

Guatemala: Civil Society Report

An input to the UNCAC Implementation Review Mechanism:
Fourth year of review of UNCAC Chapters II and V

7 November 2025

This is the executive summary of a civil society parallel report from October 2025 by Acción Ciudadana¹ reviewing Guatemala's implementation and enforcement of selected articles of UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the Global Civil Society Coalition for the UNCAC² and is a contribution to the UNCAC peer review process of Guatemala, covering those two chapters. The full report is available on the Coalition's website.³

Despite progress in establishing anti-corruption laws and policies, anti-corruption agencies lack independence, the judiciary is captured, there is no comprehensive whistleblowing legislation that provides adequate protection, and barriers persist in access to information.

Assessment of the Review Process

Did the government disclose information about the country's focal point?	Unknown	The National Anti-Corruption Commission lack information on what the former Presidential Anti-Corruption Commission did around the review process. ⁴
Was the review schedule published somewhere/ publicly known?	Unknown	–
Was civil society consulted in the preparation of the self-assessment checklist?	Unknown	–
Was the self-assessment checklist published online or provided to civil society?	No	–
Did the government agree to a country visit?	Yes	–

¹ <https://accionciudadanagt.org/>.

² Has been known as the UNCAC Coalition.

³ UNCAC Coalition, Civil Society Parallel Report on Guatemala, <https://uncaccoalition.org/uncacparallelreportguatemala/>, accessed 4 November 2025.

⁴ CNC (June 2025), Institutional response to "Table 3: Evaluation of the country review process," submitted to Acción Ciudadana in the context of the preparation of the UNCAC parallel report. It should be noted that this information does not come from a request made under the Law on Access to Public Information, but from direct communication from the CNC. The Commission was created by Government Agreement 31-2024, which abolished the Presidential Commission against Corruption. In its response, the CNC indicated that it lacks information on the work carried out by the previous commission, which explains the absence of background information on the follow-up to previous UNCAC Review Mechanism processes.

Was a country visit undertaken?	Yes	February 14-16, 2022, hybrid. ⁵
Was civil society invited to provide input to the official reviewers?	Unknown	Other stakeholders were supposedly involved, although it is unknown who. ⁶
Was the private sector invited to provide input to the official reviewers?	Unknown	–
Has the government committed to publishing the full country report?	Unknown	–

Main Findings and Recommendations (R)

Preventive Anti-Corruption Policies and Practices

In 2024, the National Anti-Corruption Commission (CNC) was reactivated, replacing the Presidential Anti-Corruption Commission, with the aim of coordinating integrity policies, strengthening institutional ethics, and promoting structural reforms. However, this institutional effort faces significant challenges in its practical implementation due to the CNC's political dependence, lack of budgetary autonomy, and limited inter-institutional coordination. Furthermore, the Guatemalan State lacks a systematic mechanism for monitoring and complying with international commitments, including UNCAC.

***R:** Guarantee the technical autonomy of the National Anti-Corruption Commission; promote the prompt approval by Congress of anti-corruption bills from the executive branch, implement a unified national system for monitoring international anti-corruption commitments, with the active participation of civil society.*

Codes of Conduct, Conflicts of Interest and Asset Declarations

The 2024 Code of Ethics of the Executive Branch requires all of its agencies to establish internal ethics committees, promoting principles of conduct such as probity, transparency, and accountability, and prohibits the use of public office for personal gain. This created spaces for guidance and receiving complaints within the state apparatus. The CNC promotes ethical training for public servants and the systematization of good institutional practices. Nevertheless, the scope of these advances is limited. Ethical provisions do not apply to the legislative or judicial branches, and there are no regulations requiring the submission of declarations of interests or regulating the "revolving door" between the public and private sectors. Bill 6405, introduced in 2024, seeks to address this gap, but has not yet been approved by Congress.

***R:** Ensure transparency and public oversight of asset and interest declarations of judges, prosecutors, and senior officials by publishing them. Regulate conflicts of interest and the "revolving door".*

Whistleblower Protection

Currently, Guatemala lacks a law that protects whistleblowers, leaving them vulnerable to reprisals. Although some institutions have established anonymous reporting channels, such as the Comptroller General's Office, the National Council for Protected Areas, and the Superintendency of Tax

⁵ United Nations Office on Drugs and Crime (UNODC), Guatemala country profile: <https://www.unodc.org/corruption/en/country-profiles/data/GTM.html>, accessed on June 1, 2025.

⁶ Ibid.

Administration, these mechanisms lack unified protocols and legal protections. The Whistleblower Protection Act, presented by the Executive in 2024, proposes the creation of a Protection Authority and includes measures such as relocation, protection of identity, and legal advice for whistleblowers. However, its legislative approval is still pending. Some cases reveal an institutional culture that not only fails to protect whistleblowers but may even persecute them.

R: *Adopt a comprehensive whistleblower protection law, including anonymity, confidentiality, real protection, and redress.*

Public Procurement and the Management of Public Finances

A consolidated legal framework, including the State Procurement Law and Organic Budget Law, establishes principles of efficiency, transparency, and competition, and is supported by platforms such as GUATECOMPRAS and the Budget Transparency Portal. Since 2024, the Ministry of Finance has promoted initiatives such as the Transparent Suppliers Program and the modernization of the public procurement system, including the implementation of automatic verification mechanisms, electronic invoicing, and a "digital shopping cart" for open contracts. Open Budget Workshops have allowed civil society organizations to submit proposals to the draft budget and receive a formal response from the Executive. However, structural problems persist, such as the abuse of non-competitive modalities, the fragmentation of processes to evade controls, the weakness of internal controls in decentralized entities, and poor coordination between the Ministry of Finance and the justice system in following up on allegations of corruption.

R: *Comprehensively reform the State Procurement Law to ensure competition, supplier integrity, and standardized bases. Institutionalize citizen participation in budget planning and oversight, guaranteeing the continuity of mechanisms such as Open Budget Workshops by law.*

Access to Information and Participation of Society

Although the regulatory framework on access to public information is adequate, its implementation is uneven and limited. The Law on Access to Public Information establishes principles of maximum disclosure and proactivity, but many entities, particularly municipalities, fail to comply with the mandatory publication requirements. The Secretariat for Access to Public Information (SECAI), attached to the Office of the Human Rights Ombudsman, is responsible for oversight but lacks sanctioning powers, which weakens its ability to address non-compliance. Moreover, appeals in response to negative responses to requests for information are rare due to low trust in the process. There have been documented cases of institutions classifying information of high public interest, such as salaries, budgets, or audits, as confidential. In some cases, journalists or citizens have faced intimidation when exercising this right, which reduces effective access, particularly for people without technical or legal training.

In 2023, 9496 attacks on journalists, human rights defenders, and other actors were reported⁷. Civic participation in policymaking remains ad hoc and highly dependent on the authorities' discretion, leaving citizens with few opportunities to influence decision-making.

R: *Strengthen the SECAI to oversee the Law on Access to Public Information by granting it sanctioning powers, technical autonomy, and tools to supervise municipalities. Stop attacks on journalists and civil society actors by ensuring an enabling environment for civil society.*

⁷ Unidad de Protección a Defensores y Defensoras de Derechos Humanos, Guatemala, May 2024, Informe – Situación de personas, organizaciones y comunidades defensoras de derechos humanos en Guatemala, 2023, https://udefegua.org.gt/wp-content/uploads/2024/06/Informe-de-situacion-de-personas-Comunidades-y-organizaciones-2023_compressed.pdf, accessed on 4 November 2024.

Judiciary and prosecution services

The Judiciary and the Public Prosecutor's Office have been subject to progressive capture in recent years, according to multiple international reports.⁸ Disciplinary and criminal mechanisms have been used to weaken independent judges and prosecutors, especially those investigating corruption networks or human rights violations. The selection of judicial authorities, such as magistrates and attorneys general, has been marked by political manipulation of the nomination committees.

***R:** Ensure transparent and merit-based appointments of judges and magistrates, strengthen the functional and budgetary independence of the Public Prosecutor's Office, revitalize specialized prosecutors' offices for corruption and money laundering.*

Anti-Money Laundering

Guatemala's extensive regulatory framework includes the Anti-Money Laundering Law, Asset Forfeiture Law, and banking regulations enforced by the Superintendency of Banks and the Special Verification Intendancy (IVE). These institutions have technical capacity and have promoted the identification of the beneficial owners of companies and legal entities, the mandatory reporting of suspicious financial transactions, and the application of a risk-based approach to anti-money laundering.⁹ However, non-financial sectors such as notaries, pawnshops, and casinos remain inadequately supervised, creating a blind spot in the system. The National Risk Assessment conducted by IVE has not been updated since 2014, hindering a clear diagnosis of emerging threats. In addition, no consolidated information is published on the number of Suspicious Transaction Reports, nor on how many of the reports processed lead to investigations or convictions.

***R:** Update the National Assessment of Money Laundering and Terrorist Financing Risks, including Designated Non-Financial Businesses and Professions under an effective supervisory regime.*

Asset Recovery

Although the country has adopted mechanisms that allow for non-conviction-based asset recovery and confiscation, international cooperation in this area is limited. The legal framework enables Guatemala to execute requests for mutual legal assistance, enforce foreign judgments under specific conditions, and return assets to the countries of origin and to the people that are victims of corruption. However, these procedures are complex, slow, and rarely used. The lack of bilateral treaties, unfamiliarity with concepts such as asset forfeiture in other jurisdictions, and the absence of clear protocols hinder the effective recovery of transnational assets. Some seized assets remain in custody for more than a decade without their legal status being resolved, constituting a violation of due process and affecting both domestic owners and potential foreign claimants.

***R:** Improve operations between the Special Verification Office, the Public Prosecutor's Office and the National Secretariat for the Administration of Assets Subject to Forfeiture (IVE-MP-SENABED) through suspicious transaction reports, thus ensuring the flow of actions until the assets are returned.*

⁸ WOLA, El Sistema de Justicia en Guatemala, June 2019, <https://www.wola.org/wp-content/uploads/2020/04/Justicia-GT-ESP-3.10-1.pdf>; Vance Center & FECAJUD, April 2025, <https://uncaccoalition.org/uncacparallelreportguatemala/>, accessed on 15 May 2025.

⁹ This consists of identifying, analyzing, and classifying the potential risks of money laundering and terrorist financing associated with customers, transactions, and sectors, in order to apply controls and due diligence measures proportional to the level of risk detected.