



SUPPORTING
AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY

Overview of the Enabling Environment

Guatemala

30 May 2025

Context

Guatemala has been in political crisis since 2015, which has intensified at certain times, such as during the [2023](#) election crisis, when a large part of the population had to defend both their vote at the polls and the country's fragile democracy. This crisis is caused by an alliance of groups – the so-called Pact of the Corrupt, who want to maintain privileges, corruption and impunity. These groups alleged electoral fraud without any evidence, further undermining the rule of law by criminalising and prosecuting journalists, human rights defenders, former magistrates and judges. In [2025](#), this crisis has worsened, with an attempt to overthrow the current government under the same unfounded argument that there was electoral fraud in 2023. In addition, the social crisis persists due to the lack of response by the State to the most needy population, mainly the indigenous population. Many leaders of civil society have been criminalised, prosecuted and even murdered for doing their job, including defending their territory.

The enabling environment for CSOs in the country has been severely impacted by the closure of USAID in early 2025. Similarly, there have been significant cuts by donors in general in the country. Added to this is the reform of the NGO Law in 2020, which was challenged by CSOs for undermining freedoms of expression and association in a number of appeals, resulting in only a partial injunction being granted by the Constitutional Court. It is also important to mention that the new draft CSO Law has already been approved by the NGO Commission. If approved, this would represent an improvement to the current situation, as it would return to the situation prior to the reforms. However, it would not constitute a strengthening of the enabling environment for CSOs.

1. Respect for and protection of fundamental civil liberties

The Political Constitution of Guatemala guarantees in [Article 34 the right of association](#) and in Article [35 freedom of expression](#). This is not being upheld in practice, as there are [independent journalists](#) who [have been prosecuted](#) and forced into exile for expressing opinions against public officials, mainly on suspicion of corruption and co-optation of state institutions. Human rights defenders, especially those who defend the territory and the environment, have been prosecuted, convicted and [even murdered](#), most of them belonging to indigenous peoples. Prosecution is mainly driven by extractive companies and the Public Prosecutor's Office. It is important to mention that the Unit for the Protection of Human Rights Defenders (UDEFEQUA) recorded in its 2024 report "[Impact of the Co-optation of the Justice System on the Defence of Human Rights](#)" 4,133 attacks committed against individuals, organisations and communities, of which 42% were directed at women defenders, most of whom were defending the environment and territory. In addition, the report recorded 28 murders, causing concern and fear among CSOs.

On the other hand, it is important to mention that the current government will soon implement the Public Policy for the Defence of Human Rights Defenders, which is a positive development.

[CIVICUS](#) classifies civic space in Guatemala as "repressed," which demonstrates serious setbacks with regard to peaceful assembly and association, as well as freedom of expression. The assessments of the Economist classifying Guatemala as a "[hybrid regime](#)" and Freedom House's rating of "[partly free](#)" underscore this classification.

2. Favourable legal framework for the work of civil society actors

[Decree 2-2003](#), the Law on Non-Governmental Organisations for Development, established the types of NGOs that can be formed in the country. These are registered according to their focus of work as organisations of charity, service providers, organisations dedicated to advocacy, among others. This regulation establishes that NGOs must register with both the Registry of Legal Entities (REPEJU) and the Superintendency of Tax Administration (SAT) for registration and control purposes. This decree also guaranteed the right to free expression and organisation.

This decree was amended by [Decree 4-2020](#). The main objective of the reforms is to prohibit the right to free expression and organisation, contrary to the provisions of Decree 2-2003. In addition, these reforms seek to exercise political control over NGOs through controls by different state institutions. In essence, they seek to "[silence the voices](#)" of CSOs, which have demanded that the state guarantee both individual and collective human rights, and strengthen state institutions so that they respond to the common good.

Following the Decree's entry into force in June 2021, civil society actors filed a motion of unconstitutionality of Decree 4-2020 before the Constitutional Court later that month. As a consequence, in July 2021, the Constitutional Court [provisionally suspended](#) individual words and phrases in the Decree, removing its most restrictive impact – granting the state the power to cancel the registration of organisations on ambiguous grounds. However, the question of the Decree's overall constitutionality has yet to be decided by the Court. If the Court decides to maintain the constitutionality of the Decree and to withdraw the provisional suspension of phrases, it would put the full Decree into effect and cause significant restrictions on the registration and operation of CSOs.

In addition, the NGO and Cooperatives Committee of the Congress of the Republic discussed and approved [initiative 6477](#), known as the "Civil Society Organisations Act", which is pending discussion in plenary. Although this proposed law is less restrictive and could reverse the 2020 reforms, there is concern that, given the composition of the political forces in Congress, it could become an even more restrictive new law, which would negatively impact the enabling environment for CSOs. So far, this initiative has not been approved.

3. Accessible and sustainable resources

International donors are the main source of funding for CSOs in Guatemala. To date, according to the approved reform of the law, no tax is payable on donations received, but they must be reported annually to the Bank of Guatemala and the General Secretariat of Planning. These resources are generally audited by auditing firms hired by the donors, in accordance with the agreements signed with them. In addition, the Superintendency of Tax Administration (SAT) [may review](#) financial statements, and organisations must conduct annual audits of all income and expenses.

These are not excessive requirements, but this control of CSOs entails greater bureaucracy, which delays the updating process.

Very few CSOs have managed to obtain resources through self-financing. It is important to mention that the [definitive closure of USAID](#) has had an impact on the vast majority of organisations, as they did not have diversified sources of funding. In addition to this, donors—mainly European—have [significantly reduced](#) their donations in recent years, a trend that is evident when comparing year-on-year figures. At the same time, the requirements for acquiring funds have increased, especially administrative and financial requirements, such as scanning all expense receipts and more complex formats for narrative and financial reports. There is very little support for the operating expenses of organisations, such as office rent and communication, and often there are requirements that limit access to resources, especially for small organisations.

A significant number of projects are short-term, which does not allow for the sustainability of processes or personnel, leading to staff turnover and the loss of developed skills and institutional memory.

4. Open and responsive state

Citizen participation in the country is guaranteed both by the [Guatemalan Constitution](#) and by the [Law on the Organisation and Functioning of the National Council for Development and the National Council for Urban and Rural Development](#) and the [General Law on Decentralisation](#). The current government is more open to interaction and dialogue in different areas, as evidenced by: the development of [the Policy for the Defence of Human Rights Defenders](#), the commitment to the [Open Government Partnership](#), the [Agrarian Agreement](#), and the [Open Budget](#), among others. These are spaces for participation where different CSOs intervene according to their specialisation. However, in some cases, what is needed is for CSO proposals to be taken more into account. Nevertheless, there are positive examples where the current government has taken into account the contributions of CSOs, such as in the agricultural agreement or the implementation of the open budget.

The current government has difficulties in implementing strategies and public policies due to the co-optation of government entities and corruption. Although actions have been implemented that have allowed for some progress, these have not been sufficient, as in many cases long-term and sustainable processes are required to overcome this situation. This makes it difficult to implement initiatives that can be

considered adequate to respond to the common good and strengthen democratic governance.

One of the main reasons why confidence in the new government has declined is because [the evictions](#) of [farmers and](#) the [criminalisation and prosecution](#) of land defenders, mainly by extractive companies, continue.

5. Public culture and discourse favourable to civil society

The current government has taken a significant turn compared to previous governments in actively promoting [human rights](#), and acting differently with regard to [peaceful demonstrations](#), where dialogue with protesters has prevailed. It has also invited various United Nations rapporteurs, and the forthcoming implementation of the Public Policy for the Defence of Human Rights Defenders represents a positive step forward. It has also shown greater [recognition of the work](#) carried out by [CSOs](#), including indigenous people's organisations.

Despite the criminalisation and persecution of independent journalists and human rights defenders, the public perception of civil society remains positive. Its functions of monitoring government actions, its role in ensuring accountability and its contribution to the system of checks and balances characteristic of a healthy democracy are particularly valued. In contrast, the criminalisation and prosecution of human rights defenders by the judiciary and the Public Prosecutor's Office have led the public to believe that the Guatemalan judiciary has been co-opted.

The Corrupt Pact, through social media, has discredited and [threatened CSO leaders](#), labelling them as terrorists and freeloaders of cooperation. Many of these statements to the media and videos have been used to prosecute these leaders. Proof of this is the [arrest of two leaders from the 48 cantons](#), who led the defence of fragile democracy and the vote in 2023, accusing them of being terrorists.

6. Access to a secure digital environment

In Guatemala, there is currently no law in place that specifically protects the digital space. With regard to access to digital technologies, civil society organisations (CSOs) have limited connectivity. While the overall [internet penetration rate](#) stands at 60.8% CSOs have limited connectivity, mainly in the interior of the country, which hinders to some extent the ability of CSOs to take advantage of the internet more effectively.

Currently, there is no blocking of access to social media and the internet at either the national or local level by government authorities. However, [digital attacks against civil society actors and journalists](#) threaten freedom of the press. Similarly, social media has been systematically used to [defame and threaten CSOs and their leaders](#) and spread misinformation about the work of civil society organisations. Far from serving society, this spreads misinformation about the work of civil society organisations and hinders both their work and a healthy relationship with society in general. Information shared online by CSOs has repeatedly been used by the Public Prosecutor's Office, intentionally misrepresenting the information for it to be used as evidence for the

criminalisation and prosecution of human rights defenders and independent journalists.

Challenges and opportunities

The most important challenge is to be able to carry out advocacy actions at the level of the Congress of the Republic so that the new CSO law, which has already been approved by the Congress's NGO and Cooperatives Committee, can be amended to guarantee the rights of association, freedom of expression, and the strengthening of CSOs themselves. To carry out these actions, it is essential to seek alliances with other platforms such as those that make up the NGO Sector Coalition (Tzuk Kim-pop Movement, National Network for the Defence of Food Sovereignty in Guatemala, Escazú Alliance, ASINDES).

Civil society must constantly monitor attacks by the alliance of groups called the Corrupt Pact, acting together to protect themselves.

This should become an opportunity to advance the unity of CSOs, mainly to foster a robust enabling environment. To this end, a common front should be formed to carry out the necessary advocacy.

The current government of the Republic must commit to greater openness and respect for human rights, which can contribute to a more conducive environment for civil society organisations. The national policy for the defence of defenders, which will be launched soon, can help in this regard.

Donors and diplomats should continue speaking out when actions are taken against the enabling environment, especially when human rights defenders are criminalised and prosecuted.

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