



## GUATEMALA FAILS THE COMPLIANCE WITH ANTI-CORRUPTION COMMITMENTS TAKEN ON AT THE SUMMIT OF THE AMERICAS

**Guatemala, October 19, 2021.** On this day, Acción Ciudadana [Citizen action], Transparency International, Chapter Guatemala, Coordinación de ONG y Cooperativas (CONGCOOP) [NGO and Cooperatives Coordinator] a focus point of the Citizen Forum of the Americas (CFA), Instituto Centroamericano de Estudios Fiscales (ICEFI) [Central American Institute of Tax Studies] and REDNACT, as part of the Citizen Corruption Observatory (CCO), presented the report results of the follow-up on the Lima Agreement “**Democratic Governance against Corruption**”, signed at the VIII Summit of the Americas in 2018, which aims at keeping a direct fight against corruption in the Americas.

The analysis was done by identifying the regulatory and practical developments in order to comply with the Lima Agreement in 19 countries of the region.

Here is a summary of the main findings of the commitments evaluated for Guatemala:

**Reinforcement of Democratic Governance:** The report reveals that there is no progress to strengthen the democratic governance of the country, on the contrary, the lack of judicial independence, the closing of spaces for civil organizations, the reforms to the NGO Law and the lack of anti-corruption policies, are the base for the low score of the country (0.63 out of 3 points), placing Guatemala next to countries such as Nicaragua, Venezuela, Honduras and El Salvador, countries that share a deterioration in their democracies.

**Transparency, access to Information and protection of whistleblowers:** The trend towards opacity is marked, there is little respect for the Law on Access to Public Information, there is a criminalization of citizen groups that carry out social audits, and a systematic attack on the Institution of the Human Rights Ombudsman (entity that guarantees Access to Public information). Furthermore, there is no law that protects whistleblowers, witnesses and informants from corruption. All of the above is the basis for the score of 0.42 out of 3 points, which shows setbacks in terms of transparency and the fight against corruption.

**Financing of Political Organizations and Election Campaigns:** This commitment obtains a score of 0.94 out of 3. Although some reforms regarding the control of political campaign financing are valued, their implementation has been partial and practically useless to stop covering of illicit or irregular financing. The weakness of the electoral body regarding independency and even some setbacks in the implementation of controls and regulations remain pending tasks to overcome.

**Prevention of Corruption in Public Works and Public Procurement and Contracting:** With a score of 1 out of 3 points, this commitment does not show significant progress either. The electronic purchasing and contracting system (Guatecompras) continues to be a display that offers relevant information, but without reaching the goal of becoming a transactional platform. Anti-corruption clauses are practically non-existent in government contracting, with public works being one of the areas most affected by the phenomenon of corruption.

### Acerca de **About the Citizen Corruption Observatory (CCO):**

El Observatorio Ciudadano de corrupción es una alianza entre organizaciones de la sociedad civil y actores sociales del continente americano, creada con el propósito de permitir el seguimiento a los acuerdos adoptados por los gobiernos de la hemisfero occidental en el VIII Cumbre de las Américas, celebrada en Lima, Perú en 2018. También promueve la participación ciudadana en la lucha contra la corrupción.



**International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery:** This is the only commitment that shows progress and the best grade (1.4 out of 3 points). The investigative efforts carried out by the Special Prosecutor's Office against Impunity, led at the time by Juan Francisco Sandoval, have made it possible to investigate and prosecute cases of transnational corruption and, in addition, to promote the preventive forfeiture of assets obtained as a result of corruption. Unfortunately, the removal of Sandoval will negatively impact the advancement of the commitment, jeopardizing the State's commitment to head-on fighting corruption in Guatemala.

**Among the main recommendations of the report, we can highlight the following:**

- To guarantee judicial and fiscal autonomy to promote the rule of law and access to justice in cases of corruption.
- To guarantee the participation of vulnerable groups following criteria of equity and equality of gender, ethnicity and participation of vulnerable groups in the creation of anti-corruption policies.
- To guarantee access to public information and social auditing so that it is not criminalized as it has been happening.
- To guarantee the political and financial independence of the Institution of the Human Rights Ombudsman (guarantor of Access to Public Information in the country) and the transfer of funds owed to that entity.
- To strengthen the measures that promote transparency and accountability of organizations and political parties.
- To strengthen the digital systems for government procurement and contracting of services and public works to a transactional platform to ensure disclosure, transparency, citizen oversight, and effective accountability.
- To guarantee fiscal independence and follow-up on investigations by the Special Prosecutor against Impunity and procedures for international cooperation and asset forfeiture.

The CCO is a shared effort between the **Citizen Forum of the Americas (CFA)**, the **Latin American and Caribbean Network for Democracy (LACND)**, **national chapters of Transparency International (TI) in Latin America** and **over 150 Civil Society Organizations** in the Americas to promote citizen participation and to monitor the progress of the governments measures and their challenges, as well as to research, document and systematically analyze evidence on the effectiveness of the anti-corruption efforts in the region.



#### **Acerca de About the Citizen Corruption Observatory (CCO):**

El Observatorio Ciudadano de corrupción es una alianza entre organizaciones de la sociedad civil y actores sociales de la región, creada con el propósito de permitir el seguimiento a los acuerdos adoptados por los gobiernos de la hemisfero en el VIII Cumbre de las Américas, celebrada en Lima, Perú en 2018. También promueve la participación ciudadana en la lucha contra la corrupción.