road blockades.

Notably, following the 2023 presidential runoff, large protests and road blockades took place throughout Guatemala against efforts by the Attorney General to disqualify Bernardo Arevalo's election. This resulted in significant disruptions to the movement of goods and people throughout the country.

### Anti-U.S./Anti-Western Sentiment

There is not significant anti-U.S. or anti-Western sentiment in Guatemala.

### Law Enforcement

Victims of crime should contact the police emergency line **110** or **120**; in the event of fire emergencies, call **122** or **123**. Tourist groups should request security escorts—security information and escorts are available from the Tourist Assistance Office (ASISTUR) of the Guatemalan Tourism Institute (INGUAT).

The Interior Ministry (*Ministerio de Gobernación*) oversees Guatemala's law enforcement forces. Its remit includes law and order, national security, border control, and prison services. The Policía Nacional Civil (PNC), or National Civil Police, serve under the Interior Ministry and are responsible for maintaining public order, preventing and investigating crimes, and ensuring the safety and security of citizens throughout Guatemala. In 2024, the PNC established the Special Counter-Extortion Group (GECE) to combat extortion in the country.

The National Defense Ministry oversees the military, which focuses primarily on operations in defense of the country, but the government also uses the army to support the National Civil Police in internal security operations, as permitted by the constitution.

There is no roadside assistance club in Guatemala. However, PROVIAL patrols most major highways; contact them by calling **1520** from a local phone. Their vehicles are equipped with basic tools and first aid supplies, and their services are free. Police patrol major roadways

sporadically and may assist travelers. For roadside assistance, call the police at **110** or **120**, or the fire department at **122** or **123**. Cellular service covers most areas tourists frequent. Some reports of highway robberies include accusations that police, or assailants dressed as police, have been involved.

## Police Response

The police lack sufficient personnel and training to accomplish their mission. They suffer from a lack of supplies (e.g., vehicles, fuel, and ammunition) with little improvement from year to year. Often, police investigations fail to result in an arrest, much less a conviction. Apart from impunity, a principal reason that the government is unable to respond to the needs of crime victims, or to prevent crime in the first place, is that the police force significantly lacks training and funding. The average officer should have at least a high school degree (some have much less), has as little as six months of police training before being sent out on the streets, and receives only a small monthly salary. Moreover, the annual police budget is inadequate to support its personnel, vehicles, training, and other infrastructure needs. Although some units have adequate equipment and training, they do not have the capacity to handle multiple taskings or cases at the same time.

## Travelers with Special Considerations

For [specific traveler concerns](#) in Guatemala, review the local laws and circumstances on the Department of State's Country Information Page.

- [Women Travelers](#)
- [LGB Travelers](#)
- [Travelers with Disabilities](#)
- [Student Travelers](#)
- [Faith-Based Travelers](#)

## Rule of Law, Arbitrary Detention, Official Harassment, Corruption, & Transparency

The U.S. Department of State has not included a Risk of Wrongful Detention "D" Indicator on the Travel Advisory for Guatemala.

The law prohibits arbitrary arrest and detention, but there are credible reports of extrajudicial arrests, illegal detentions, and denial of timely access to a magistrate and hearing as required by law. Suspects are entitled to challenge in court the legal basis or arbitrary nature of their detention. There is no compensation for those ruled unlawfully detained.

The law provides criminal penalties for official corruption, but officials frequently engaged in corrupt practices with impunity. Despite numerous allegations of corruption among the legislative and executive branches of the government, few high-profile are prosecuted with anticorruption efforts within the judiciary stalled. Prominent anticorruption prosecutors have

been fired or removed from significant cases in the past, and corrupt actors have threatened independent judges.

The Arevalo administration made several campaign promises to combat corruption. However, he still faces several challenges to execute them due to entrenched corrupt actors.

The law provides for freedom of expression, including for the press, and the government generally respects this right. The intimidation of, and violence against, journalists results in significant self-censorship. Independent media are active and express a wide variety of views. Nonetheless, reporters covering organized crime, including its links to corrupt public officials, acknowledge practicing self-censorship due to the danger investigative journalism creates for them and their families. The risk of lower advertising revenue from some companies, has resulted in media outlets becoming less independent and hesitant to report on corruption.

Members of the press report receiving pressure, threats, and retribution from public officials and criminal organizations regarding the content of their reporting. Online attacks against independent journalists and media outlets continue. These include hacking journalists' private social media accounts, publishing stolen or falsified personal information, and conducting apparent coordinated attempts to undermine specific journalists and the press. The government takes little action to protect these individuals.

Observers note that net centers, or collections of social media accounts operating from office buildings associated with government information sources, have increased activity, creating fake social media accounts to criticize and defame journalists.

## Cybersecurity

Exercise standard precautions when using public Wi-Fi services in Guatemala.

## Import/Export Restrictions

Guatemalan customs authorities may enforce strict regulations concerning temporary importation into or export from Guatemala of items such as antiquities and other cultural property. There are no known issues bringing in satellite phones.

A country-specific listing of items/goods prohibited from being exported to the country or that are otherwise restricted is available from the U.S. International Trade Agency [website](#).

*Additional resources and reports can be found in the [OSAC Traveler Toolkit](#).*

# World Report 2025: Guatemala | Human Rights Watch

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[hrw.org/world-report/2025/country-chapters/guatemala](https://www.hrw.org/world-report/2025/country-chapters/guatemala)

December 8, 2024

In January, President Bernardo Arévalo took office, overcoming numerous attempts led by Attorney General Consuelo Porras to unlawfully overturn the election.

The Attorney General's Office continued a campaign of politically motivated prosecutions against independent journalists, prosecutors and judges as well as Arévalo administration officials.

## Judicial Independence and Corruption

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The lack of judicial independence remains a critical issue in Guatemala, undermining the rule of law and threatening human rights protections. It stems from systemic problems in the judicial selection process, including non-transparent nomination procedures, political meddling, and undue influence from corrupt actors. The judiciary often fails to hold powerful interests accountable, instead serving to protect them.

In September, two "nomination committees," formed by law school deans, judges, and bar association representatives, submitted to Congress a list of candidates for all [13 Supreme Court](#) and [156 Court of Appeals](#) positions for the 2024-2029 term—a critical opportunity to bolster judicial independence in the country. [In October](#), Congress appointed new judges to the Supreme Court and Courts of Appeals. Many had been under criminal investigation for alleged influence peddling in previous judicial selection processes.

In March, President Arévalo [asked](#) the Organization of American States (OAS) to send an observation mission to monitor the justices' selection process. [In September](#), the OAS mission published a preliminary report noting conflicts of interest, the nomination of candidates reported to be involved in corruption or human rights abuses, and inadequate vetting procedures.

## Arbitrary Criminal Prosecutions

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Under Porras, the Attorney General's Office has for years orchestrated spurious criminal prosecutions against justice officials, human rights defenders, anti-corruption activists, and officials of the Arévalo administration. In 2023, Porras's office conducted bogus criminal investigations aimed at preventing President Arévalo from taking office.

Prosecutors have also asked the Supreme Court to lift President Arévalo's immunity from criminal prosecution and have sought to proscribe the ruling party, Movimiento Semilla.

In July, Virginia Laparra, a former anti-corruption prosecutor, [fled](#) Guatemala after nearly two years imprisoned on spurious charges. Laparra had been under house arrest since January. Her prosecution was [widely seen](#) as retaliation for her work on high-profile corruption cases against public officials and organized crime.

Former anti-corruption prosecutor [Stuardo Campo](#) remained in prison at time of writing, on charges of “abuse of authority” and “breach of duties,” among others. The hearings in his case have been postponed multiple times, undermining his right to due process.

According to the nongovernmental organization (NGO) Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala (UDEFEHUGUA), at least 91 people fled into exile due to criminal prosecution, threats, or harassment since 2022. These included 44 legal professionals and 26 human rights defenders.

## Civic Space

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UDEFEHUGUA [documented](#) over 9,000 instances of aggression—including criminalization, harassment, defamation, stigmatization, threats, intimidation, and violence—against human rights defenders, journalists, organizations, and communities working to defend human rights, the highest recorded number to date.

The Attorney General’s Office and a section of the judiciary have created a hostile environment for the exercise of freedom of expression and the press. Journalists face arbitrary detention, restrictions on news coverage, and online harassment. According to the NGO [Journalists’ Observatory](#), at least 25 journalists fled the country in the last few years.

In [late](#) December, journalist César Leiva was shot to death in the department of Jutiapa and journalist Gleymer Villeda was killed in Izabal department. Three other journalists were murdered in 2023. [Impunity](#) for crimes against the press, particularly targeting those investigating public interest issues like corruption and human rights violations, remains the norm.

UDEFEHUGUA reported that, between March 2023 and August 2024, at least 18 human rights defenders were murdered in Guatemala. [In June](#), José Domingo, a lawyer and human rights defender, was murdered. Domingo worked closely with the United Farmworkers Committee (CUC), one of the country’s most prominent peasant organizations. He was known for his advocacy on behalf of farmworkers and Indigenous groups, providing legal support to these communities in their struggles for land rights and better working conditions. Another CUC leader, Gustavo Yaxón, was [injured in the same attack](#) and died from the injuries a few days later.

[In November](#), a Guatemalan appeals court ordered journalist José Rubén Zamora back to prison, overturning an [October](#) court decision that had granted him house arrest after determining his two-year pre-trial detention was excessive. Zamora, 68, founder of *El Periódico* was initially arrested in July 2022 on money laundering charges and sentenced to six years in prison. In October 2023, an appeals court overturned the verdict, ordering a retrial. Prior to his transfer to house arrest, several UN experts had [raised concerns](#) about his detention conditions. At time of writing, his retrial was pending.

[In March](#), the UN Working Group on Arbitrary Detention said Zamora’s detention was arbitrary, and called for his immediate release.

## Economic, Social and Cultural Rights

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High levels of poverty and inequality, structural discrimination, and corruption limit access to fundamental rights, especially for groups that have historically faced exclusion, including Indigenous peoples as well as Afro-descendant and rural communities. [According to the official figures](#), 56 percent of the population was living in poverty in 2023, including 16 percent in extreme poverty, as defined by the national poverty line.

Acute and chronic malnutrition affect children at alarming rates. As of October, over 25,000 cases of acute malnutrition in children were reported by the government. By October, reported cases were significantly higher than what was typically seen at this time of year in 2021-2023 (18,500 cases on average). [According to government figures](#), chronic malnutrition affects 46.5 percent of children under five years old nationwide and according to the [World Bank](#), Guatemala has one of the highest such rates globally.

Between January and [October](#), 278 children under five died in cases associated with malnutrition. The Arévalo administration launched the “Mano a Mano” Intersectoral Initiative, aiming to reduce chronic malnutrition by ten percentage points during its four-year term.

The [Office of the High Commissioner for Human Rights](#) (OHCHR) reported an increase in forced evictions and land conflicts in 2023, primarily affecting Indigenous communities. In July, [the Inter-American Commission on Human Rights](#) (IACHR) expressed concern about the lack of mechanisms for recognizing and titling ancestral lands, allowing for the advancement of hydroelectric, mining and oil company, and monoculture projects without free, prior and informed consultation. Indigenous leaders defending their land and environment face criminalization, [harassment](#), and threats. According to media reports, the [evictions that have been carried out have](#) often [involved](#) abuses by police and private security agents, resulting in the destruction of homes and property, forced displacement, and other ESCR violations for the affected communities.

[In December](#), the Inter-American Court of Human Rights ruled that Guatemala violated multiple rights of the Indigenous Maya Q'eqchi' people in the El Estor municipality, Izabal state, including by failing to properly title their lands and conduct adequate prior consultation regarding mining activities affecting their territory.

## Migrants and Asylum Seekers

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Guatemala serves as a country of origin, destination, transit, and return for migrants and asylum seekers. In [2023](#), Guatemala experienced a high influx of migrants, with over one million people entering the country. The majority of these people were from Venezuela and Honduras.

In June 2023, Guatemala and the United States launched “safe mobility offices” to facilitate legal pathways for Guatemalans to enter the US, including family reunification and temporary work visas. In May, the program was [expanded](#) to include Hondurans, Salvadorans, and Nicaraguans present in Guatemala.

[In September](#), Guatemala welcomed 135 Nicaraguan political prisoners, whom the Nicaraguan government released and expelled as part of an agreement with the US and Guatemala. The prisoners will stay in Guatemala temporarily, where they will be able to apply for resettlement in the US or elsewhere.

## Public Safety

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Guatemala grapples with organized crime, drug trafficking, and institutional weaknesses in the justice system.

The homicide rate, which peaked in 2009 at 46 per 100,000 people, has since declined steadily, reaching 16.1 per 100,000 in 2023. During the first half of 2024, there was a seven percent decrease in the homicide rate in the country compared to the same period the previous year, [according](#) to government data. There are also other significant challenges, including high levels of human trafficking, extortion, and violence against women.

The 2023 [National Survey of Household Quality and Well-being](#) (ENCABIH) revealed that 48 percent of women have suffered some type of gender-based violence at least once in their lifetime. In the first half of 2024, civil society groups [reported](#) 206 violent deaths of women, with 44 percent classified as femicides. Impunity in cases of violence against women remains the norm.

## Sexual Violence Against Girls

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Pregnancy during adolescence and early parenthood affects thousands of girls in Guatemala. The Observatory for Sexual and Reproductive Rights (OSAR) reported 37,190 pregnancies among adolescents and girls ages 10 to 19 between January and August 2024, including 1,298 among girls ages 10 to 14. Under Guatemalan criminal law, all pregnancies among girls under age 14 are considered the result of sexual violence.

Access to maternal health care for pregnant girls is hindered by both inadequate healthcare goods and services and physical, economic, and discriminatory barriers. In rural areas, some health centers lack the necessary supplies, including prenatal vitamins, to properly care for pregnant girls. Girls and their families travel long distances, sometimes for hours or even days, to reach healthcare facilities where they can receive necessary medical treatment, further depleting many households' already-limited financial resources.

Girls who experience pregnancies as a result of sexual violence often encounter discriminatory treatment from healthcare professionals. In some cases, during and after pregnancy and childbirth, girls do not receive specialized care commensurate with their age.

Pregnancies under the age of 14 carry significant risks to girls' physical and mental health and put girls' lives at risk. In Guatemala, abortion is criminalized, except when the life of the pregnant woman, girl, or person is in danger, and penalties vary from one to twelve years in prison. Most medical professionals interpret this exception to include only cases where death would be immediate or imminent. Safe and legal abortion for girls under 14, whose pregnancies are a result of sexual violence—and inherently put their lives at risk because of age—remains unavailable.

## Gender and Sexuality

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Guatemala does not allow same-sex marriage or legal gender recognition for transgender people, and lacks comprehensive anti-LGBT discrimination legislation.

In June, Guatemala's Constitutional Court [called](#) on authorities to uphold "spiritual and moral values" and for participants to observe "good morals" during the annual Pride Parade.

## Sanctions

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In January, the European Union established a dedicated [individual sanctions regime](#) and [sanctioned five individuals](#) for undermining democracy and the rule of law before and following the 2023 presidential election.

Also [in January](#), the US State Department imposed visa restrictions on former President Alejandro Giammattei and three of his children, citing his involvement in "significant corruption." The State Department has imposed [visa restrictions](#) on Attorney General Porras, former President Giammattei, and their families, citing corruption and rule of law concerns. In December 2023, it also restricted visas for nearly three hundred Guatemalans, including over one hundred congressmembers, for undermining democracy during the presidential transition.

OEA/Ser.L/V/II.doc.124/24  
Approved on August 15, 2024  
Original: Spanish

Inter-American Commission of Human Rights

# **Preliminary Observations** On-site visit to **Guatemala**

2024

[www.iachr.org](http://www.iachr.org)

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## I. Introduction

1. Below, the Commission presents its preliminary observations and recommendations following the completion of the *on-site* visit to Guatemala that took place between July 22 and 26, 2024. First, it will address the background and current context of democratic institutions in the face of the impact of impunity and corruption. Second, it analyzes the instrumentalization of the justice system, with special emphasis on the situation of justice operators and human rights defenders. Subsequently, the IACHR refers to the issue of memory, truth and justice for crimes committed during the armed conflict; the situation of freedom of expression; economic, social, cultural and environmental rights; as well as citizen security and the human rights of historically discriminated and excluded groups. Finally, the IACHR presents its preliminary conclusions and recommendations at the end of its visit.
2. The IACHR will prepare a country report in the coming months to further elaborate on these issues and present its final recommendations to the State of Guatemala.

## II. Background and current context: the impact of impunity and corruption on Guatemala's democratic institutions

3. Before presenting its preliminary observations, the Commission considers it essential to refer to the context and background of its visit, which includes the legacy of serious human rights violations that have marked Guatemala's recent history, as well as their causes and consequences. Subsequently, it addresses the impact of impunity and corruption on democratic institutions in a scenario marked by social exclusion and inequality in the country, especially with respect to indigenous communities and peoples.

#### **A. Legacy of the internal armed conflict**

4. The IACHR has followed the human rights situation in Guatemala with special attention since its first years of operation, particularly in response to the grave human rights violations perpetrated during the internal armed conflict that took place between 1960 and 1996. This was characterized by the systematic execution of people, massacres, forced disappearances, rape, and scorched earth operations aimed at the at least partial elimination of the Maya people. Likewise, rape was a widespread, massive and systematic practice used by State agents as part of the counterinsurgency policy against women<sup>1</sup>.
5. As established by the Commission for Historical Clarification (CEH) in its report "Guatemala, Memory of Silence", the internal armed conflict constituted a phenomenon whose explanation is multi-causal, the result of the convergence of a series of factors, such as structural impunity, the closing of political spaces, racism, the deepening of an exclusionary and anti-democratic institutionality, as well as the reluctance to promote substantive reforms that could have reduced structural conflicts. In this sense, the CEH concluded that "violence was fundamentally directed from the State, against the excluded, the poor and, above all, the Mayan population, as well as against those who fought for justice and greater social equality"<sup>2</sup>.
6. In 1996, the signing of the Firm and Lasting Peace Agreement between the government of then President Álvaro Arzú and the Guatemalan National Revolutionary Unity (URNG) put an end to 36 years of civil war, representing an opportunity for profound change in Guatemala. The agrarian and land regulation situation, the elimination of discrimination, the recognition of the cultural identity and territories of indigenous peoples, as well as the attention to the different

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<sup>1</sup> IACHR, [Situation of Human Rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 33.

<sup>2</sup> Commission for Historical Clarification. Guatemala, Memoria del Silencio "Tz Inil Natab'al", Conclusions and Recommendations, June 1999. p. 17.

social, cultural and economic aspects that perpetuated their historical exclusion were commitments assumed.

7. More than 25 years after their signing, these agreements have not been fulfilled and, on the contrary, there are severe setbacks that keep the victims and their families in a situation of abandonment and oblivion, ignored by the state apparatus. Likewise, a situation of impunity prevails with respect to the serious human rights violations of the past, as well as many of the factors that gave rise to the internal armed conflict, such as: the concentration of economic power in few hands, a weak state structure with few resources due to low tax collection, high levels of corruption and impunity, as well as the perpetuation of a context of discrimination, violence, racism and exclusion of indigenous peoples<sup>3</sup>.
8. During the visit, it was reported that indigenous peoples live in less favorable conditions than the rest of the population, with less access to basic services, electricity, sanitation, lack of decent housing conditions, limited labor and productive opportunities and obstacles to access to justice. This situation reflects the continuity of the context of exclusionary economic, cultural and social relations that gave rise to the internal armed conflict. In addition, there are evictions of Indigenous communities and internal displacement, the impact of natural disasters and climate change, the perpetuation of poverty and high rates of migration.

#### **B. Fight against impunity and corruption**

9. In its various reports since the time of the internal armed conflict, the IACHR has pointed out that the fight against impunity and corruption must be a priority for democratic governance. In this regard, the IACHR has repeatedly urged the Guatemalan State to commit itself to ensuring independence of justice operators and the dismantling of criminal networks, as well as parallel structures and

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<sup>3</sup> According to the latest National Population and Housing Census (2018), the total population of Guatemala is more than 17 million people. Of this total, 43.8% of the population is indigenous; and, of this percentage, 41.7% corresponds to the Mayan population.

powers that impede progress in this area to the detriment of the rule of law and the human rights of the population<sup>4</sup> .

10. Over the past 20 years, through its monitoring work, the Commission has observed that corruption in Guatemala is structural and endemic, and manifests itself at all levels and in all territories. In its Resolution 1/17, the IACHR noted that corruption, "together with impunity, organized crime, intolerance and political violence, as well as the social exclusion of various sectors, represent a serious danger of regression in the effective enforcement of the rule of law and restrict the full enjoyment of human rights<sup>5</sup> ". In its Resolution 3/23, the Commission called on Guatemala to reaffirm its commitment to combating impunity and corruption, strengthening the justice system and full respect for human rights, including through technical assistance and international cooperation<sup>6</sup> ".
11. Between July 31 and August 4, 2017, the IACHR conducted its last *in loco* visit to the country and prepared the Report on the Situation of Human Rights in Guatemala<sup>7</sup> . On the occasion, the IACHR noted that Guatemala was at the crossroads of adopting measures to resolve structural problems and guarantee the human rights of the Guatemalan people or, otherwise, it risked facing setbacks in this area and repeating episodes of serious human rights violations of the past.

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<sup>4</sup> Cf. IACHR, Report on the Situation of Human Rights in Guatemala, OEA/Ser.LV/II. Doc. 208/17, Dec. 31, 2017; IACHR, Situation of Human Rights in Guatemala: Diversity, Inequality and Exclusion, OEA/Ser.LV/II. Doc. 43/15, Dec. 31, 2015; IACHR, Justice and Social Inclusion: The Challenges of Democracy in Guatemala, OEA/Ser.LV/II.118, Doc. 5 rev. 1, Dec. 29, 2003; IACHR, Situation of Human Rights in Guatemala, OEA/Ser.LV/II.111, Doc. 21 rev.

<sup>5</sup> IACHR, Human Rights and the Fight against Impunity and Corruption, adopted September 12, 2017, p. 2.

<sup>6</sup> IACHR, Resolution 3/23 - Human Rights, the instrumentalization of the Justice System and the serious risks to the Rule of Law in Guatemala, Doc. 321, December 10, 2023, Resolution 7.

<sup>7</sup> IACHR, Situation of Human Rights in Guatemala, OEA/Ser.LV/II. Doc. 208/17, December 31, 2017.

12. Between 2018 and 2020, the IACHR published three follow-up reports to the recommendations issued in its Country Report<sup>8</sup>. In 2021 and 2022, the Commission determined the inclusion of Guatemala in Chapter IV.B of its Annual Report, upon noting a severe deterioration of the rule of law, based on a series of interferences with the independence of the Judiciary, the criminalization of justice operators and other setbacks in the fight against corruption and impunity that seriously affected access to justice and the enforcement of human rights<sup>9</sup>.
13. In Chapter IV.B of the 2023 Annual Report, the Commission noted that the electoral process through which President Bernardo Arévalo was democratically elected was marred by actions that posed serious threats to the constitutional order and the rule of law. In its report, the Commission expressed its concern over a series of undue and arbitrary actions and interferences by the Public Prosecutor's Office, endorsed by the Judiciary, and without complaint from the Congress, which threatened to nullify the will expressed by the majority of the population<sup>10</sup>.
14. At the end of 2023, the social mobilizations called by ancestral authorities and indigenous communities in defense of democratic institutionalism, together with the scrutiny of the international community, were decisive in ensuring a peaceful transition. In January 2024, following the change of government, President Arevalo expressed his commitment to human rights and the Inter-American system, in the fight against impunity and corruption, as well as his vision to increase the accountability and effectiveness of the public sector, promote reforms to address significant gaps in human development, the fight against poverty and

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<sup>8</sup> IACHR, Annual Report 2018, Chapter V. Follow-up report on recommendations made by the IACHR in the Report on the Situation of Human Rights in Guatemala; IACHR, Annual Report 2019, Chapter V, Second Follow-up Report on recommendations made by the IACHR in the Report on the Situation of Human Rights in Guatemala; IACHR, Annual Report 2020, Chapter V, Third Follow-up Report on recommendations made by the IACHR in the Report on the Situation of Human Rights in Guatemala.

<sup>9</sup> IACHR, Annual Report 2022, Chapter IV.B, Guatemala, OEA/Ser.L/V/II. Doc. 50 rev. 1, April 1, 2023, para. 11; IACHR, Annual Report 2020, Chapter IV.B, Guatemala OEA/Ser.L/V/II. Doc. 64 rev. 1, May 26, 2022, para. 9.

<sup>10</sup> IACHR, Annual Report 2023, Chapter IV.B, Guatemala, OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, Conclusions.

social inclusion. During the visit, the President reaffirmed this commitment to the IACHR and reported on some steps to move in that direction.

15. However, in the meetings held during the visit, individuals and groups from various sectors informed the IACHR about the existence of a deep-rooted hostility and resistance to the duly elected President and his vision of change and his challenge to the political, economic and military powers that seek to maintain structural impunity for crimes committed during the armed conflict as well as in current cases of corruption. Likewise, authorities at different levels referred to an environment of political polarization, obstruction and the consequent risks to governance in which the Legislative and the Judicial Branch play a predominant role.
16. The IACHR believes that strengthening democratic institutions and human rights is the task of the entire Guatemalan population and its institutions. Furthermore, it emphasizes that in order to develop a culture of tolerance, respect for the law and rejection of impunity, it is necessary to build consensus and accountability in all spheres, particularly in the Congress of the Republic. Therefore, the IACHR encourages the advancement of a democratic legislative agenda based on the principles of the right to political participación, equality and non-discrimination, accountability, as well as the fight against corruption and impunity.

### **III. Instrumentalization of the justice system**

17. In the last seven years, the IACHR has observed a progressive deterioration of the rule of law and democratic institutions in Guatemala, among other factors, due to the instrumentalization of the criminal justice system against those who have been part of the fight against corruption and impunity. In its Resolution 3/23, the IACHR noted that the manipulation of the justice system for this purpose represents one of the most pressing challenges of democracies, since, under a

semblance of 'legality', the principle of separation of powers and judicial independence are deeply affected"<sup>11</sup>.

18. The IACHR understands that criminalization consists of the improper and misuse of the criminal justice system through the manipulation of the punitive power of the State by State and non-State actors in order to hinder the legitimate work of journalists, human rights defenders and independent justice operators, or to persecute, intimidate and punish those who legitimately exercise the rights that are part of the civic and democratic space, such as freedom of expression, association and the right to assembly<sup>12</sup>. According to the IACHR, this is manifested through the laying of multiple charges for spurious reasons against individuals, subjection to arbitrary and prolonged criminal proceedings, the application of fines and/or arbitrary detentions with or without conviction, the use of open or inapplicable criminal types to the specific case, charges that are disproportionate to the conduct that is the basis of the charge, the processing of spurious complaints, among other characteristics. In addition, criminalization has individual and collective effects, having a dissuasive effect on society<sup>13</sup>.
19. As indicated to the IACHR, the abusive use of criminal law intensified after the departure of the International Commission against Impunity in Guatemala (CICIG) in 2019. In particular, against justice operators who were investigated and charged for alleged crimes committed in the exercise of their duties<sup>14</sup>. Many of those targeted were part of the CICIG and the Special Prosecutor's Office against

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<sup>11</sup> IACHR, Resolution 3/2023, Human rights, the instrumentalization of the justice system and the serious risks to the rule of law in Guatemala, approved December 10, 2023, p. 2.

<sup>12</sup> Cf. IACHR, Annual Report 2022, Chapter IV.B Guatemala, OEA/Ser.LV/II. Doc. 50 rev. 1, April 1, 2023, para. 32 et seq.; IACHR, Criminalization of human rights defenders, OEA/SER.LV/II. Doc. 49/15, December 31, 2015, para. 3.

<sup>13</sup> Cf. IACHR, Protest and Human Rights, Standards on the rights involved in social protest and the obligations that should guide state response, OEA/Ser.LV/II IACHR/RELE/INF.22/19, September 2019, para. 191.

<sup>14</sup> Some of these crimes are: abuse of authority, breach of duties, conspiracy, influence peddling, illicit association, obstruction of justice, simulation of a crime, disclosure of confidential information, usurpation of functions, activities against the security of the nation, illegal detentions and resolutions in violation of the Constitution.

Corruption and Impunity (FECI). In the same situation are former prosecutors and other former prosecutors of cases related to the internal armed conflict and/or large-scale corruption, including those in charge of high-risk courts; and more recently the magistrates of the Supreme Electoral Tribunal (TSE). According to the information provided, in recent years, at least 50 justice operators went into exile due to criminal prosecution against them; 20 more were in prison; while former prosecutor Stuardo Campo is currently in detention.

20. According to the organizations and individuals with whom the IACHR met, this criminalization is animated by retaliation on the part of certain groups and power structures due to the investigations and prosecutions of acts of corruption and serious human rights violations carried out in the recent past by the FECI, the MP and High Risk Courts with the support of the CICIG. This with the active intervention of certain private actors such as, for example, the Foundation against Terrorism. At the same time, the Human Rights Ombudsman's Office would not comply with its constitutional mandate in cases of criminalization and arbitrary application of preventive detention.
21. In Guatemala, criminalization and harassment have extended to lawyers who acted as plaintiffs in corruption cases against state officials and/or who are currently defending criminalized justice operators. Likewise, this practice is used in a generalized manner against different groups, such as: legislators, journalists, students, teachers, members of political parties, public officials, the former human rights attorney and even against the President and Vice-President of the Republic. Members of indigenous, peasant and union organizations, as well as people who participated or participate in peaceful protests and social mobilizations in defense of democracy and the rule of law have also been affected.
22. During the visit, the Commission received abundant information on the abusive use of the criminal justice system against persons from different sectors of the population in different territories and departments. In the vast majority of the

meetings held, the IACHR received testimonies from a diversity of people under investigation by the Public Prosecutor's Office or who are afraid of being investigated, only for the legitimate exercise of their rights or functions. What they have in common was their criticism of the policies and conduct of certain branches of the state. Some stated that they had spent a long time in preventive detention for criminal charges arising from the defense of human rights, land and territory, or the exercise of freedom of expression, association and assembly. These arbitrary and punitive practices have reportedly caused profound and lasting damage to individuals, their families and communities, restricting their life projects and forcing many to live in hiding or in exile. Some people even indicated that criminal prosecution is used as a means of intimidation against those who have left the country.

23. In the meeting held with the Public Prosecutor's Office, the latter denied the existence of a criminalization practice, arguing that it has the legal mandate to investigate all the complaints it receives, without distinction of the person denounced, his position or profession. In this sense, the Public Prosecutor insisted that it is an autonomous and independent institution, which objectively applies the Guatemalan Constitution and laws.
24. However, based on the information provided by persons subjected to this practice, the IACHR identified at least five specific patterns that highlight the instrumentalization of criminal law and the lack of independence of the justice system, such as:
  - a. The filing of a high number of complaints against the same person, in many cases for the same facts, with the intention of making their legal defense more difficult. Among others, the Commission learned of cases of justice operators facing between 30 and 100 cases for carrying out their duties.

- b. The filing and processing of anonymous and/or unfounded complaints, with the purpose of maintaining a climate of pressure, harassment and intimidation.
  - c. The use of open, ambiguous or clearly inadmissible criminal offenses for the facts denounced, for example, people who are not public officials are investigated for offenses pertaining to public officials; judges are prosecuted exclusively for the content of their sentences; defense attorneys are charged with the crime of obstruction of justice simply for doing their job; members of indigenous communities that ancestrally inhabit these territories are accused of usurpation or aggravated usurpation and usurpation of protected areas.
  - d. The abusive use of pretrial detention, including the charging of serious crimes that do not benefit from alternative measures; or the application of millionaire bonds that are impossible to pay.
  - e. Violations of due process and the right to defense through the use of dilatory practices in criminal proceedings or the denial of access to files; denying information on the cases in which a person is being investigated and hindering the production of exculpatory evidence. In addition, the IACHR was informed of pressures to resort to the use of the figure of "acceptance of charges" in the face of the imminent loss of liberty.
25. Given the pattern of criminalization of certain categories of persons, the IACHR urges the courts of justice, and especially the Supreme Court of Justice, as well as the Constitutional Court, to effectively fulfill their obligations and function of exercising control of constitutionality and conventionality to end and redress the abusive exercise of the punitive power of the State<sup>15</sup>, avoiding retaliatory actions and arbitrariness. As long as the criminalization of those who exercise their human rights does not cease and justice continues to be instrumentalized for

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<sup>15</sup>Cf. IA Court H.R., Case of Gelman v. Uruguay, Monitoring Compliance with Judgment, Order of the Inter-American Court of Human Rights of March 20, 2013, para. 88.

spurious purposes, Guatemala will not be able to overcome the structural problems that affect its democratic institutionalality.

26. In this same context, there is a widespread perception that, in order to rebuild public confidence in the independence of the Judiciary, the selection process for Supreme Court and High Court justices for the period 2024-2029 must be consistent with international standards and conform to the principles of equality, objectivity, transparency and accountability. The IACHR has pointed out that the objective of any process of selection and appointment of justice operators must be to select candidates based on personal merit and their professional capacity, according to the uniqueness and specificity of the functions they will perform. To this end, it is essential to establish objective criteria for the evaluation and qualification of the candidates in order to minimize the discretionality of the persons or bodies involved in the selection process. The State must establish safeguards so that the selection processes are not carried out based on particular interests that could further undermine the independence of the Judiciary.
27. Finally, given the information received on measures that have weakened judicial independence over the past seven years, the IACHR considers it urgent to adopt the necessary legal reforms to ensure the separation of the administrative and jurisdictional functions of the Supreme Court of Justice, in particular by strengthening and giving full autonomy to the Judicial Career Council, as originally established in Decree 32-2016.

#### **IV. Human rights defenders**

28. The situation of human rights defenders in Guatemala has been a constant concern for the IACHR, with emphasis on those who defend the rights of indigenous peoples, land ownership and the environment, and victims of the internal armed conflict. During its *on-site* visit, the Commission received reports that amount to a pattern of oppressive actions limit the rights of human rights defenders and put them in a situation of risk due to acts of violence and

aggression to which they are exposed, such as murders, threats, harassment, as well as criminalization and harassment, through the instrumentalization of the criminal justice system, which occur in a context of impunity.

29. According to the information received during the visit, the number of attacks and aggressions against human rights defenders has increased dramatically in recent years. In 2023, the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) recorded a total of 9,496 attacks, in contrast to the 3,574 attacks recorded in 2022. In relation to these figures, it highlights that the murder of 77 people linked to the defense of the environment, land and its natural resources between the years 2012 and 2020; between 2019 and 2022, this figure would correspond to 32 people killed. These aggressions are usually part of a staggered pattern that begins with acts of harassment and intimidation, followed by threats or other physical aggressions and, in some cases, concluding with the deprivation of life. As indicated to the IACHR, most of these acts remain in impunity due to undue delays and the lack of due diligence and impartiality of the Public Prosecutor's Office in the investigation of the facts; for example, some cases are not investigated by the specialized agency for crimes committed against activists and human rights defenders of the Human Rights Prosecutor's Office because it does not consider the link of the victims with their work in defense of human rights.
30. With regard to criminalization, the IACHR was informed that the lack of guarantees of judicial independence and impartiality in Guatemala has resulted in the excessive and unjustified use of criminal law against human rights defenders, with unfounded criminal proceedings, arbitrary arrests and the prolonged use of pre-trial detention, particularly of indigenous leaders and authorities. According to the Comité Campesino del Altiplano (CCDA), in 2023, 1,080 judicial accusations were registered, mostly for usurpation, as well as arrest warrants against people defending their land, of which 363 were women. Likewise, during the visit, legal representatives of criminalized persons denounced suffering stigmatization and

threats in judicial hearings, unequal treatment, as well as discrimination and racism used against indigenous lawyers. In short, they reported having the double burden of defending their clients and themselves in the face of criminalization.

31. As part of its visit, the IACHR received information on progress in the design, implementation and approval of a public policy for the protection of human rights defenders in compliance with the judgment of the Inter-American Court in the case of *Defensor de Derechos Humanos v. Guatemala*. The IACHR recognizes these efforts and calls on the State of Guatemala to ensure that the implementation and design of this policy complies with the requirements established by the Inter-American Court, including ensuring the participation of human rights defenders, civil society organizations and experts in its development.
32. With respect to the Human Rights Ombudsman's Office (PDH), in different meetings, the IACHR was informed about the loss of independence of this institution. In 2022, the process for electing its head did not fully observe the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), particularly in relation to publicity, transparency, and the analysis of technical and objective criteria for approving the instruments for evaluating applicants. Since then, the PDH has not complied with its constitutional mandate to defend the human rights of the Guatemalan population; on the contrary, in the context of generalized criminalization observed by the IACHR, the work of the PDH has been characterized by the filing of legal actions that benefit the interests of groups and power elites interested in perpetrating impunity, which criminalize social protest or the legitimate exercise of human rights that are part of the civic space. For its part, the PDH informed to the IACHR that it respects judicial independence and the separation of powers in cases of judicialization.

## **V. Memory, truth, justice and reparation**

33. During its visit, the IACHR met with relatives of victims and victims of serious human rights violations, who denounced the actions taken by previous governments in limiting access to justice and the right to truth in cases of the internal armed conflict, as well as the dismantling, in 2020, of the institutional framework created pursuant to the Peace Accords. All of this has exacerbated impunity for serious human rights violations.
34. They also expressed that they feel "relegated and abandoned" by the State and denounced that they have been waiting for more than 17 years for the approval of bill 35-90, which would create a commission to search for people who disappeared during the armed conflict. This situation has generated a feeling of frustration and re-victimization among those who suffered serious human rights violations. Of particular concern is the situation of the elderly, many of whom are in a serious situation of poverty, exclusion and deterioration of their health, and awaiting some measure of justice and reparation.
35. The Commission also learned of the impact of criminalization, along with the arbitrary removal and transfer of justice operators in different emblematic transitional justice cases under its responsibility.
36. For their part, State authorities informed the Commission about initiatives for the dignification of victims through the implementation of a new national plan. In this regard, the IACHR recalls that comprehensive reparations for victims and their families must be a priority of the State, and therefore the axes of this public policy must have a sufficient budget and an intersectional gender and ethnic-racial approach, especially in light of the heavy victimization of indigenous women in the country. At the same time, the IACHR considers it urgent to create or strengthen other institutions linked to transitional justice. In its case, the State should strengthen the Presidential Commission for Peace and Human Rights

(COPADEH), through the allocation of sufficient human and material resources, and the consolidation of its legal framework.

37. In this same context, the IACHR visited the Historical Archive of the National Police and observed that it continues to operate under precarious conditions, lack of budget and staff limitations, reflecting the lack of prioritization by the State to safeguard historical memory. The Commission urges the State to guarantee the human and material resources necessary for its operation and, in particular, to digitize and classify the materials in its custody and make them accessible to the population within a reasonable period of time, given their value in clarifying the truth, access to justice, and reparation and dissemination of the memory of this context. Access to information about the atrocious crimes of the past and about the persons responsible and the structures that facilitated or promoted them is fundamental for the non-repetition of this violence.

## **VI. Freedom of expression**

38. During its visit, the IACHR received information and testimonies about a restrictive and risky environment for the exercise of freedom of expression and freedom of the press in Guatemala. Since the last *on-site* visit in 2017, at least 13 murders of journalists were documented, many of which remain in impunity due to the lack of diligent and effective investigations. In addition, reports were received of threats, obstacles in access to information, restrictions on journalistic coverage, criminalization, economic pressures on media outlets and attacks on social networks through "*netcenters*." These actions have particularly affected journalists and media outlets that investigate cases of corruption, abuses of power and human rights violations, and have generated an environment of fear and self-censorship, forcing numerous journalists into exile.
39. This occurs in a context of the aforementioned questions about the lack of judicial independence and the instrumentalization of the criminal justice system to silence critical voices. Of particular concern is the case of journalist José Rubén Zamora,

founder of *El Periódico*, who has been detained since July 2022. Since then, the IACHR has received complaints of torture and inhumane detention conditions, as well as serious violations of due process, such as the prolonged use of pretrial detention, the criminalization of his lawyers, limitations on the right to defense and unjustified postponements of court hearings, which even occurred during his visit. The IACHR highlights that, on May 17, 2024, the Working Group on Arbitrary Detention of the United Nations Human Rights Council concluded that his detention lacks a legal basis, results from the exercise of his right to freedom of expression, does not comply with international standards of fair trial, and is discriminatory on the grounds of political opinion. It therefore determined that "the appropriate remedy would be to release Mr. Zamora immediately and to grant him an effective right to compensation and other reparation, in accordance with international law"<sup>16</sup>.

40. On the other hand, during its visit, the Commission observed serious obstacles to the work of indigenous radio stations and community journalists in Guatemala. In El Estor, it received complaints about judicial persecution through the abusive application of the criminal offense of "theft of fluids"<sup>17</sup>, through which work equipment has been raided. In addition, it heard testimonies about the criminalization of community journalists covering issues such as environmental degradation in ancestral territories as a result of monocultures and mining, eviction of communities, lack of humanitarian assistance for displaced persons and the excessive use of public force in social demonstrations, and illegal economies. Community media also reported disadvantages and unequal

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<sup>16</sup> UN, Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 7/2024, concerning José Rubén Zamora Marroquín (Guatemala), A/HRC/WGAD/2024/7, 17 May 2024.

<sup>17</sup> According to the last approved amendment to Article 249 of the Guatemalan Penal Code, "Whoever unlawfully steals electrical energy, water, gas or power from an installation or any other fluid belonging to another, will be punished with a prison term of two to four years". Cf. Congress of the Republic of Guatemala, Decree Number 8-2023, reforms published in the *Diario de Centroamérica* on April 3, 2023.

conditions in auctions for broadcasting frequencies in which they face economic groups and traditional media.

41. The IACHR also notes pending challenges for the implementation of the measures ordered by the Inter-American Court in the case of the *Maya Kaqchikel Indigenous Peoples of Sumpango*. During the visit, organizations reported that the State has not made progress in the reforms for the legal recognition of community radio stations and the granting of licenses and frequencies. The Commission considers it essential that positive measures be adopted to allow indigenous communities to operate their radio stations without interference or persecution, and to guarantee pluralism of information.
42. Finally, during the visit, the IACHR met with students, faculty and administrative staff of the Universidad de San Carlos de Guatemala (USAC) who have been criminalized for their participation in the protests that took place in 2022 in defense of university autonomy following allegations of irregularities by the current rector of the university. These people denounced threats, including threats of gender violence, intimidation on campus, and disciplinary and administrative actions against them, such as suspensions and expulsions of students, dismissal of staff and fines, among other facts, which would have forced them to interrupt their daily lives and even to go underground. It was reported that more than 80 people have disciplinary proceedings against them and another 27 have arrest warrants for crimes such as "aggravated usurpation", "illicit association" or "depredation of cultural property". Likewise, in different meetings, the IACHR was informed of the impact that the instrumentalization of criminal law in this case would have on the democratic institutionality due to the intention to criminalize the President and the Vice President of the Republic accused of supporting the protests.
43. The IACHR emphasizes that academic freedom and university autonomy are essential for the production and dissemination of knowledge, and are a

fundamental component of the right to freedom of expression. Therefore, it urges the State to fully respect the right to freedom of peaceful assembly in the university context, as well as to refrain from restricting and criminalizing the legitimate exercise of this right.

## **VII. Economic, social, cultural and environmental rights (ESCR)**

44. Regarding the situation of ESCR, the IACHR observed during its visit the persistence of structural and historical challenges that limit adequate living conditions for the majority of the population, especially for groups in a historical situation of exclusion, especially indigenous peoples as well as Afro-descendant and rural communities<sup>18</sup>.
45. High levels of poverty and inequality, structural discrimination and structural corruption limit access to fundamental rights<sup>19</sup>. This situation is registered in a context of preponderance of private interests in social and agrarian conflicts, as well as due to the difficulties in implementing fiscal policies in the context of the weakening of democratic institutionality in the country. All this restricts access to essential rights such as water and sanitation, health, education, food, work, social security and the right to a healthy environment.
46. According to World Bank data, Guatemala is the largest economy in Central America in terms of population -estimated at 17.3 million- and economic activity, with a gross domestic product (GDP) of US\$ 92.7 billion, even registering economic growth above the average for Latin American and Caribbean (LAC) countries<sup>20</sup>. However, this growth has not translated into a reduction in poverty

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<sup>18</sup> While 63.2% of households would suffer multidimensional deprivation, this percentage would be 86.1% for the Xinka people and 82.3% for the Maya people. Cf. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guatemala, Human Rights Council, 55th session, 26 February to 5 April 2024, paragraph 18.

<sup>19</sup> On the impact of corruption on human rights and the factors conducive to this phenomenon, see IACHR, Corruption and Human Rights: Inter-American Standards, OEA/Ser.L/V/II. Doc. 236, Dec. 6, 2019, paras. 115- 119.

<sup>20</sup> World Bank, Guatemala, *Fact sheet*. Updated as of April 4, 2024.

and malnutrition rates. In 2023, 55.1% of the population lived in poverty. According to the World Bank, this figure is among the highest in the region. Guatemala's Human Capital Index score (0.46 in 2020) remains below the average for LAC countries and the rate of chronic child malnutrition (47%) is among the ten highest in the world<sup>21</sup>.

47. This situation is aggravated by the serious impacts of the climate emergency in the country, some of which were observed during the visit. According to some studies, Guatemala is one of the 10 countries in the world most affected by climate change<sup>22</sup>. In addition, the Commission notes with concern an institutional framework with significant gaps and limitations that prevent guaranteeing the right to a healthy environment, the proper management of water resources and the protection of biodiversity.
48. The contamination of more than 90% of Guatemala's water sources is of concern. Particularly noteworthy is the environmental problem and contamination of the Motagua River, Guatemala's largest watershed, which covers 96 municipalities. This contamination, which has national and extraterritorial impacts, derives from tons of garbage and plastic waste that flow from the Las Vacas River to the Motagua River. This is due to the absence of a water law, lack of regulation and control of business activities, as well as the inoperability of the Regulations for the Discharge and Reuse of Wastewater and Sludge Disposal<sup>23</sup>. The IACHR visited the Chinautla River, in the municipality of Santa Cruz, department of Guatemala, which is part of the Motagua River basin, where it observed the serious problem of contamination and its profound impacts on biodiversity, the environment and

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<sup>21</sup> World Bank, Guatemala, *Fact sheet*. Updated as of April 4, 2024.

<sup>22</sup> OXFAM, In the last six years, extreme hunger has doubled in the 10 countries most affected by climate change, September 2022.

<sup>23</sup> On May 30, 2024, the Constitutional Court provisionally suspended articles 2, 3, 4 and 24 *bis* of Governmental Agreement 236-2006, rendering inoperative the Regulation on Wastewater Discharge and Reuse and Sludge Disposal; this regulation is the only environmental norm that regulates wastewater discharges in the country.

the human rights of the communities that depend on it, including the Mayan Poqomam people. Meanwhile, in Livingston, Garífuna organizations denounced the impact of the contamination of the Motagua River on the health of the population and stressed that the river carries solid waste that accumulates at its mouth in Puerto Barrios, proliferating diseases such as dengue fever.

49. The Commission believes that overcoming these structural challenges requires compliance with human rights standards in the business sphere, as well as the State's regulatory and oversight obligations. In this regard, during the visit, the IACHR was informed about initiatives and actions by some actors in the business sector to advance free competition, the fight against corruption, the application of the United Nations Guiding Principles on Business and Human Rights, and environmentally friendly production processes. However, it received testimonies on the role of economic elites and some private actors in corruption, land and natural resource grabbing, leading to multiple social and agrarian conflicts. Information was also gathered on the budgetary and technical limitations faced by some government agencies, such as the Ministry of the Environment and Natural Resources, in fulfilling their control and oversight responsibilities, especially in relation to the contamination of water resources.
50. In this context, the IACHR received with concern information on the violation of human rights and a healthy environment, as well as the eviction and displacement of ethnic and peasant communities in the context of extractive activities and monocultures. Likewise, on the stigmatization and criminalization of rural communities, indigenous peoples, and land and environmental defenders. The Commission warns of the asymmetry of power of these communities vis-à-vis private actors in judicial processes and investigations, particularly with respect to the processes in charge of the Prosecutor's Office of Usurpation and the actions implemented in the framework of the cooperation agreement between the Public

Ministry and the Observatory of Property Rights<sup>24</sup> , together with the lack of an institutional framework for an effective and independent approach to agrarian, social and environmental conflicts.

## **VIII. Violence and citizen security**

51. In the framework of the IACHR visit, the Guatemalan State acknowledged that Guatemala has faced a long history of violence that deeply affects society. In this regard, it noted that some of the factors contributing to this problem are poverty, economic inequality, gender inequality, and lack of opportunities; the aftermath of the internal armed conflict, as well as the lack of justice and reconciliation that has exacerbated social tensions and encouraged a culture of revenge and retaliation. Likewise, the proliferation and strengthening of organized crime groups that have transformed Guatemala into a strategic point for drug trafficking; in particular, the activities of these groups such as kidnappings, murders and extortion. All of the above, in a context of institutional weakness of the justice system, limited access to education, scarce job opportunities and the proliferation of a culture of violence, among others.
52. Despite the above, during the visit, the State indicated to the IACHR that, in the last two years, it registered a decrease in different indicators with respect to crimes such as theft, injuries and homicides. In relation to this crime, the authorities stated that, as of July 19, 2024, a total of 1,446 homicides were registered at the national level, of which 63% are concentrated in four departments: Guatemala, Escuintla, Izabal and Santa Rosa. In terms of evictions, the State acknowledged challenges in the implementation of existing protocols, as well as reports of the participation of private security agents. The Commission also received reports of civil society regarding very high levels of violence against women, including sexual violence, most of which is characterized by impunity.

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<sup>24</sup> This cooperation agreement was signed between the Public Prosecutor's Office and the Observatory of Property Rights on March 17, 2021. In October 2021, the Attorney General inaugurated the Prosecutor's Office against Usurpation Crimes.

53. During the visit of the IACHR, the Guatemalan State reaffirmed that the National Civil Police is responsible for protecting the life, physical integrity, security of persons and guaranteeing peaceful coexistence, the free exercise of rights and freedoms, as well as preserving order and public safety; having as a guiding framework the national legislation, and the "Police Model of Integral Community Security", among other instruments. The state also emphasized that, since 2016, the Army does not participate in citizen security tasks that correspond to civil authority. Finally, it recognized the need to strengthen the PNC through sufficient resources, human rights training and the implementation of actions to combat structural corruption.
54. As will be analyzed below, during its various meetings, the IACHR received abundant information on the human rights violations affecting the population as a result of violence and insecurity in the country, with greater impact on excluded groups, such as indigenous peoples and peasant communities, among others. This scenario is aggravated by factors such as impunity, lack of confidence in the institutions responsible for imparting and administering justice, structural corruption, the participation of private security agents in security tasks, as well as the weakening of key units of the Public Ministry or their instrumentalization in favor of private or particular interests.

## **IX. Groups historically discriminated against**

55. The following is a brief description of the situation of indigenous peoples, persons in human mobility, persons deprived of liberty, Afro-descendant persons and peoples, women and LGBTI persons, children and adolescents, and persons with disabilities, based on the main patterns recorded during the visit.

### **A. Indigenous peoples**

56. In Guatemala, structural ethno-racial discrimination perpetuated by economic and/or political powers has translated into the instrumentalization of the state

apparatus and the justice system against indigenous peoples' access to land, territory and their natural resources. During its visit, the IACHR received information and testimonies about the lack of mechanisms for the recognition and titling of ancestral lands that -without carrying out processes of prior, free and informed consultation- allows the advance of hydroelectric, mining and oil companies and monocultures (such as oil palm) for the exploitation of their resources and their consequent contamination, instrumentalized by the actions of the Public Ministry and the Judiciary. This structure of dispossession is intensified in Garifuna territories whose form of territorial transmission is mainly oral.

57. The Commission also heard a large number of testimonies throughout the territory of indigenous leaders who have been criminalized for their role in the defense of the land and the environment, who are charged with different criminal offenses ranging from damage to property belonging to others and obstruction of public roads to kidnapping, usurpation and aggravated usurpation authorizing evictions, even where such evictions are carried out without prior notice and also without taking into account the historical claim of the communities on the ownership of the land.
58. In Alta Verapaz, the Commission received information of entire communities with arrest warrants against them and arrests recorded, including when people were leaving dialogue tables with the government. In Guatemala City, Maya Ch'orti' de Olopa indigenous authorities from the Department of Chiquimula reported on the impact of mining activities in their territory and the prosecution of their leaders. In Sololá and Quetzaltenango, indigenous persons and ancestral authorities informed the IACHR that they have been criminally accused of crimes such as illicit association, instigation to commit crimes or serious crimes that do not enjoy alternative measures , among them, members of the Maya Mam people of San Pablo, San Marcos. This situation was also evidenced during the visit to Petén with respect to the communities of Laguna Tigre and Sierra de Lacandón (communities in protected areas), as well as the communities of Laguna Larga, Santa Elena Rio Salinas and the Mayan Q'eqchi people of the village of San Luis,

municipality of Poptún. In the municipality of El Estor, the Commission observed the impact of evictions, criminalization and the Felix mining project on the Q'eqchi people; in particular, the Commission visited the community of Santa Rosita, where more than 30 Q'eqchi families evicted in May 2024 are housed.

59. Regarding evictions, the IACHR received consistent information on the excessive use of force by police officers, as well as the participation of private security agents; who, in addition to expelling people, burn homes, crops, personal items, and kill or steal animals. As a result, many communities are forcibly displaced, deprived of access to basic services and subjected to situations of extreme poverty. All of the above, without access to justice and with a differentiated and disproportionate impact on children and adolescents, women, the elderly and people with disabilities. In this context, civil society organizations expressed their concern about the actions of the Prosecutor's Office against the Crime of Usurpation in collaboration with judicial authorities for the benefit of private interests, through criminalization, eviction and dispossession of land from indigenous communities, causing their internal displacement in conditions incompatible with international standards.

#### **B. People in human mobility**

60. Guatemala has been characterized as a country of origin, transit, destination and return of people in human mobility. During its visit, the IACHR observed the cross-border dynamics of human mobility in the region. In particular, it visited the city of Tecún Umán, municipality of Ayutla, department of San Marcos, on the border with Mexico, the Rodolfo Robles Bridge, the banks of the Suchiate River, and the Scalabrian Missionaries' Migrant House, and met with persons in transit. In addition, the Commission visited the reception centers for returnees in Guatemala City and Tecún Umán.
61. In this context, the IACHR received information on the structural causes that generate the forced migration of persons. These include widespread violence,

organized crime, gender-based violence, and climate change. It was also informed about the phenomenon of internal displacement and the lack of recognition by the government, as well as the absence of regulation. At the same time, it observed the transit of people in human mobility through the country and warned of the risks they face on the migratory route. These people are victims of robbery, extortion and kidnappings, threats, physical and psychological violence and sexual violence against women, girls and LGBTI people, mainly by agents of the National Civil Police (PNC).

62. During the visit, the IACHR also received information on serious cases of rape against women and girls on the move, committed by groups of people, including police officers. Likewise, civil society organizations expressed concern about the disappearance of Guatemalan migrants on their migratory route, and the lack of response from the State to search for them and eventually repatriate their bodies. The IACHR recalls that the State has the obligation to guarantee the human rights of the people who make up the mixed migratory movements that transit through Guatemala. In particular, it is the State's duty to prevent human rights violations; to investigate and punish the persons involved, especially if the participation of State agents is identified; to ensure the regularization of the persons transiting through Guatemala; and to guarantee access to international protection procedures, thus avoiding the precariousness of the irregular situation of these persons and the consequences thereof.
63. With regard to returnees, although the Commission notes progress in strengthening the institutional capacity to receive them and provide them with guidance in a coordinated manner between different government and civil society agencies, it notes with concern that these people face the same conditions that forced them to move originally. Although civil society organizations, with the support of international agencies, provide accompaniment and reintegration services, the State lacks such policies. Having such policies in place is crucial in

order to have an impact on preventing secondary movements of people returning to Guatemala, especially forced ones, as well as ensuring their reintegration.

### **C. Persons deprived of liberty**

64. In Guatemala, the situation of detainees is characterized by overcrowding, with a prison population that exceeds 200% of its capacity. This is the result of a criminal policy that prioritizes incarceration through the excessive use of pretrial detention, which rate reaches 47%, as well as the regulatory impossibility of applying alternative measures to pretrial detention for certain crimes. Among these crimes are those related to organized crime, such as extortion and those contained in the Law against Drug Trafficking. Likewise, this policy is reflected in the obstacles to access benefits such as the remission of sentences due to insufficient programs or administrative difficulties, and in the continued detention of persons who have served their sentences, due to the lack of resources to pay the fines imposed.
65. In addition, incarcerated persons face deplorable detention conditions, which were verified by the IACHR during its visits to centers in Guatemala City and Cobán. In particular, it learned of the insufficient number of guards, deteriorated infrastructure, poor health care and insufficient water supply. The Commission was also informed of the obligation to pay money to the PNC for the entry of goods, including medicines, and the lack of social reintegration programs. It is also of concern that, of the 32 detention sites, 9 are administered by the PNC, which means that the Penitentiary Service lacks information on the people in these spaces. These conditions disproportionately affect women and children and adolescents who live with their mothers.

### **D. People of African descent**

66. The IACHR takes note of the state recognition of Afro-descendant persons and peoples, which includes persons who self-identify as Afro-Guatemalan, Garifuna, and English-speaking Creoles. During its visit, the IACHR received information on

the possible statistical reduction of this ethnic-racial group in the 2018 census<sup>25</sup>. In this regard, these peoples denounced that the data collection variable was not carried out by ethnic-racial self-identification but by regional location, which would have left out Garifuna and Creole people residing outside the department of Izabal. Along these lines, the absence of representation of Afro-descendants in decision-making spaces was reported, due to the lack of affirmative actions to ensure special quotas for this ethnic-racial group in the different levels of public authorities of the State.

67. The Commission observed that Afro-descendants continue to face obstacles in the access and effective enjoyment of their economic, social, cultural and environmental rights. During their visit to Livingston, leaders expressed concern about the risk of extinction of the Garifuna community, due to the precariousness of livelihoods and development that affects their cultural integrity. They emphasized the lack of emergency health care and the intermittency of basic public services such as water and electricity, putting at risk the survival of the community, particularly children, adolescents and ancestral authorities. They highlighted the possible disappearance of their own language in 20 years, as well as the lack of policies with budget allocation for the preservation of their traditions.

#### **E. Women**

68. Guatemalan society is structured in unequal power relations between men and women, as well as towards people who do not identify or are not perceived under the hetero-cisnormative pattern. This structural discrimination results in high levels of violence, often perpetrated with extreme cruelty, against women, girls and adolescents. This is aggravated by the intersection with other vulnerability factors, such as ethno-racial, socioeconomic background and sexual orientation and

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<sup>25</sup> National Institute of Statistics Guatemala, XII National Population Census and VII Housing Census. Results 2018. December, 2019, page. 25.

gender expression. Institutional weaknesses, lack of accountability, the culture of tolerance of inequalities and corruption also contribute to impunity.

69. In this context, the 2023 National Survey of Household Quality and Well-being (ENCABIH) revealed that 48.8% of women have suffered some type of gender-based violence at least once in their lives. Added to this figure is the alarming number of 206 violent deaths of women, girls and adolescents registered by civil society in the first six months of 2024, of which 44% have been categorized as femicides. The United Nations Development Program (UNDP) recorded around 19 cases of sexual violence against women and girls per day during 2022. Of these cases, 9.6% corresponded to girls between 0 and 12 years old, including an intersex girl. According to data from the National Institute of Forensic Sciences of Guatemala (INACIF), in 2023, 6,610 expert examinations were performed for sexual crimes, of which 32% were performed on girls aged 0 to 17 years (2,136). The Commission heard repeatedly that violence against women and girls is the most prevalent of all forms of violence in Guatemala.
70. Despite the progress achieved with the adoption of the Law against Femicide and other Forms of Violence against Women, during its visit, the Commission was informed about a pattern of impunity in cases of violence against women, as well as the lack of budget and support from the State for the mechanisms of justice and care for victims and their families. Although the Public Prosecutor's Office indicated having 12,453 convictions in cases of gender-based violence against women between 2017 and 2021, during the visit, civil society organizations reported that 768,552 complaints were dismissed between 2018 and April 2024.
71. With regard to sexual and reproductive rights, the Commission was informed of the need to move forward with policies and legal reforms to address the high rate of maternal and infant mortality. The criminalization of abortion<sup>26</sup> and the

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<sup>26</sup> The Guatemalan Penal Code criminalizes abortion in all cases, except in cases of threat to the life of the pregnant woman (Articles 133 to 140).

deficiencies of maternal health services continue to expose women to the risk of being prosecuted, and have led victims of sexual violence and girls to forced pregnancy and high mortality risks in the context of obstetric emergencies.

72. Finally, civil society organizations informed the IACHR of the need to strengthen the institutional framework for the protection of women's rights, including the Presidential Secretariat for Women (SEPREM), the Office for the Defense of Indigenous Women and the National Coordinator for the Prevention of Violence against Women (CONAPREVI). During its visit, the Commission also observed that the Comprehensive Support Centers for Women Survivors of Violence (CAIMUS) do not have sufficient resources for their operation.

#### **F. LGBTI people**

73. In Guatemala, violence disproportionately impacts people with diverse sexual orientation, gender identity and/or expression and sexual characteristics. According to information received during the visit, during the year 2024, civil society has documented 19 violent deaths with extreme cruelty of LGBTI people, mostly gay men, bisexual men and trans women. In 2023, the number reached 34 cases, which represented a 20% increase compared to previous years. However, these values continue to be underestimated due to the lack of official data on discrimination, as well as disaggregated statistics on complaints, investigations, prosecutions or convictions in cases of bias-based violence. The right to gender identity is not recognised in Guatemala and neither is there a comprehensive law that prohibits discrimination on the basis of LGBTI status perpetrated by state and non-state actors. As reported to the Commission, generalized and bias-motivated violence is one of the main drivers of forced internal displacement, migration and the search for international protection of LGBTI persons.

### **G. Children and adolescents**

74. During its visit, the IACHR was informed about the structural challenges in access to DESCA that particularly affect children and adolescents, which is reflected in the high rate of child poverty, and especially poverty experienced by indigenous children, and chronic malnutrition. Civil society organizations also referred to the impact of violence and crime on children's rights, such as human trafficking, forced recruitment by organized crime groups and sexual exploitation.
75. Despite the lack of resources of the Secretariat of Social Welfare (SBS), the lead agency for children, the IACHR recognizes the efforts of the Subsecretariat of Protection of the SBS to provide care to child and adolescent victims of various forms of violence, including those recruited by gangs or maras. However, the lack of coordination among the various public institutions to assist this population is of concern. Also of concern is the prevalence of institutionalization of children for reasons of poverty or the alleged consumption of substances without the corresponding medical certifications.

### **H. Senior citizens**

76. The Inter-American Commission was informed about the situation of poverty and abandonment of older persons due to age and the intersection of other factors of exclusion such as ethnicity and race, as well as challenges related to the lack of implementation of comprehensive care policies, access to social security and the right to health. The Commission also received testimonies on the differentiated impact on the human rights of this group due to violence and insecurity, evictions and displacement, and even cases of criminalization of elderly defenders of land and territory.

### **I. People with disabilities**

77. Persons with disabilities face a long history of discrimination and inequality rooted in Guatemala's historical and social structures. Despite constitutional advances

and legislative projects for the recognition of their rights, including the law that recognizes legal capacity and offers support and safeguards, definitions of disability based on the medical model are still maintained in the country's domestic legislation. Discrimination and the validity of such laws generate processes of social exclusion for about 10.4% of the population with disabilities, according to the 2018 census. In addition, they are exposed to violence that especially affects women and girls, who represent 53% of these people.

78. According to civil society organizations, discrimination has hindered the access of these people to rights such as education and health, which have been marked by the deficiency of public policies focused on the human rights paradigm. In relation to the right to employment, despite the existence of specific programs for labor inclusion, these programs have weaknesses due to the lack of accessibility and reasonable accommodation. In the scenario of high violence against women and girls, those with disabilities end up being victims of forced sterilization, according to the United Nations. However, the absence of official data on the crimes suffered by these people hinders the design and implementation of public policies for access to ESC rights, as well as due diligence against the perpetrators of gender-based violence.

## **X. Conclusions**

79. Since its last visit to the country in 2017, the rule of law and democratic institutionality in Guatemala have severely deteriorated. During its visit, the IACHR observed that the persistent instrumentalization of the criminal system against those who have participated in the fight against impunity and corruption has undermined the principle of separation of powers and judicial independence. It also noted that criminalization is a generalized phenomenon that affects all persons who participate in the civic and democratic space, with the purpose of favoring a context of corruption, lack of accountability, and structural impunity. The

instrumentalization of the penal system for these purposes and under the patterns recorded represents one of the greatest risks to democratic stability in Guatemala.

80. Guatemala continues to face a series of structural human rights challenges, exacerbated by high levels of poverty, inequality, structural discrimination and social exclusion. The IACHR notes that the persistence of impunity and corruption exacerbates these problems, affecting historically excluded groups. During its visit, the IACHR found that indigenous peoples and Afro-descendants, as well as peasant communities, continue to face much worse living conditions than the rest of the population. People in human mobility face a generalized situation of abuses, extortion and human rights violations. The IACHR also verified the high levels of violence and impunity against women, girls and LGBTI persons; the risk of cultural extinction of the Garifuna people; overcrowding and serious detention conditions in prisons; as well as the exclusion of the elderly and persons with disabilities from national policies. It also warned that a context of restrictions on freedom of expression, access to information and lack of legal recognition of community radio stations persists.
81. More than 25 years after the signing of the Peace Accords, the failure to comply with these agreements has resulted in severe setbacks for the rights of the victims of the armed conflict and in a situation of impunity with respect to the serious human rights violations of the past. The IACHR is alarmed by the dismantling of the institutional framework for peace, particularly when the factors that gave rise to the internal armed conflict persist. Among these is the need to reform the agrarian legal and institutional framework to put an end to the lack of protection and dispossession suffered by peasant populations, as well as indigenous and Afro-descendant peoples. During its visit, the IACHR observed the impact of evictions on their rights, as well as patterns that demonstrate the manipulation of the state apparatus in favor of economic elites and private actors.

82. The IACHR warns that democratic governance, accountability and the possibility of confronting the country's structural problems are seriously hindered by a legislative branch that resists generating new alliances and political agreements that benefit democracy and the human rights of the population. This resistance seeks to maintain a climate conducive to structural impunity and the consolidation of privileges and perks for power groups. A democratic legislative agenda based on the principles of equality and non-discrimination, accountability, and the fight against corruption and impunity is urgently needed.
83. Given the erosion of democratic safeguards, the IACHR believes there is an urgent need to restore citizen confidence in public institutions, the system of administration of justice and democratic values. Access to independent, impartial and effective justice was a crucial aspect of the 1996 Peace Accords. For this reason, the Commission calls for the principle of judicial independence to prevail over particular interests, for the benefit of the Guatemalan people.

## **XI. Recommendations**

84. In the case of Guatemala, the IACHR recalls that the American Convention is part of the block of constitutionality recognized in Articles 44 and 46 of its national Constitution, therefore, all branches of government must comply with the obligations voluntarily undertaken in the international human rights instruments to which it is a party.
85. In this regard, and in accordance with the provisions of Article 41 of the ACHR, the IACHR presents the following preliminary recommendations to the State of Guatemala:

### **Corruption and human rights**

1. Implement a national action plan to prevent, investigate and punish acts of corruption with a time frame, expected results and that seeks to strengthen the applicable legal framework, access to information, auditing and control systems in

entities, protection of those involved in investigations and proceedings, and education of public officials on the effects of this phenomenon.

### **Human rights institutional**

2. Take measures to ensure that, in the short term, the functioning of the Office of the Human Rights Ombudsman is in accordance with its constitutional mandate for the protection of the human rights of the Guatemalan population, as well as with the Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (the Paris Principles) and international standards.
3. Implement a mandatory and periodic training plan for the staff of the Presidential Commission for Peace and Human Rights (COPADEH), increase its operating resources and strengthen its legal framework so that it becomes a permanent body in order to optimize the fulfillment of its function of advising and coordinating actions and mechanisms for the effective enforcement and protection of human rights and compliance with governmental commitments derived from the Peace Agreements.

### **Justice system**

4. Cease arbitrary criminalization against justice operators, human rights defenders, legislators, journalists, students, teachers, members of political parties, public officials, as well as against members of indigenous, peasant and union organizations and affected groups at risk.
5. Immediately grant alternative measures to the deprivation of liberty in favor of all persons who are in pretrial detention, criminalized for the exercise or defense of human rights, or for their journalistic work, and cease all types of persecution and reprisals against them.

6. Conduct an independent review of the functioning of the Public Prosecutor's Office and its impact on human rights, taking into account widely publicized allegations of lack of objectivity.
7. Generate conditions for the care and return of exiled persons, including a comprehensive reparation plan.
8. Adopt the necessary legal reforms to ensure the separation of the administrative and jurisdictional functions of the Supreme Court of Justice, in particular by strengthening and giving full autonomy to the Judicial Career Council, as originally established in Decree 32-2016; as well as to strengthen the autonomy and independence of the Supreme Electoral Tribunal.
9. Guarantee the necessary conditions for the operation of the Nominating Commissions to integrate the list of candidates for the Supreme Court of Justice (CSJ) and the Chambers of the Court of Appeals, so that they can carry out the selection process with sufficient time to meet the legally established deadline and in accordance with Inter-American standards, under criteria based on merit and professional skills, and free from undue interference of any kind.

#### **Human rights defenders**

10. Urgently approve and implement a public policy for the protection of human rights defenders in compliance with the sentence issued by the Inter-American Court of Human Rights.
11. Train justice operators in human rights and standards on the rights of defenders, in order to avoid the unjustified use of criminal law against them, including the excessive use of arrest warrants and prolonged pretrial detention as a mechanism of intimidation, punishment or retaliation against these groups.
12. Ensure the implementation of Instruction 5-2018 that contemplates the Protocol for the Investigation of Crimes Committed against Human Rights Defenders, in

order to guarantee that the investigation of these crimes is carried out in accordance with the standards on the matter.

### **Memory, truth, justice and reparation**

13. Re-establish the institutional framework derived from the Peace Accords. In particular, establish the National Plan for the Dignification of Victims of the Internal Armed Conflict and Reparation through the design and implementation of a line of action with differential gender and ethnic-racial approaches, with an adequate budget for its operation and sustainability, and which has defined expected results in the short, medium and long term, as well as an internal evaluation and follow-up plan.
14. Create a National Institution dedicated to the Search for Victims of Enforced Disappearances and provide it with sufficient resources to carry out its mandate.
15. To complete the classification and digitization of the archives related to the internal armed conflict within a reasonable period of time by the National Civil Police Archive, ensuring sufficient human and financial resources for this purpose.

### **Freedom of expression**

16. Implement a mechanism for the protection of journalists that aims to guarantee the life and integrity of those at risk, that incorporates a differential gender approach, and that articulates inter-institutional actions for a comprehensive and effective response.
17. Implement a national plan to investigate with due diligence and sanction restrictions to freedom of expression, including acts of violence, threats, judicial harassment and undue pressures against journalists and the media, based on a prior objective diagnosis, a line of action, expected results and internal evaluation mechanisms.

18. Adapt domestic regulations to: (i) legally recognize community radio stations; (ii) ensure the reservation of the radio spectrum for their proper operation; (iii) establish a simplified procedure for the granting of licenses and equitable access to the media; and (iv) prevent discrimination and undue concentration in media ownership, according to the standards of the judgment *Maya Kaqchikel Indigenous Peoples of Sumpango v. Guatemala* of the Inter-American Court of Human Rights.

### **Economic, social, cultural and environmental rights**

19. Adopt a national public policy that, based on the maximum available resources, effectively combats poverty and inequality in order to guarantee the protection of ESCR through a differentiated and intersectional approach with respect to the most vulnerable and historically discriminated populations in the country. This policy must contemplate measures in the economic and fiscal sphere, as well as for the fight against corruption and state capture in the short, medium and long term, through the establishment of monitoring and periodic evaluation mechanisms.
20. Regarding water and environmental protection: a) approve a Water Law that provides an adequate framework for water resource management; b) design and implement a national policy to address climate change and ensure environmental and biodiversity protection; c) approve new regulations for solid waste and wastewater management, compatible with the protection of a healthy environment. The adoption of these three measures should be carried out through a participatory process with the communities, articulated between all levels of government and with the proper regulation and supervision of business activities.
21. Take measures to guarantee human rights in the area of business activities, ensuring access to information, participation and access to justice for communities, especially indigenous peoples, Afro-descendants and peasants. In this context, it is essential to prevent, investigate and punish undue interference by business actors in judicial processes.

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## **Indigenous peoples**

22. Implement a national mechanism that involves all entities of the three branches of government that are competent and culturally appropriate for the recognition, regulation and collective titling of ancestral and/or traditionally occupied lands, in accordance with international standards. This mechanism must have clear regulations, an operating budget, and an action plan with concrete activities, including those aimed at avoiding the execution of eviction orders until the processes of recognition, regulation and collective titling of the lands, territories and natural resources of indigenous and tribal peoples are completed. Evictions should be a measure of last resort and if ordered, their execution must comply with human rights standards.
23. Adopt regulations on consultation protocols, in accordance with current international standards, in order to obtain the free, prior and informed consent of indigenous and tribal peoples in those measures that could have a direct or indirect impact on them.

## **People in human mobility**

24. Adopt a national public policy aimed at preventing the structural causes of forced migration of persons or, if necessary, ensuring the reintegration of persons returning to the country. This measure should be based on a robust and objective internal diagnosis, should include lines of action to be taken by all national entities competent to address the problem, expected results in the short, medium and long term, and internal monitoring and evaluation mechanisms.
25. Draft and approve a law aimed at protecting, providing humanitarian assistance and durable solutions to internally and forcibly displaced persons and preventing this type of displacement, based on a prior diagnosis that quantifies this population, as well as the causes and typologies of this problem.

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## Persons deprived of liberty

26. Adopt a national criminal policy aimed at significantly reducing prison overcrowding in the country. The formulation of this policy should be based on a reliable prior diagnosis of the current situation of overcrowding, and clearly indicate the actions to be implemented and the expected results. To this end, the policy should contain concrete actions aimed at:
- i. reduce the use of pretrial detention and guarantee its strict application in accordance with the principles of exceptionality, legality, proportionality and reasonableness, which includes reviewing the situation of persons currently in pretrial detention;
  - ii. repeal the legislation that prevents the application of alternative measures by type of crime;
  - iii. promote the creation and application of alternatives to both pretrial detention and imprisonment, ensuring a gender perspective and differentiated and multicultural approaches through the trial;
  - iv. removing economic requirements that prevent people from regaining their freedom; and
  - v. immediately release all persons who have served their full prison sentences, regardless of their ability to pay the fines imposed as an accessory penalty.
27. Guarantee detention conditions compatible with human dignity and with respect for the differentiated approaches derived from gender, disability, or any other risk factor. To this end, it is essential to ensure that all persons detained in the country are housed in centers under the responsibility of the Penitentiary System, as well as to guarantee in such spaces:

- i. the adoption of measures to combat corruption;
- ii. provide adequate, specialized and quality medical care; and,
- iii. implementing effective social reintegration programs, with emphasis on work and education.

### **People of African descent**

28. Include in national, regional and local data collection systems the Afro-descendant statistical variable, including the subcategories of Garifuna, English-speaking Creole and Afro-Guatemalan self-identification.
29. Adopt special and urgent measures for the targeted attention of the Garifuna and Creole population in the areas of health, education and culture with an intersectional and intercultural perspective.

### **Women**

30. Implement a national plan of attention and investigation of violence against women, guaranteeing a gender focus that recognizes and addresses the particularities of the victims, and that is based on a prior objective diagnosis. This plan should include an increase in the operating budget and human resources of the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI), as well as of the institutions in charge of attention to cases of gender violence, and establish a mandatory periodic training plan for its staff aimed at increasing their capacity in the exercise of their functions.
31. Implement a national awareness-raising plan with a pedagogical scope, and an ethnic-racial and intercultural approach, to raise awareness of the importance of eradicating discrimination and violence based on gender, gender identity and sexual diversity that is integrated by a communication campaign throughout the territory and by social advocacy actions. This plan must be based on a previous

diagnosis, and must contain concrete actions, as well as expected results and internal monitoring mechanisms.

32. Take the necessary measures to adapt the regulatory framework of the Guatemalan State to the Inter-American standards on sexual and reproductive rights of women, girls and adolescents.

### **LGBTI people**

33. Adopt and implement a national plan to investigate bias-based violence against LGBTI people and establish a national system for collecting and analyzing data on reports of violence or discrimination. Data should be disaggregated by gender, sexual orientation, gender identity and expression, and sexual characteristics, to ensure effective monitoring, implementation, and evaluation of policies and measures adopted in this regard.
34. Adopt a law or amend existing legislation in order to guarantee equality and non-discrimination of LGBTI people, particularly in terms of their economic, social, cultural and environmental rights.

### **Children and adolescents**

35. Implement a national public policy as a matter of urgency to reduce the high rate of chronic child malnutrition according to a previous diagnosis, concrete actions and expected results in the short, medium and long term.
36. Adopt a national public policy aimed at preventing all types of violence against children and adolescents in all areas of their lives, including the family and the community, and to ensure their immediate protection and restitution of rights, especially for those recruited by organized crime groups, including their safe reintegration into their communities. This policy should be based on a prior diagnosis, concrete actions and expected results in the short, medium and long term.

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37. Guarantee the budgetary sufficiency of the institutions that make up the child and adolescent protection system, as well as human and material resources, especially of the Social Welfare Secretariat. In addition, establish an action plan to promote inter-institutional coordination among the various state agencies involved in the protection of this population.

### **Senior citizens**

38. Accede to the Inter-American Convention on the Protection of the Human Rights of Older Persons. In the meantime, use this instrument as a reference for the elaboration and implementation of public policies with a human rights approach for older persons.

### **People with disabilities**

39. Review domestic laws and regulations that refer to definitions of disability based on the medical model and modify them so that they are in line with the social and human rights model.
40. Adopt a national public policy to reduce the physical, communicative, attitudinal and symbolic barriers that hinder the full exercise of the DESCRA rights of persons with disabilities in Guatemala. This policy should be based on a previous diagnosis, concrete actions and expected results in the short, medium and long term.

**BRIEF EXPLANATION REGARDING GENDER-BASED VIOLENCE,  
FEMICIDE, STATE IMPUNITY AND HUMANITARIAN IMPLICATIONS  
FOR WOMEN IN GUATEMALA**

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**1. GENERAL OVERVIEW OF PUBLIC SECURITY IN GUATEMALA**

Guatemala continues to register high levels of criminality driven by organized crime and narcotrafficking, alongside institutional weaknesses that undermine accountability. The U.S. Department of State’s OSAC assesses Guatemala City as a critical-threat location and emphasizes that no area of the country is immune to crime; even upscale zones face violent crime in broad daylight, and local law enforcement has limited ability to respond to serious crimes (CC2).

Human Rights Watch reports that, despite a decline in the overall homicide rate since its 2009 peak, significant threats remain, including human trafficking, extortion, and violence against women. The 2023 ENCABIH survey indicates that 48% of women have suffered some form of gender-based violence at least once in their lifetimes. In the first half of 2024, civil society recorded 206 violent deaths of women, 44% classified as femicides, with impunity in cases of violence against women remaining the norm (CC1).

This generalized public security context forms the backdrop for individual cases such as Ms. Xigua Lopez’s, where threats from intimate partners occur within a broader environment of constrained state protection and pervasive impunity (CC1; CC2).

## **2. VIOLENCE AGAINST WOMEN AND FEMICIDE: SCALE AND TRENDS**

Guatemala is consistently ranked among the countries with high rates of violent deaths of women. The World Bank's Gender-Based Violence Country Profile documents an increase in violent deaths of women from 1.3 per 100,000 in 2020 to 1.6 in 2021, with 527 femicides in 2021 and 534 in 2022; by March 2023, dozens more cases had already been reported. In 2021, at least one woman or girl died violently every day, with young women ages 18–24 the primary victims of lethal violence (CC7).

UN Women underscores that gender violence has been a persistent continuum in Guatemala's history, used as a tool of submission and control over women's bodies and lives. This is reinforced by a patriarchal and conservative culture and fragile security and legal systems that breed impunity. Although complaints increased after the 2008 femicide law, accusations and sentencing remain low compared to the volume of complaints; femicide impunity has been described as extremely high (CC8).

Civil society sources highlight increased brutality and disappearances of women, with domestic and sexual violence among the most frequently reported crimes. As of September 2023, the Women's Observatory of the Public Prosecutor reported 290 violent deaths of women, 162 of which were femicides (55.9%). According to civil society organizations, between 90% and 95% of femicides go unpunished, evidencing structural discrimination and entrenched impunity (CC10).

## **3. STATE INEFFECTIVENESS AND SYSTEMIC IMPUNITY IN CASES OF GENDER -BASED VIOLENCE**

Despite the existence of protective legislation, Guatemala's institutions frequently fail to prevent or redress gender-based violence. OSAC reports that the law enforcement and judicial systems are unable to hold criminals accountable, noting corruption, inadequate justice mechanisms, and the widespread presence of organized crime as magnifiers of harm; police response capacity to serious crimes is limited (CC2).

The World Bank finds that roughly 71% of murders of women remain unpunished and, crucially, that in about 40% of femicides the victim had filed a complaint within the two years prior to being killed. These figures strongly suggest that prior reporting and the

protective measures theoretically available often fail to prevent lethal outcomes under current enforcement conditions (CC7).

UN Women likewise emphasizes that fragile security and legal systems breed impunity. While complaints have grown since the 2008 law, the translation into effective protection and convictions has lagged significantly, reinforcing the perception that survivors cannot rely on state institutions for timely and effective protection (CC8).

#### **4. SURVIVORS' ACCESS TO PROTECTION AND PROTECTIVE MEASURES**

Accounts compiled by UNHCR and Human Rights Watch show that many Central American women trapped in prolonged severe domestic violence received no meaningful help from authorities. Some abusers had ties to the police, and 10% of women interviewed identified police or other authorities as the direct source of harm – corroborating survivors' fear of seeking state protection and the practical limits of remedies like restraining orders when enforcement is weak (CC1).

In Guatemala, the empirical pattern that 40% of femicide victims had made prior complaints within two years of their murders (CC7) indicates that available protective measures have limited preventive effect for many at-risk women. Combined with OSAC's findings on constrained police capacity (CC2), the evidence supports the conclusion that survivors like Ms. Xigua Lopez cannot reasonably rely on effective protection against a determined intimate partner aggressor.

In practice, barriers to accessing justice – fear of retaliation, distrust of authorities, and logistical obstacles – further reduce the likelihood that survivors can obtain timely, enforceable protection. These barriers operate within the wider justice-system limitations documented by international and civil society sources (CC1; CC2; CC4; CC5; CC6; CC7; CC8).

#### **5. INTERNAL RELOCATION FEASIBILITY**

OSAC makes clear that crime affects all regions of Guatemala: no area is immune, including tourist destinations, and even affluent urban zones experience violent crime in broad daylight. Law enforcement has limited ability to respond to serious crimes (CC2).

Regional data from ECLAC indicate that most gender-related killings occur in the context of intimate or couple relationships. For survivors fleeing an intimate partner, the principal threat is personal and portable across jurisdictions, especially where state enforcement is weak and aggressors can mobilize social or local networks to locate victims (CC9).

Given the nationwide risk environment, the personal nature of the threat, and the documented ineffectiveness of protective measures for many victims who had already complained (CC), internal relocation within Guatemala is unlikely to be either reasonable or effective for Ms. Xigua Lopez.

## **6. HUMANITARIAN IMPLICATIONS FOR WOMEN AND GIRLS**

UNHCR documents large-scale displacement across Northern Central America driven by violence, insecurity, and persecution, with women, girls, and LGBTQI+ people disproportionately affected by sexual and gender-based violence. Tens of thousands have fled domestic violence, rape, and sexual assault, often facing systemic discrimination and limited legal protection (CC5).

Within Guatemala, HRW notes that violence against women persists alongside other serious threats, while impunity remains the norm in these cases (CC1). The justice system's limited response capacity and widespread accountability gaps translate into ongoing humanitarian need and protection deficits for survivors at risk of re-victimization.

Civil society's documentation of extreme impunity in femicide cases (90–95%), increased brutality, and disappearances (CC10), together with the World Bank's finding that many victims had already sought help (CC7), explain continued flight and fear among women. These indicators underscore the humanitarian implications for returnees who would again face the same structural barriers to safety and justice.

## **7. CONCLUSION**

The record shows that women in Guatemala face elevated risks of gender-based violence and femicide; that authorities frequently fail to prevent, investigate, or prosecute such violence; and that protective measures often do not avert lethal outcomes even where prior complaints exist.

For Ms. Xigua Lopez, a survivor of intimate partner violence, these conditions support a well-founded fear of future persecution upon return. Given the nationwide crime environment, the personal, mobile nature of the threat, and structural enforcement gaps, internal relocation is not a reasonable or effective solution.

These conclusions are corroborated by international and regional sources, including HRW, OSAC, UNHCR, the World Bank, UN Women, ECLAC, and civil society reporting, all of which point to persistent impunity, limited protection, and serious humanitarian implications for women and girls in Guatemala.

**HS Law Corp.  
Otavio Haverroth Silva, SBN#343486  
P.O. Box 90487  
San Diego, CA 92169  
(510) 241-9336**

**Non-Detained**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
100 Montgomery St., Suite 800  
San Francisco, CA 94104**

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**In the Matter of** )  
 )  
**Neyli Floriselda Xigua Lopez** )  
**Moises Benjamin Miranda Xigua** )  
 )  
**In Removal Proceedings** )  
 )  
\_\_\_\_\_ )

**File No. A. 245-179-495  
File No. A. 245-179-492**

**Immigration Judge: O'Brien, Patrick S.**

**Next Hearing: October 30, 2028 at 1:00 PM.**

**RESPONDENT'S COUNTRY CONDITIONS IN SUPPORT OF  
ASYLUM AND WITHHOLDING OF REMOVAL**

# Central American Women Fleeing Domestic Violence Deserve Refugee Status

[hrw.org/news/2019/01/16/central-american-women-fleeing-domestic-violence-deserve-refugee-status](https://www.hrw.org/news/2019/01/16/central-american-women-fleeing-domestic-violence-deserve-refugee-status)

January 16, 2019

Refugee advocates had a rare win when a social media campaign and huge media spotlight convinced Thailand not to return a young Saudi woman, Rahaf Mohammed Al-Qanun, to her allegedly abusive family. The United Nations refugee agency, UNHCR, was able to intervene and recognize her as a refugee and [Canada agreed to resettle her](#). She arrived in Toronto on Saturday.

I can't help but wonder, though, what might have happened had she sought refuge at the US-Mexico border instead of the Bangkok airport. Do Americans sympathetic to her plight see any connection with the women fleeing abusive spouses and parents in Central America?

Last June, then-Attorney General [Jeff Sessions](#) reviewed for himself a case before the Board of Immigration Appeals and reversed its grant of asylum to a Salvadoran woman who had survived nearly 15 years of horrific abuse by her husband, including numerous rapes and beatings. To reject her claim, he overruled the appeals board precedent that had recognized "married women in Guatemala who are unable to leave their relationship" as members of a social group that could qualify for asylum. "Generally," [his decision said](#), "claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum."

It is true that the situation for women and girls in Saudi Arabia is unique in many respects, including its [guardianship system](#), which requires women to have a male guardian to approve critical decisions in their lives such as traveling outside the country or getting married. But it is sadly not uncommon for women and girls in many other places to be trapped in abusive relationships even without such regulations.

A 2015 UNHCR report, "[Women on the Run](#)," collected Central American women's accounts of being trapped in marriages with prolonged and severe domestic violence, for which authorities provided no meaningful help. Some of the women's abusive partners had additional power leverage because they had ties to the police. The report said that 10 percent of the women interviewed stated that the police or other authorities were the direct source of their harm.

Other women were trapped by their partner's gang connections: "My husband was connected with [the maras](#)," a Salvadoran woman said of El Salvador's street gangs. "When he abused me, I knew there was nowhere I could go." Another Salvadoran woman told UNHCR of "standing in front of the police, bleeding, and the police said, 'Well, he's your husband.'"

Three important elements are needed to establish a refugee claim based on domestic violence:

- The threat of serious harm;
- That the harm is on account of being part of a particular social group that refugee law protects; and,
- That the state is unable or unwilling to protect its own citizen.

The [1951 Refugee Convention](#), on which US asylum law is based, protects refugees fearing persecution based on race, religion, nationality, membership of a particular social group, or political opinion. US courts have interpreted a particular social group, like the other four categories, as one with “immutable characteristics” that either cannot be changed, like race, or are so fundamental to a person that they should not be compelled to change, like political opinion.

Gender fits the bill; so does sexual orientation, having a disability, or being a member of a family. But Acting Attorney General Matthew Whitaker recently has taken [another case](#) out of the hands of the appeals board that will consider whether and under what circumstances a person can claim asylum as a member of a family unit. It appears the Trump administration’s Justice Department is intent on challenging the concept of a particular social group as a ground for asylum in even the most immutable cases.

The existence of other broad convention grounds such as race and nationality notwithstanding, courts have shied away from accepting “women and girls” per se as a protected social group, preferring instead narrow categories. For example, the landmark [Fauziya Kasinga case](#), which granted asylum to a woman fleeing genital mutilation, defined her group as “young women who are members of the Tchamba-Kunsuntu Tribe of northern Togo who have not been subjected to female genital mutilation, as practiced by that tribe, and who oppose the practice.”

Of course, being a woman per se is not a ground for asylum any more than being a member of a race, nationality or a religion, but gender should be recognized comparably as a category deserving protection if it is the basis for being persecuted.

So, let’s celebrate Rahaf Mohammed Al-Qanun’s refugee status, as we celebrated Fauziya Kasinga’s. But let’s not forget the Central American women seeking asylum along the US southern border whose lives still hang in the balance, and let’s campaign for the US government to recognize the legitimacy of their asylum claims.

# **FORM 1**

# Femicidal Violence in **Figures**

## Latin America and the Caribbean

Urgent action to prevent  
and eliminate femicides



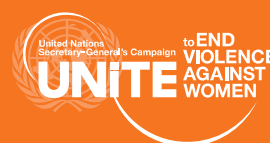
UNITED NATIONS

ECLAC



Gender Equality  
Observatory

for Latin America and the Caribbean



### A. Thirty years after the adoption of the Beijing Declaration and Platform for Action and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), urgent action is needed to implement regulatory progress made on gender-based violence against women and girls in the region

Gender-based violence against women and girls and its most extreme manifestation —femicides, feminicides or gender-related killings of women and girls—<sup>1</sup> are a dramatic illustration of the persistent structural challenges of gender inequality that affect women and girls in Latin America and the Caribbean.

Bulletin No. 3 on femicidal violence presents the official statistics submitted by the region's countries to the Gender Equality Observatory for Latin America and the Caribbean on cases of femicides, feminicides and gender-related killings of women reported in 2023. This bulletin is part of the UNiTE by 2030 to End Violence against Women campaign of the Secretary General of the United Nations, aimed at preventing and eliminating gender-based violence against women and girls worldwide. The campaign calls on governments, civil society organizations, women's organizations, youth, the private sector, the media and the entire United Nations system to join forces and tackle the global pandemic of violence against women and girls.

The publication of this third bulletin coincides with the commemoration of two key milestones in the process of garnering commitments from States to guarantee the human rights of women and girls and the right to a life free of violence: the thirtieth anniversary of the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, and the thirtieth anniversary of the Inter-American Convention

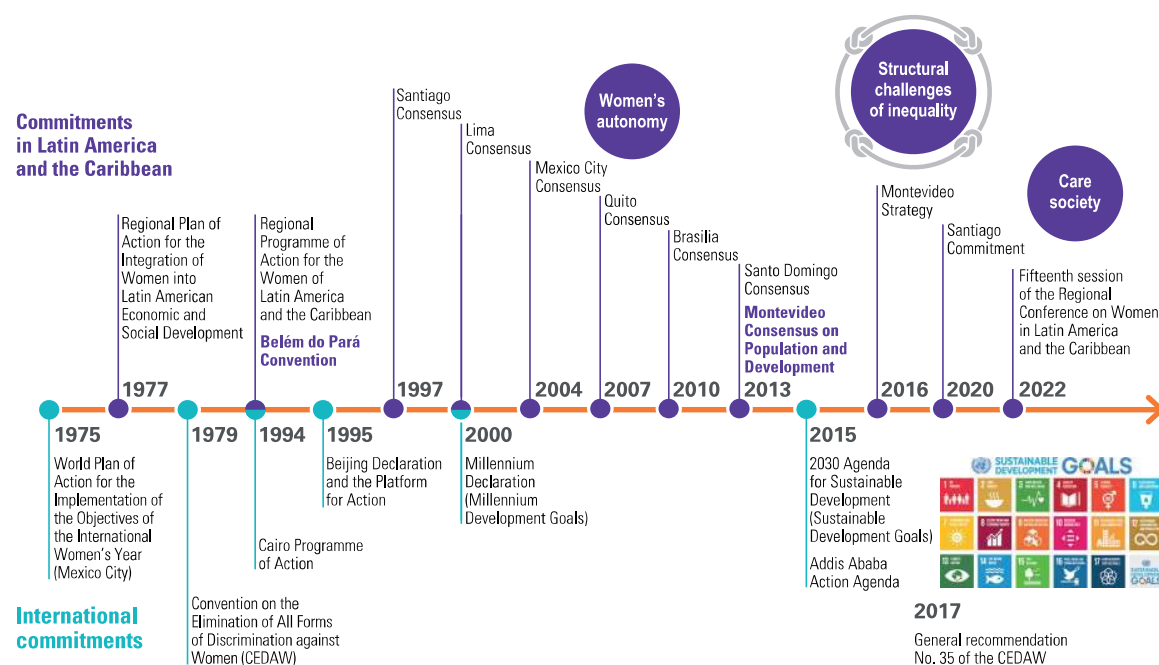
<sup>1</sup> These terms refer to the different legal definitions given to this offence in the countries of the region.

on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the first human rights treaty to establish the right of women to a life free of violence in both the public and private sphere, and to identify gender-based violence against women as a violation of human rights.

The standards and commitments established in these instruments are also reflected in the Regional Gender Agenda, which consolidates agreements signed by governments at different sessions of the Regional Conference on Women in Latin America and the Caribbean since 1977 (see diagram 1). Another key instrument in the region is the Montevideo Consensus, adopted at the first meeting of the Regional Conference on Population and Development in Latin America and the Caribbean. The Consensus is a robust road map to promote the safeguarding of sexual and reproductive rights, gender equality and a rights-based approach (ECLAC, 2013).

**Diagram 1**

Global and regional commitments to achieve gender equality and eliminate gender-based violence against women



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the Regional Gender Agenda.

The instruments mentioned above highlight the importance of timely and high-quality information to take appropriate and effective action, as well as to build public policies that guarantee the right of women and girls to a life free of violence in a relevant and effective manner.

In this framework, 24 countries in the region<sup>2</sup> carry out at least one survey to measure the prevalence of gender-based violence against women, in the form of a specific survey, or as part of another one. In many cases, however, these measurements are not conducted at regular intervals, nor are they part of regularly scheduled national surveys. Nonetheless, several countries have implemented administrative systems to register cases of gender-based violence against women and girls, as well as its extreme manifestation, femicide.

<sup>2</sup> According to the World Health Organization's Global Database on the Prevalence of Violence against Women, the following countries have implemented an instrument to measure the prevalence of this violence: Argentina, Belize, Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Plurinational State of Bolivia, Suriname, Trinidad and Tobago, and Uruguay.

Every year, governments are gradually reporting more thoroughly to ECLAC the data that, depending on the legal classification in each country, is registered about victims of femicide, femicide and the gender-related killings of women, as well as characteristics of victims, perpetrators, and the crime itself.

Despite this progress, the standardization, regularity and quality of information of both surveys and administrative registers remains too limited to offer data that are comparable over time and between countries, or that are consistent between different sectors of government and may be used to deliver public action commensurate with the scale and persistence of gender-based violence against women and girls.

## B. Femicidal violence persists and affects thousands of women and girls in Latin America and the Caribbean every year

According to the most recent data from official sources and the national machineries for the advancement of women at the Gender Equality Observatory for Latin America and the Caribbean, in 2023, at least 3,897 women were victims of femicide or femicide in 27 countries and territories in the region: 3,877 in 18 Latin American countries and 20 in 9 Caribbean countries. This translates to at least 11 gender-related killings of women every day in the region.

Data for 2023 are evidence of the gravity of femicidal violence in Latin America and the Caribbean. The persistence of this crime, the most extreme manifestation of violence against women, highlights an urgent need to strengthen public policies and implement concrete measures to prevent and eliminate this grave violation of the human rights of women and girls in all their diversity.

### 1. Latin America

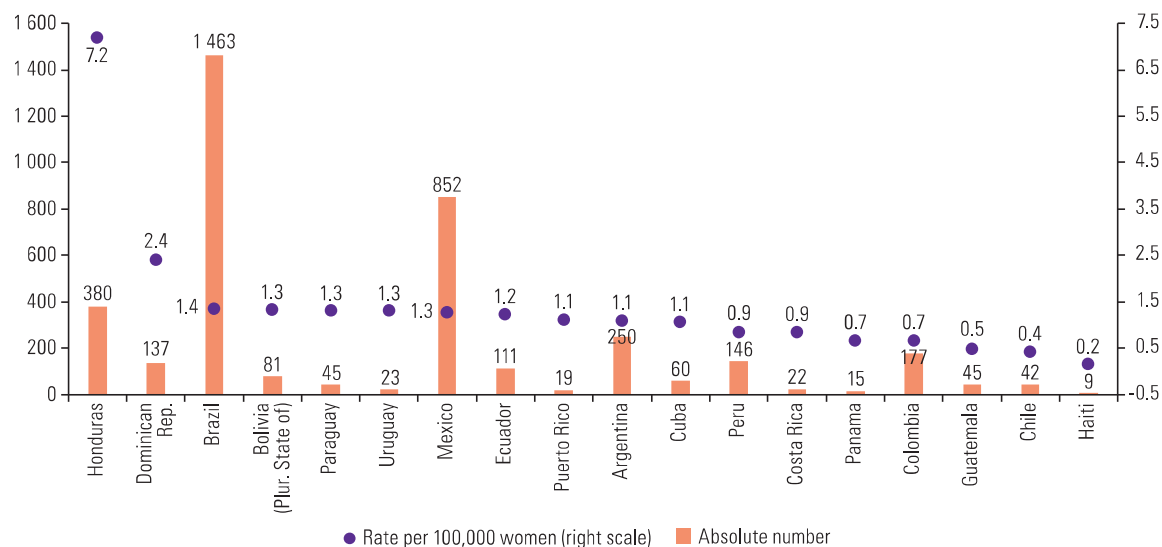
In 2023, 11 of the 18 countries and territories in Latin America and the Caribbean that submit such data reported a femicide and femicide rate of more than 1 in every 100,000 women. The highest recorded rates of femicide were in Honduras (7.2 cases per 100,000 women), the Dominican Republic (2.4 cases per 100,000 women) and Brazil (1.4 cases per 100,000 women). The lowest rates were found in Haiti (0.2 cases per 100,000 women) and Chile (0.4 cases per 100,000 women) (see figure 1). Each country or territory registers information about victims of femicide, femicide or gender-related killings of women on the basis of its legal classification and produces data at different stages in police investigations and legal proceedings. This impedes a strict comparison of the indicator between countries and territories.

As shown in figure 2,<sup>3</sup> in 2015, 2020 and 2023, femicide and femicide rates in 5 of 13 Latin American and Caribbean countries and territories (Peru, Argentina, Uruguay, Costa Rica and Dominican Republic) remained stable with slight variations. In contrast, five other countries and territories (Paraguay, Puerto Rico, Mexico, Ecuador and Honduras) recorded higher rates of femicide or femicide in 2023 than in 2015. In Mexico, however, this rate has fallen since 2020. The greatest difference is in Paraguay, where the rate rose by 0.7 percentage points over the period.

<sup>3</sup> Figure 2 includes countries that reported information for the three selected years.

Figure 1

Latin America and the Caribbean (18 countries and territories): femicides or feminicides, 2023  
(Absolute numbers and rates per 100,000 women)



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by official authorities for each country.

**Note:** The rate reflects the total number of cases of femicide or feminicide during the period observed per 100,000 women in each country or territory, in accordance with national legislation. Estimates were made with population projections of the Latin American and Caribbean Demographic Centre (CELADE)-Population Division of ECLAC, and the United Nations Department of Economic and Social Affairs Population Division, *2024 Revision of World Population Prospects*.

Figure 2

Latin America and the Caribbean (13 countries and territories): femicides or feminicides, 2015, 2020 and 2023  
(Rates per 100,000 women)



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by official authorities for each country.

**Notes:** The rate reflects the total number of cases of femicide or feminicide during the period observed per 100,000 women in each country or territory, in accordance with national legislation. Estimates were made with population projections of the Latin American and Caribbean Demographic Centre (CELADE)-Population Division of ECLAC, and the United Nations Department of Economic and Social Affairs Population Division, *2024 Revision of World Population Prospects*.

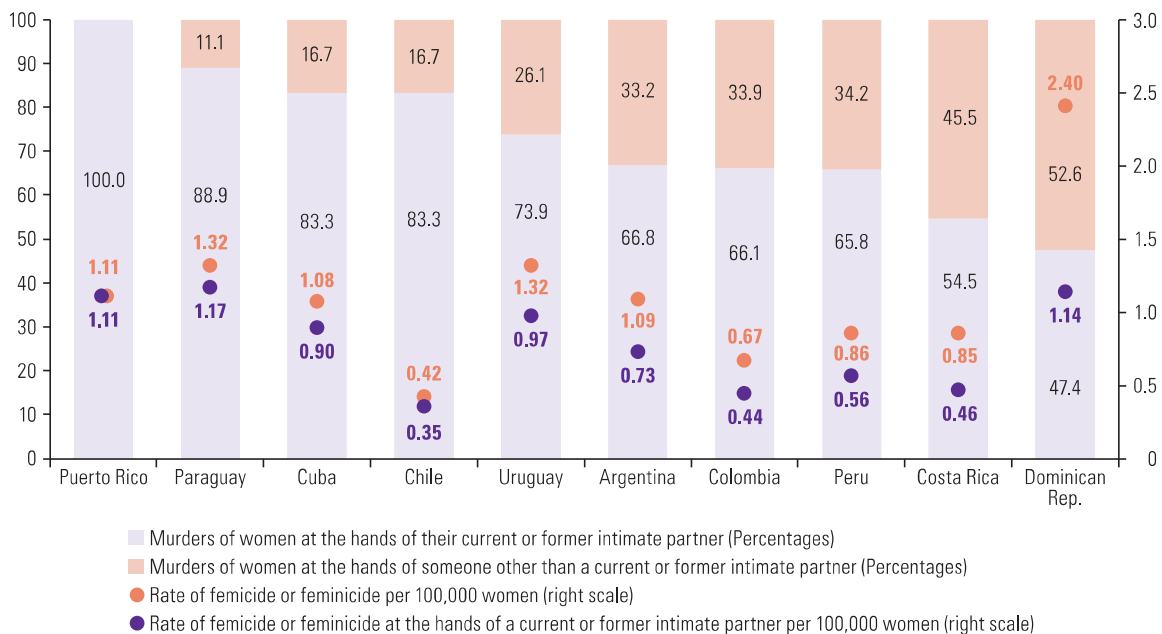
Rates of femicide or feminicide fell in three countries (Guatemala, Panama and the Plurinational State of Bolivia). A notable example is Guatemala, where the rate declined from 2.3 cases per 100,000 women in 2015 to 1.1 cases in 2020 and 0.5 cases in 2023.

Most gender-related killings of women in the region occurred in the context of a relationship with a current or former intimate partner. Among the 10 countries and territories in Latin America and the Caribbean that provide information on the relationship between victim and perpetrator in reported cases of feminicide or femicide, 8 countries reported that over 60% of these crimes were committed by a current or former intimate partner. In Puerto Rico, 100% of reported feminicides were committed by a partner or former partner. In Paraguay, Cuba, Chile and Uruguay, the same link between victim and perpetrator was found in 70% to 90% of cases (see figure 3).

**Figure 3**

Latin America and the Caribbean (10 countries and territories): femicides or feminicides and killings of women by their current or former intimate partner, 2023

(Rates per 100,000 women and percentages)



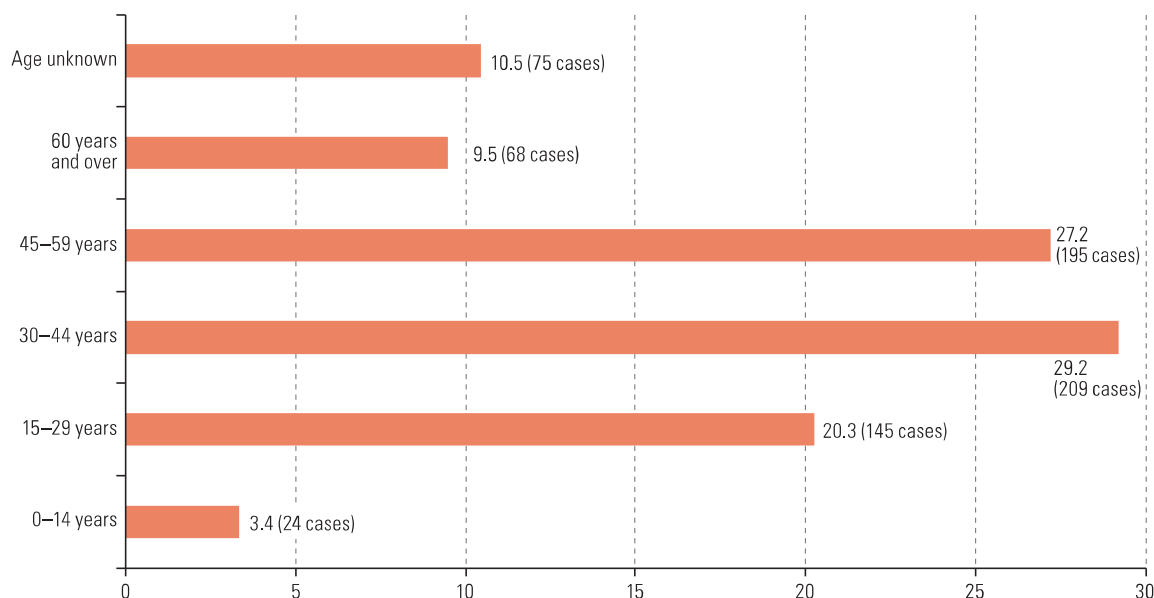
**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by official authorities for each country.

**Note:** The rate reflects the total number of cases of femicide or feminicide and killings of women by their current or former intimate partner during the period observed per 100,000 women in each country or territory, in accordance with national legislation. Estimates were made with population projections of the Latin American and Caribbean Demographic Centre (CELADE)-Population Division of ECLAC, and the United Nations Department of Economic and Social Affairs Population Division, *2024 Revision of World Population Prospects*.

In the 11 countries and territories<sup>4</sup> in the region that provide information on the age of femicide or feminicide victims, the majority of victims (404 cases, or 56.4%) were 30–59 years old, while 20.3% of victims (145 cases) were young women between the ages of 15 and 29. It should be also be noted that 24 cases (3.4%) involved girls aged 14 and under, and in 68 cases (9.5%) the victim was a woman aged 60 or over (see figure 4). Careful attention must be paid to gender-based violence that affects girls and older women, as both are particularly vulnerable segments of the population. Violence against women in these age groups tends to be invisible, which exacerbates the victims' vulnerability and makes it difficult to implement effective measures to protect them.

<sup>4</sup> The 11 countries and territories that provided disaggregated information on the requested age groups were: Argentina, Chile, Colombia, Costa Rica, Cuba, Guatemala, Haiti, Panama, Paraguay, Puerto Rico and Uruguay.

**Figure 4**  
Latin America and the Caribbean (11 countries):<sup>a</sup> feminicides or femicides, by age group, 2023  
(Percentages and absolute numbers)



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by official authorities for each country.

<sup>a</sup> The 11 countries and territories that provided disaggregated information for the requested age groups are: Argentina, Chile, Colombia, Costa Rica, Cuba, Guatemala, Haiti, Panama, Paraguay, Puerto Rico and Uruguay.

In 2023, information provided by 10 Latin American countries on the nationality of victims of femicide or feminicide revealed that most victims lived in their country of origin and 5.5% of cases involved foreign women. Chile and Costa Rica reported the highest percentages of femicide or feminicide of foreign women among all cases (26.2% and 18.2% respectively).

Despite requests, countries did not submit disaggregated information on the ethnicity or race of victims of femicide, feminicide or gender-related killings of women, indicating the challenges of recording such data in information systems, which may have to be complemented by other administrative records. A lack of disaggregated data further complicates the implementation of preventive and legal measures using an intersectional approach.

In addition to data on the number of feminicides and the characteristics of women who are victims, some countries provide information about indirect victims, defined as children and other dependents in the care of femicide or feminicide victims. In seven countries in Latin America that reported 579 cases of femicide (Argentina, Chile, Costa Rica, Cuba, the Dominican Republic, Paraguay and Uruguay), a total of 488 indirect victims of these crimes were identified (see table 1).

The gravity of the consequences of femicides for dependents of victims has been recognized in eight countries in Latin America, where legal frameworks and public policies exist to provide children and other dependents of murdered women with monetary compensation and access to State-funded support services (see table 2).

**Table 1**

Latin America (7 countries): indirect victims of femicide or feminicide,<sup>a</sup> 2023  
(Absolute numbers)

Country	Feminicides or femicides	Indirect victims
Argentina	250	205
Dominican Republic	137	93
Paraguay	45	71
Chile	42	45
Cuba	60	38
Costa Rica	22	18
Uruguay	23	18
<b>Total</b>	<b>579</b>	<b>488</b>

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by national machineries for the advancement of women.

<sup>a</sup> Indirect victims are defined as children and other dependents in the care of femicide and feminicide victims.

**Table 2**

Latin America (8 countries): regulations on State reparations to indirect victims of feminicide, femicide or gender-related killing, latest available year

Country	Regulations
Argentina	Act No. 27452, known as the Brisa Act (2018), attributes a monthly allowance and healthcare coverage to children and adolescents who are victims of family or gender-related violence.
Brazil	Act No. 14717 of 31 October 2023 introduced a special allowance for children and dependants under 18 years of age who have been orphaned as a result of femicides (2023).
Bolivia (Plurinational State of)	Act No. 348, article 36 provides for a system of protection for girls, boys and the whole family who are victims of femicide committed by a spouse or cohabitant (2013).
Chile	Act No. 21565 established a system of protection and comprehensive reparation for femicide and femicidal suicide victims and their families (2023).
Costa Rica	Act for Comprehensive Reparations for Survivors of Femicide (Act No. 10263) (2022) established a comprehensive reparation scheme and fund for survivors of femicide.
Ecuador	Decree No. 696 provides, through the Ministry of Economic and Social Inclusion, an allowance for minors under 18 who are indirect victims of femicide (2018).
Peru	Emergency Decree No. 005–2020 guarantees basic economic assistance for children, adolescents and persons with disabilities who are indirect victims of the crime of femicide (since 2020).
Uruguay	Act No. 18850 established that the children of persons who have died as a result of domestic violence are entitled to reparation benefits (2011).

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean, "Regulations" [online] <https://oig.cepal.org/es/leyes>.

## 2. The Caribbean

According to information provided by nine Caribbean countries and territories on gender-related killings of women, 20 women were victims of lethal gender-based violence in the subregion in 2023. Cases reported that year occurred in Jamaica, Suriname, Saint Vincent and the Grenadines and Belize (13, 4, 2 and 1, respectively) (see table 3). The data are presented as absolute numbers, not rates, because some of the countries that submit information have very few cases and the population of women is less than 100,000. Together with low rates, this makes calculations difficult and limits analysis.

**Table 3**

The Caribbean (9 countries and territories): gender-related killings of women, 2023  
(Absolute numbers)

Country	Absolute number
Jamaica	13
Suriname	4
Saint Vincent and the Grenadines	2
Belize	1
Anguilla	0
Bahamas	0
Barbados	0
Grenada	0
Saint Kitts and Nevis	0

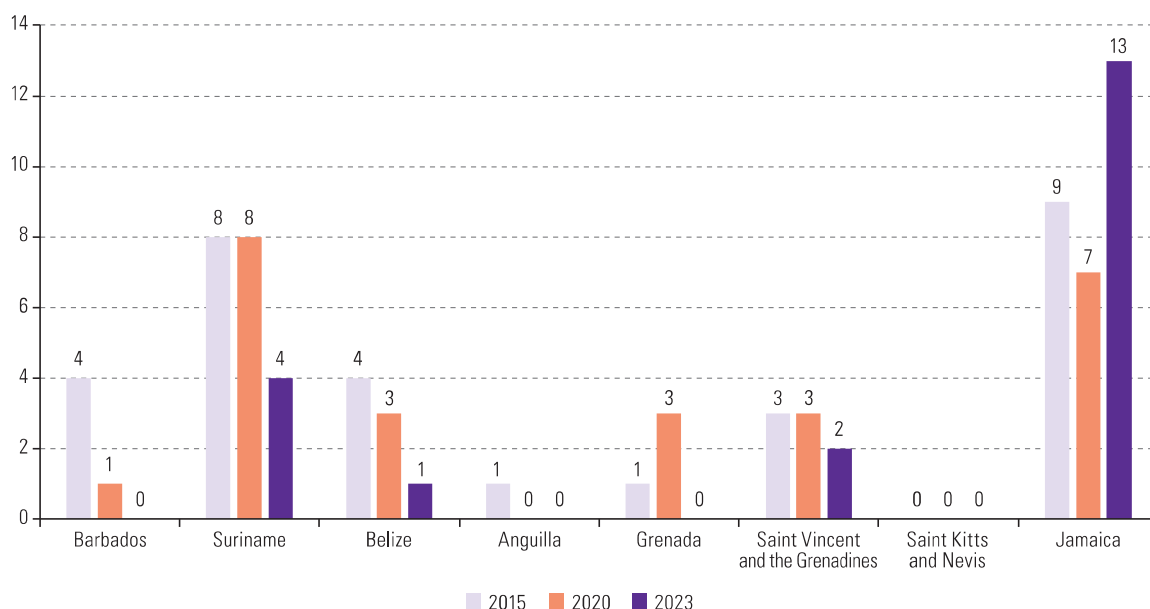
**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by national machineries for the advancement of women.

**Note:** Belize, Saint Vincent and the Grenadines and Suriname only report cases of killings of women by their intimate partner or former partner.

Trends in the number of femicides or feminicides in eight countries and territories in the Caribbean between 2015 and 2023 show the persistence of gender-based violence in the subregion. Jamaica, the country with the highest number of cases, reported an increase in femicides or femicides from 9 cases in 2015 to 13 cases in 2023. In Suriname, however, the number of cases fell from 8 to 4 over the same period (see figure 5).

**Figure 5**

The Caribbean (8 countries and territories): femicides or feminicides, 2015, 2020 and 2023  
(Absolute numbers)



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by national machineries for the advancement of women.

**Note:** Belize, Jamaica, Saint Vincent and the Grenadines and Suriname only report cases of killings of women by their intimate partner or former partner.

## C. States have made progress in adopting regulations and public policies to prevent, record, count, punish and eliminate gender-based violence against women and girls, but challenges persist in ensuring that they fulfil their due diligence obligations

### 1. Regulatory progress in Latin America and the Caribbean

In the last 30 years, the Committee on the Elimination of Discrimination against Women (1979) with its Optional Protocol and General Recommendations; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará, 1994) (see box 1); the jurisprudence of the Inter-American Court of Human Rights, together with the Platform for Action of the Fourth World Conference on Women (Beijing); the Regional Gender Agenda and the 2030 Agenda for Sustainable Development have been fundamental in fighting violence against women and girls. These instruments have resulted in legislation, regulations and national plans, as well as national and subnational programmes. They have helped to build an effective response to, and made more visible, the ‘pandemic in the shadows’ that is gender-based violence against women and girls. This grave violation of human rights is a social, public health, social justice and gender issue that has serious negative effects on women’s autonomy and the well-being of families and communities, as well as the sustainable development of countries.

#### Box 1

##### The Belém do Pará Convention: a pioneering framework

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Belém do Pará Convention after the city where it was adopted in 1994, and which entered into force on 28 March 1996, defines violence against women, establishes the right of women to live a life free of violence and establishes that violence constitutes a violation of human rights and fundamental freedoms. It called for the first time for the establishment of mechanisms for protecting and defending women’s rights as essential to combating the violence against women’s physical, sexual and psychological identity and for asserting those rights within society (MESECVI, 2024).

The Belém do Pará Convention is the first human rights instrument to establish gender-based violence against women and girls as a violation of human rights, both in the public and private sphere. It has inspired and works with other regional instruments such as the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol), which entered into force on 25 November 2005, and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force on 1 August 2014.

The Convention of Belém do Pará, together with the human rights treaties, are supported by jurisprudence on the gender-based violence against women of the Inter-American Court of Human Rights. Observations and recommendations issued by the monitoring committees of human rights treaties in general act as a road map for the fulfilment of human rights and the due diligence of States in terms of investigation, penalties, reparations and compliance with public policies, institutional frameworks, budget allocations, as well as the development of information systems in the countries of the region.

In 2004, the States parties established the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) to carry out monitoring and assessments of compliance with the obligations incurred under this rights framework. The mechanism is composed of the Conference of States Party, the Committee of Experts, the Technical

Secretariat and civil society. At each of the nine Conferences of States Party of the Follow-up Mechanism of the Belém do Pará Convention, held between 2004 and 2024, States agreed to adopt regulations, programmes and measures to prevent and eradicate all forms of violence against women in all its forms, and to care for and protect victims. The recent Ninth Conference of States Party of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI), hosted by Chile in 2024, culminated in a commitment to accelerate implementation of measures and strengthening of mechanisms to eliminate gender-based violence.

**Source:** Follow-up Mechanism to the Belém do Pará Convention (MESECVI), “Convención de Belém do Pará y Plataforma de Acción de Beijing: un enfoque coordinado para erradicar la violencia de género en América Latina y el Caribe”, working document, 2024.

In the last 47 years, within the framework of the Regional Conference on Women in Latin America and the Caribbean —the main regional intergovernmental forum within the United Nations system focused on women’s rights and gender equality— member States adopted a profound, progressive, and comprehensive Regional Gender Agenda that provides a framework for public policy in countries to achieve gender equality in law and in fact, guarantee the rights of women and ensure their autonomy. The Regional Gender Agenda is by nature cumulative; it reinforces, harmonizes and complements other obligations of the States at the regional level and other treaties and conventions at the global and regional levels. Its commitments are a contribution by Latin America and the Caribbean to the implementation of the 2030 Agenda for Sustainable Development and to deliberations at the global level, especially in the framework of the sessions of the United Nations Commission on the Legal and Social Status of Women (ECLAC, 2023c).

The consensuses and commitments adopted since the first meetings of the Regional Conference on Women in Latin America and the Caribbean, which comprise the Regional Gender Agenda, include measures to ensure that States guarantee the rights of women and girls in all their diversity a life free of violence. The Quito Consensus of 2007, for example, condemns the diverse forms of violence perpetrated against women, especially homicide of women, femicide and feminicide, and agrees to adopt measures that contribute to the elimination of all forms of violence against women and their manifestations. The Santo Domingo Consensus (2013) established recommendations for victims and survivors of gender-based violence to have immediate access to comprehensive care services, psychosocial and mental health support, the treatment of injuries, shelter and care after rape or sexual assault (ECLAC, 2023c). The Buenos Aires Commitment, adopted at the most recent session of the Regional Conference on Women in Latin America and the Caribbean, held in that city in 2022, reaffirmed the importance of comprehensive action by States and indicated that one of its commitments is to “promote the adoption and implementation of laws, policies, comprehensive and multisectoral action plans and educational awareness-raising programmes to prevent, address, punish and eliminate all forms of gender-based violence and discrimination against women, adolescent girls and girls in all their diversity, in different areas and manifestations, including harmful practices such as female genital mutilation, child marriage and early unions” (ECLAC, 2023a).

With regard to regulatory progress in the region, in 1994, only nine countries had regulations that addressed violence against women in the domestic sphere: Bahamas (1991), Barbados (1992), Belize (1992), Costa Rica (1990), Jamaica (1989), Peru (1993), Puerto Rico (1989), Saint Vincent and the Grenadines (1984) and Trinidad and Tobago (1991). Only two countries had regulations on sexual violence: Dominica (1991) and Trinidad and Tobago (1991).

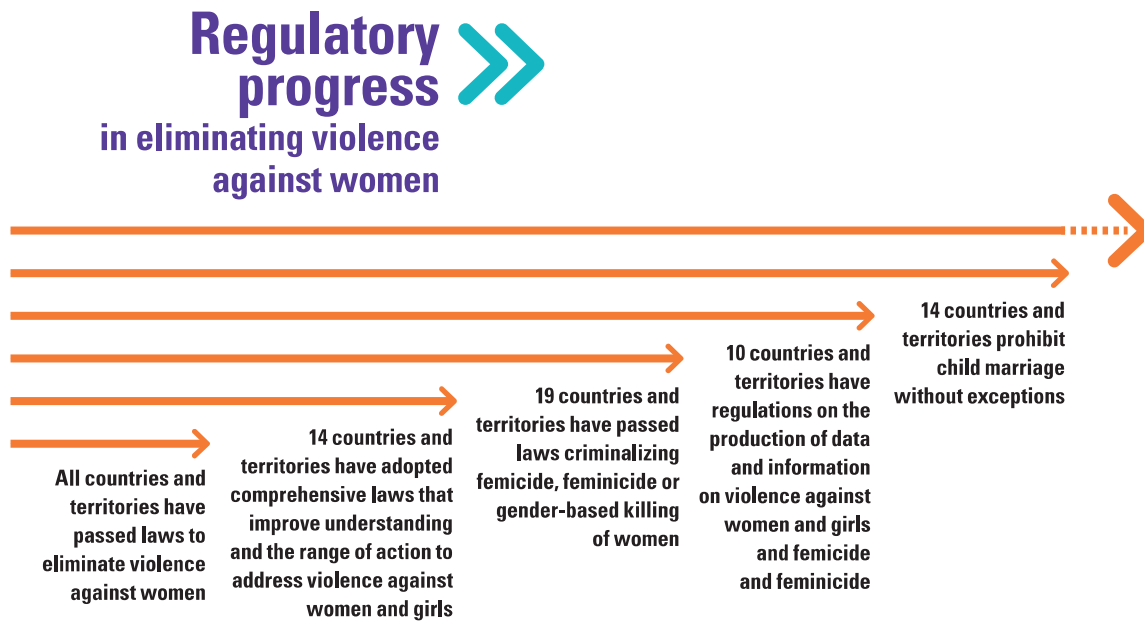
To date, all Latin American and Caribbean countries have passed laws aimed at preventing and eradicating violence against women. Some are restricted to domestic violence, while 14 countries and territories have adopted comprehensive laws that address violence in various spheres (see diagram 2).<sup>5</sup> Regulatory frameworks

<sup>5</sup> Fourteen countries and territories have comprehensive laws to address violence against women and girls: Mexico (2007), Bolivarian Republic of Venezuela (2007), Guatemala (2008), Colombia (2008), Argentina (2009), El Salvador (2010), Nicaragua (2012), Plurinational State of Bolivia (2013), Panama (2013), Peru (2015), Paraguay (2016), Uruguay (2018), Ecuador (2018) and Chile (2024).

have also been established in the region to address specific forms of gender-based violence and develop better tools to eliminate it in its various forms. Examples include the criminalization of femicide or feminicide in 19 countries and territories,<sup>6</sup> instigated suicide, obstetric violence, political violence, harassment in the street and in public, child marriage and violence facilitated by technology.

### Diagram 2

Latin America and the Caribbean: regulatory progress in addressing gender-based violence against women



**Source:** Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean, on the basis of the repository of laws.

Legislation takes different forms: in some cases, criminal law is amended to recognize gender-based violence against women and how it is punished while in others, specific articles are incorporated into labour, education, family and health law, as well as in other legislation. Regulations define the powers and prerogatives of national machineries for the advancement of women of ministries, such as education, health and justice ministries, law enforcement services and public prosecutors' offices (ONU-Mujeres/MESECVI, 2022). The Gender Equality Observatory for Latin America and the Caribbean maintains a comprehensive repository of at least 400 laws covering the various domains and forms in which gender-based violence occurs. Other instruments include specific ministerial resolutions, inter-agency or sectoral protocols and those defined by parliamentary agreements (ONU-Mujeres/MESECVI, 2022).

Countries have made progress in developing strategies to implement legislation on gender-based violence against women at different levels within public administrations. This is visible in the greater institutionalization of national machineries for the advancement of women, by virtue of their leading role in monitoring State action related to policies to fight gender-based violence, and of intersectoral mechanisms aimed at coordinating public agencies and improving the coordination of measures to address gender-based violence against women, girls and adolescent girls. One example is a coordination mechanism for a comprehensive approach to gender-based

<sup>6</sup> Nineteen countries and territories have amended their criminal law to include femicide or feminicide or have specific laws: Argentina (2012), Plurinational State of Bolivia (2013), Brazil (2015), Chile (2010), Colombia (2015), Costa Rica (2007), Ecuador (2014), El Salvador (2012), Guatemala (2008), Honduras (2013), México (2012), Nicaragua (2012), Panama (2013), Paraguay (2016), Peru (2013), Puerto Rico (2021), Dominican Republic (2014), Uruguay (2017) and Bolivarian Republic of Venezuela (2014).

violence against women, children and adolescent girls adopted in Colombia in 2020. Another is the National Coordinating Committee of the Immediate Search Mechanism for Missing Women, established in Guatemala in relation to a specific problem. In Chile, Act No. 21675 of 2024 establishing measures to prevent, punish and eradicate gender-based violence against women will enable a comprehensive case management system so that all agencies working in the areas of prevention, care and reparation for violence against women can access the same information and take effective, coordinated action to also avoid re-victimization.

Several countries have updated existing sectoral policies: Chile updated its public health policy on gender-based violence (2021), Ecuador established a national protocol for cases of gender-based violence in sports (2023) and Peru adopted a directive to prevent, report, address, investigate and punish sexual harassment in its Ministry of Agriculture and Irrigation and its programmes, special projects and dedicated public bodies mechanism (2020).

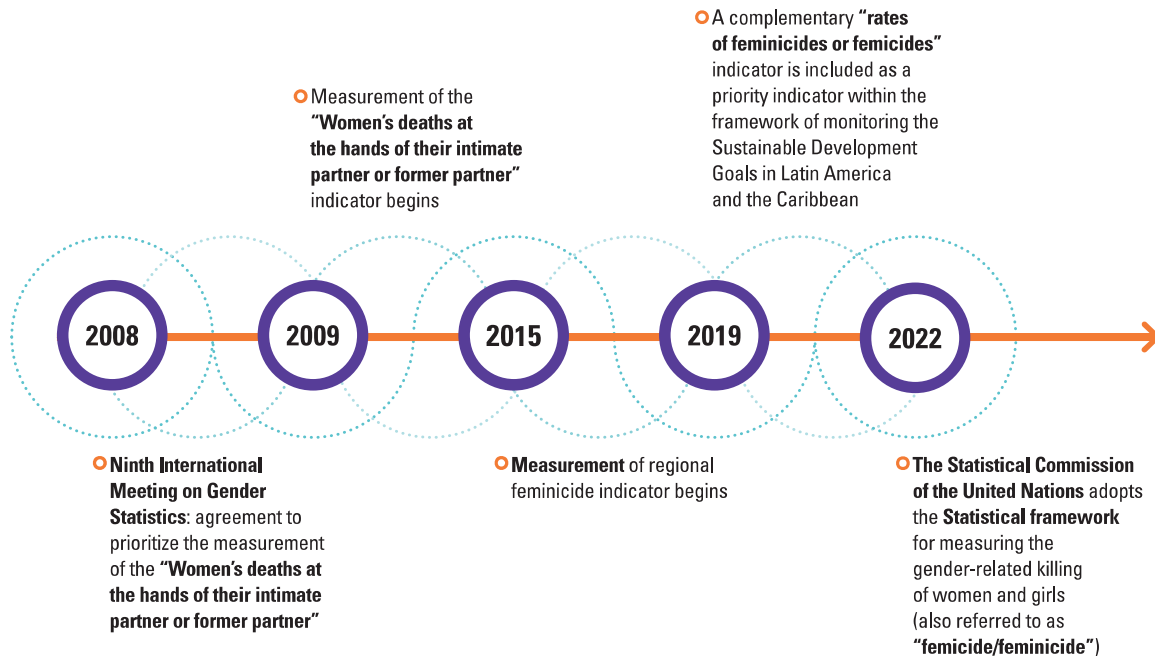
## 2. Progress in femicide measurement systems in the countries of the region

For over 15 years, countries have made progress in the measurement of femicides, feminicides and the gender-related killings of women, in some cases with support from international organizations that have created instruments and implementation guidelines to obtain key information for the development of public policies (see diagram 3). In 2008, within the framework of the ninth International Meeting on Gender Statistics, a meeting of experts was held to analyse indicators of the Gender Equality Observatory for Latin America and the Caribbean of ECLAC, at which it was agreed to prioritize the regional measurement of the "Women's deaths at the hands of their intimate partner or former partner" indicator, given the lack of criminalization of femicide in Latin American and Caribbean countries. Regional measurement of this indicator began the following year, in 2009, with data from 18 countries. In 2015, on the basis of information available in 21 countries on the killings of women by a current or former intimate partner and following the criminalization of femicide in various Latin American countries, a measurable regional feminicide indicator was launched. In 2019, a new milestone further confirmed the importance of measuring feminicides or femicides in regional 2030 Agenda monitoring: a complementary "rates of feminicides or femicides per 100,000 women" indicator was included as a priority indicator within the framework of monitoring the Sustainable Development Goals in Latin America and the Caribbean, adopted at the ninth meeting of the Statistical Conference of the Americas of ECLAC held in Aguascalientes, Mexico in 2017. The Gender Equality Observatory for Latin America and the Caribbean now requests and receives annually reported information on this indicator from some 30 countries in the region. This includes the most recent annual report as well as revised and updated information from previous years. Indicator data cannot be compared between countries or within a country over time because they are linked to the country's legal definition of the offence, which may evolve. In Chile, for example, only deaths at the hands of a current or former intimate partner were considered feminicides until 2021, when the definition was extended to include other killings of women.

More recently, thanks to the work of the United Nations Office on Drugs and Crime, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Global Centre of Excellence on Gender Statistics, the fifty-third session of the Statistical Commission of the United Nations adopted the Statistical framework for measuring the gender-related killing of women and girls (also referred to as "femicide/feminicide"). This framework provides criteria, variables and categories that guarantee that data are accurate and comparable between countries and between the different bodies in the national justice system. It also enables the definition of victims, perpetrators and state response, thereby contributing to improving and harmonizing data collection instruments both at the national and international level (UNODC/UN-Women, 2022).

Diagram 3

Latin America and the Caribbean: regional milestones in statistical monitoring of femicides and feminicides



Source: Economic Commission for Latin America and the Caribbean (ECLAC).

On the basis of administrative records, some countries have established integrated information systems that strengthen inter-agency coordination on this subject, for example Argentina (SICVIG), Brazil (Panainfo), Mexico (Banavim) and Peru (Plataforma SiseVe). In other countries, such as Chile, Colombia, Cuba, Ecuador, Guatemala, Jamaica, Panama, Paraguay and the Plurinational State of Bolivia, efforts are under way to coordinate and build the capacities needed to implement integrated or centralized systems of administrative records for cases of gender-based violence. There are also specific information systems for feminicides or femicides, such as Argentina’s national registry of femicides, Costa Rica’s observatory on gender-based violence against women and access to justice and inter-institutional subcommittee on the prevention of femicide, Chile’s intersectoral mechanism against femicide and Ecuador’s automatic judicial processing system and special commission on security, justice, crime and transparency statistics.

Femicide or feminicide registries in the countries of the region are managed by different government institutions. Most are supported or coordinated by national machineries for the advancement of women. Intersectoral coordination mechanisms to produce statistical information on femicide or feminicide are an appropriate forum in which to define criteria used to update and improve information, as well as to promote coordination and measures to expand synergies and optimize their impact. These mechanisms are especially valuable as they are necessary in public policymaking, challenge sectoral approaches to management and serve as tools that require inter-institutional efforts to increase understanding of the processes of criminological investigation and delivery of justice, as well as coordination with the health and education sectors and with the media.

### 3. Significant limitations persist in States' fulfilment of due diligence obligations to prevent femicides, feminicides, gender-based killings of women and other forms of gender-based violence

Despite progress made by the countries of the region in enacting regulations and developing public policies, a wide gap exists between the gravity and prevalence of the problem and the calibre of the public response. This gap is visible in the various prevalence surveys on gender-based violence conducted in different countries in recent years, which reveal the low percentage of victims of this type of offence who report the incident and who file a complaint to seek justice (see table 4).

**Table 4**

Latin America (8 countries): women who indicate in a survey that they filed a complaint after experiencing gender-based violence, 2019–2024

(Percentages)

Country	Survey	Source and year	Findings
Argentina	Survey on the prevalence of violence against women	Ministry of Women, Gender and Diversity of the Nation/Spotlight Initiative, 2023	Only 25% of women who experienced domestic violence or abuse sought advice or filed a complaint with an institution or organization. Among women who experienced violence, 67.4% stated they were aware of the existence of support services.
Brazil	<i>Visível e Invisível: a victimização de mulheres no Brasil, 4ª edição</i>	Foro Brasileiro de Seguridad Pública, Instituto de Pesquisas Datafolha, 2023	45% of victims “did nothing” about the last incident they experienced. Among those who said they sought help from a person or organization, 17.3% told family and 15.6% told friends. Among those who said they sought help from an organization, 14% contacted women’s police services and 8.5% contacted police stations. Among the reasons given for not contacting police services after experiencing abuse, 38% said they resolved the problem themselves, 21.3% said they did not believe the police could offer a solution and 14.4% emphasized a lack of evidence.
Chile	Fourth Survey of Violence against Women in the Field of Intrafamily Violence and in Other Spaces	Office of the Undersecretary of the Ministry of the Interior and Public Security, 2019	The number of complaints filed for violence fell between the 2017 and 2019 surveys: complaints of psychological violence fell from 22.8% to 19%; complaints of physical violence fell from 36.5% to 29% and reports of sexual violence fell from 23% to 16.3%.
Ecuador	National Survey on Family Interactions and Violence against Women	National Institute of Statistics and Census, 2019	Nearly 90% of women surveyed aged 15 and over did not file a complaint following an assault in an educational, work or social setting or by an intimate partner. On average, around 60% told someone they knew about the incident but did not contact any public service.
Honduras	First National Survey on Violence against Women and Girls Aged 15 and Older	National Statistics Institute, 2023	87.3% of women who experienced violence (in a public or private sphere) did not seek help. Among the 13% who sought help, 40.5% turned to the national police, 23.2% turned to another institution or organization, and 19.2% turned to the courts. Among the reasons given for not filing complaints, nearly 35% of surveyed victims said the main one was “not knowing what institution to contact” or “fear of retribution and consequences”.
Mexico	National Survey on the Dynamics of Household Relationships	National Institute of Statistics and Geography	85% of women aged 15 and over who have experienced physical or sexual violence in an educational, work, community or family setting or by an intimate partner did not file complaints. Among the main reasons for not seeking help or support or not filing a complaint is the fear of consequences or threats, particularly in the case of survivors of violence at the hands of an intimate partner.

Country	Survey	Source and year	Findings
Peru	Demographic and Family Health Survey	National Institute of Statistics and Informatics, 2024	45.3% of women who were victims of violence at the hands of their intimate partner turned to people close to them for help. 29.7% of victims contacted an institution for help. Of all those who sought help, 81.5% went to a police station, 9.3% to a 'Demuna' municipal defence centre for children and adolescents, 9% went to the Ministry of Women and Vulnerable Populations, 6.5% went to the public prosecutor's office, 5.8% to a health facility and 3.5% to the courts.
Uruguay	Second National Survey on the Prevalence of Generation- and Gender-Based Violence	Observatory on Gender-Based Violence against Women, 2019	Over 60% of women who experienced gender-based violence said they spoke to someone about what happened (primarily family or friends). The most commonly cited type of assistance sought was guidance and information from someone they trusted. 87% of all women surveyed said that they were aware laws existed to punish gender-based violence. Nine out of 10 women said they knew of institutions that provide support and care to women, girls and adolescents in situations of violence and abuse. The most frequently cited were police services, followed by the National Institute for Women of the Ministry of Social Development (MIDES) and health services.

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of Gender Equality Observatory for Latin America and the Caribbean on the basis of information provided by the countries.

Certain prevalence surveys conducted by countries between 2019 and 2024 on gender-based violence against women include questions about whether victims of violence sought help, where they went and whether they filed a complaint with the competent authorities. The answers are alarming, with low numbers of victims filing complaints and seeking help from public bodies specially created to manage cases of gender-based violence.

It is important to highlight this general context of insufficient access to services for victims and survivors, and the lack of public solutions to address cases of gender-based violence. Failing to adopt adequate measures to investigate cases of violence sends the message that this violation of women's human rights does not merit the attention that its gravity and magnitude deserve, making the recurrence of gender-based violence more likely.

Femicides are the most extreme event on a continuum of violence (ECLAC, 2021). Preventing them is therefore contingent on being able to take effective measures in situations that pose a serious threat to victims and survivors. Countries have begun implementing various risk assessment systems and responses for high-risk situations (ECLAC, 2023b).

In order to improve public services so as to prevent the gender-related killings of women and girls, official data are needed on the existence of prior complaints of violence or precautionary measures in femicide or femicide investigations, in order to assess the effectiveness of the services and agencies that receive and process these complaints, as well as to weigh the possibility of taking timely action in high-risk situations to prevent the murder of women and girls. General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, states that the analysis of the data should enable "the identification of failures in protection and serve to improve and further develop preventive measures, which should, if necessary, include the establishment or designation of observatories for the collection of administrative data on the gender-based killings of women, also referred to as 'femicide' or 'feminicide', and attempted killings of women" (United Nations, 2017).

In 2023 only four countries (Argentina, Chile, Costa Rica and Uruguay) reported cases of femicide that involved a prior history, whether it be complaints of gender-based violence or precautionary measures against the perpetrator (see table 5). A history of complaints of gender-based violence shows the importance of strengthening protective measures and assessing femicide risk.

**Table 5**

Latin America (4 countries): femicides or feminicides preceded by complaints of gender-based violence or by precautionary protection measures

(Absolute numbers and percentages)

Country	Femicides or feminicides	Cases involving prior complaints or precautionary protection measures	Cases involving a prior history (Percentages)
Argentina	250	55	22.0
Chile	42	10 <sup>a</sup>	23.8
Costa Rica	22	1	4.5
Uruguay	23	8	34.8

**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by national machineries for the advancement of women.

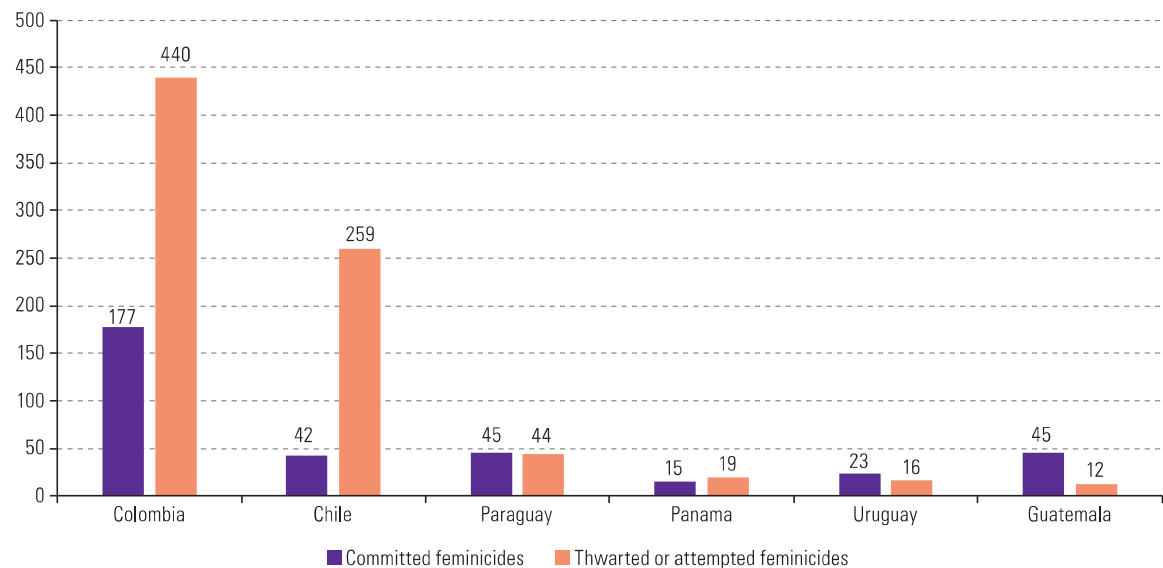
<sup>a</sup> Chile reported nine cases of femicide preceded by prior complaints and one case preceded by precautionary protection measures.

Six other countries in Latin America (Chile, Colombia, Guatemala, Panama, Paraguay and Uruguay) reported to ECLAC the number of thwarted femicides and attempted feminicides in 2023 (see figure 6). Data indicate 760 thwarted or attempted feminicides. Colombia stands out, with 440 attempted feminicides or femicides and 117 committed femicides. This information is relevant insofar as thwarted or attempted femicides aim to murder women on the basis of their gender, even if, for various reasons, this homicide is not committed. Including these cases in reporting and measurements provides a better picture of the magnitude of this violation of the human rights of women and girls. Similarly, analysis of the reasons for which the crime was not committed may help to evaluate potential protection factors in high-risk situations.

**Figure 6**

Latin America (6 countries): thwarted or attempted feminicides or femicides, 2023

(Absolute numbers)



**Source:** Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of the Gender Equality Observatory for Latin America and the Caribbean, on the basis of records provided by national machineries for the advancement of women.

**Note:** Only countries that reported data on this variable are included. The request was made to all countries.

## D. Step up efforts to eradicate gender-based violence against women and girls and move towards a care society

At the most recent session of the Regional Conference on Women in Latin America and the Caribbean, held in Buenos Aires in November 2022, member States agreed to promote a care society that proposes ambitious and urgent solutions to achieve gender equality, women's autonomy and a more productive, inclusive and sustainable future (ECLAC, 2022a). To move in this direction, action is needed to overcome the structural challenges that perpetuate gender inequality (ECLAC, 2017).

The care society requires transforming the power relations that underlie the four structural challenges of inequality: socioeconomic inequality and the persistence of poverty, in the framework of exclusionary growth; rigid sexual division of labour and unfair social organization of care; concentration of power and hierarchical relations in the public sphere; and discriminatory, violent and patriarchal cultural patterns and the predominance of the culture of privilege. The aim is to ensure women's autonomy (ECLAC, 2022a), which can only be achieved by ensuring the right to a life free from violence.

All this must take into account the impact of multiple crises in the region. The consequences of the coronavirus disease (COVID-19) pandemic overlap with cascading crises and a downward trend in economic growth that affects people's income and quality of life; added to this are the environmental crisis, the care crisis, and the structural inequality that disproportionately affects women (CEPAL/ONU-Mujeres, 2024) and limits their autonomy. This context and the displacement it often entails increases violence against women and girls and creates a need for specific strategies, in particular for cases of extreme violence such as femicide, feminicide and gender-related homicide, trafficking and the forced disappearances of women and girls (Spotlight Initiative Latin America Regional Programme, 2021).

Progress in this direction requires countries to step up efforts to fulfil their due diligence obligation to prevent gender-based violence and to take a comprehensive approach to addressing the causes and consequences of the persistence of gender-based violence. There is a need to design effective and relevant institutional solutions, including public policies and programmes that take an intersectional approach, with adequate and sustainable budgets.

Information systems focusing on the prevalence and occurrence of gender-based violence against women and girls must be strengthened in terms of quality and the ability to access disaggregated data on key variables to improve public policies. Timely and high-quality information on gender-based violence can save lives. This involves the coordinated management of the information generated throughout the journey undertaken by women and girls, from the moment they enter the support system to the end of the process. Comparative analysis is needed of information systems on the prevalence of gender-based violence and the comprehensiveness and quality of support provided to victims and survivors, in order to assess whether women and girls in their diversity have access to their rights and to justice, or whether existing public responses are insufficient. It is also important to recognize the different impacts of gender-based violence on different populations.

An intersectional approach should be incorporated into national and programmatic strategies. In addition to specific strategies, States have begun to review their policies in terms of how different factors intersect in inequality by analysing the connection between violence and inequalities experienced by a victim of violence in the labour market; their personal income or difficulties accessing high-quality basic services, and the extent to which protection is available against the risk of violence. Gender-based violence intersects with other factors such as racism, violence and discrimination based on race, ethnicity, sexual orientation, gender identity, disability status, migration status and age.

It is also important to link and harmonize public policies that address gender-based violence against women with those aimed at addressing violence against children, as they are both examples of a human rights violation.

Transformative action is urgently needed to ensure a life free of violence for women and girls. As stated in the Declaration on Accelerator Strategies for the Implementation of the Inter-American Convention to Prevent, Punish, and Eradicate Violence Against Women (MESECVI/OAC, 2024), prepared during the most recent Conference of States Party of the Follow-Up Mechanism to the Belém do Pará Convention (MESECVI), States must "implement accelerator strategies for the effective application of the Belém do Pará Convention at the regional, national and community levels, through the adoption of legislative, administrative and judicial measures associated with indicators such as the updating and strengthening of existing laws to ensure the eradication of all forms of violence against women, institutional empowerment, and adequate financing of the national machineries for the advancement of women and the programmes and institutions that combat violence against women that contribute to the enjoyment of the right of women and girls".

Thirty years after the adoption of the Beijing Declaration and Platform for Action, the safety and lives of women and girls can no longer wait. The Regional Gender Agenda is a road map to build new strategies that effectively transform the structural causes underlying gender-based violence.

ECLAC urges governments in the region to step up efforts to improve registry and information systems, increase budgetary resources to formulate public policies that comprehensively address the situation of victims and survivors of violence against women, and invest in effective prevention of gender-based violence. It is essential to strengthen risk assessment and effective protection measures for victims, and their access to medical, psychosocial, legal assistance and other services, as well as to educational, economic and employment opportunities.

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