



# GUATEMALA

## Historical and Political Context

Everything about the security sector in Guatemala is closely related to the Peace Accords (which start with Esquipulas II, 1987). Following seven meetings between the then Government and representatives of the National Revolutionary Unit of Guatemala (*Unidad Revolucionaria Nacional Guatemalteca* - URNG), the Agreement on Democracy in Guatemala was signed. Between then and 1996, twelve documents were signed with a vision of democratic and comprehensive security. The Agreement on a Firm and Lasting Peace (1996) determined the cessation of armed conflict and the demobilization of the URNG. From then on, State security bodies were founded or reformed: a new police force (the National Civil Police - PNC) was created, and the Armed Forces were subordinated to

the civilian authority and their role defined as the defense of sovereignty and territorial integrity, with its personnel and budget gradually reduced.

Coexisting with the gradual increase in insecurity, in the years following the Agreements the political agenda was decidedly shaped by this issue. The 2008 Framework Law of the National Security System provided a legal reference, and the search for answers through political agreements has characterized the recent context: in 2009 a National Agreement for the Advancement of Security and Justice proposed an agenda of reform to the system and, in 2012, the current administration promoted the Pact for Security, Justice and Peace, which aims to reduce the levels of violence.

### Country Information

<b>Political system:</b>	Presidential Republic / Unitary
<b>Administrative Organization:</b>	8 regions / 22 departments / 333 municipalities
<b>Population:</b>	15,073,384
<b>Territorial Extension:</b>	108,889 km <sup>2</sup>
<b>GDP per capita (US\$):</b>	3,302(2012)
<b>Minimum monthly salary (US\$):</b>	275 (August 2013)
<b>Illiteracy:</b>	24.84%*

\*In those above 15 years old, 2005-2010.

### Basic Security Indicators (2012)

<b>National Police:</b>	26,201 personnel.
<b>Homicides</b>	5,164 homicides reported at the rate of 34.3 homicides per 100,000 inhabitants.
<b>Drug Trafficking:</b>	1,943 persons detained and charged.
<b>Traffic Accidents:</b>	3,302 fatalities resulting from traffic accidents
<b>Border Flows:</b>	Total annual border movements average 1,884,000 people per year.
<b>Estimated Number of Gangs:</b>	70 groups identified (2013).
<b>Private Security:</b>	140 registered firms – 280 estimated.
<b>Penal Centres:</b>	22 correctional facilities with a prison population totalling 15,488 inmates.
<b>Femicide:</b>	708 deaths of women related to criminal investigations were registered.
<b>The Perception of Security:</b>	76% of the population has little or no trust in the Police.
<b>Military Personnel dedicated to public security:</b>	4,986

Peace Agreements (1991-1996)	Post-Peace Agreements (1996-2003)	Increasing deterioration of the security situation (2003-2007)	Reformulation (2007 - 2010)	Current stage
Preparation and signing of agreements with the participation of civil society through the Civil Society Assembly. Armed Forces begin the process of downsizing. Civil Self Defence Patrols demobilize.	Institutional reorganization, principally through the creation of the National Civil Police. Legislative attention to non-traditional security threats.	Return of the problem of parallel bodies, of the politicization of public security forces, and of the widespread impunity associated with these phenomena.	Emphasis is placed on the need to reorganize and re-structure the security and justice sector and to generate new agreements.	Pact for Security, Justice and Peace. National Security Policy.

<b>1991</b> Framework Agreement on Democratization for the pursuit of peace through political means	<b>1996</b> Agreement on a Firm and Lasting Peace	<b>1997</b> Creation of the National Civil Police	<b>2004</b> Modification of the National Civil Police Law	<b>2007</b> Establishment of CICIG	<b>2008</b> Framework Law of the National Security System and the National Agreement for the Advancement of Security and Justice	<b>2010</b> Establishment of a committee for the reform of the National Civil Police	<b>2012</b> Pact for Security, Justice and Peace and the National Security Policy
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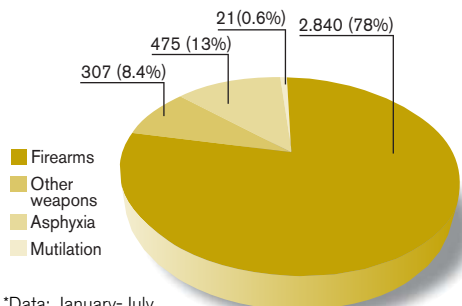
**Sources:** Data elaborated on the basis of: Population, territory and Drug Trafficking: Government of Guatemala, *Informe de Primer Año de Gobierno 2012-2013*. GDP: IMF, *World Economic Outlook Database*. Minimum salary: Ministry of Labor. Illiteracy: UNDP, *Human Development Report 2013*. Police personnel: National Civil Police. Homicides: Ministry of Interior. Traffic Deaths and femicides: National Institute of Forensic Sciences, *Consolidado de Solicitudes Anual 2012*. Cross-border people flows, penal centers and private security: Ministry of Interior, *Memoria de Labores 2012* and Directory of Private Security Services, *Listado de empresas de seguridad privada autorizadas, 28/02/2013*. Gangs: Ministry of Interior. The security perception: CID-Gallup Latinoamérica, *Encuesta de Opinión Pública Centro América y República Dominicana, Febrero 2013*, available at cidgallup.com/documentos.

# Security Challenges: An Overview

Guatemala has one of the highest levels of crime and violent crime in the Central American region. Following successive record levels in 2008 and 2009, when homicides reached 6,498 at a rate of 46 per 100,000 inhabitants, the period of 2010-2012 witnessed a halt in this trend, with the national figure dropping to 34.3. Despite optimism surrounding this, regional variation is considerable, and despite a notable decrease in metropolitan Guatemala, in addition to 3 other regions, increased rates were recorded in Petén and the north-

eastern, southeastern and central regions, displaying the continued prevalence of widespread structural insecurity. Furthermore, preliminary figures for 2013, which show homicide rates rising in 15 of the country's 22 departments, negate conclusions that current efforts have reversed the upward spiral. With 3,140 deaths related to criminal investigations in the first 6 months, the national level displays an 8.4% increase over 2012, with projected figures suggesting an overall increase from 5,164 to 5,529\* homicides in 2013.

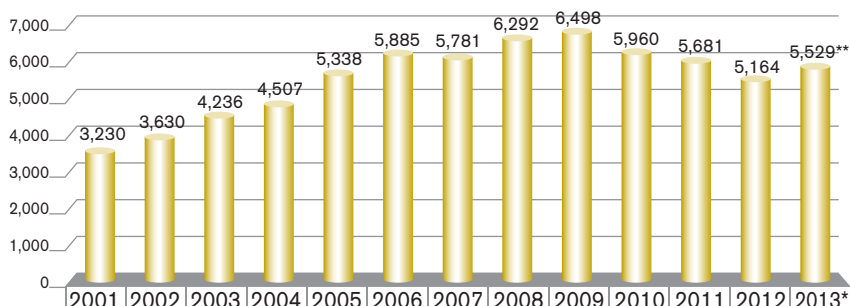
Homicides according to cause of death - 2013\*



\*Data: January-July.

It is the capital which registers the largest proportion of homicides caused by firearms (84%, in comparison to the national average of 76.8% for 2012).

Homicides: 2001 - 2013



\*\*Projection for 2013 calculated using the number of deaths related to criminal investigations (drci) between January and July 2013, and the relationship between drci and homicides in 2012.

## Insecurity Beyond Homicides

While homicides are an important measure of insecurity, they represent merely one aspect of what is a multidimensional phenomenon that goes beyond the current focus on drug trafficking and organized crime, but also affects the population through a variety of different ways, such as through intra-family violence or delinquency.

Every day there are

**14.1**  
homicides

**27.4**  
reports

of female victims of physical, sexual or other forms of violent crime and

**9**

fatalities  
caused by traffic accidents

## Violence against Women

The Office of Attention to Victims of the Office of the Public Prosecutor attended to an average of 6.2 female victims of rape per day in 2011, showing an increase of 19.1% on the previous year. With respect to violence against women, this figure rises to 13.9 per day.

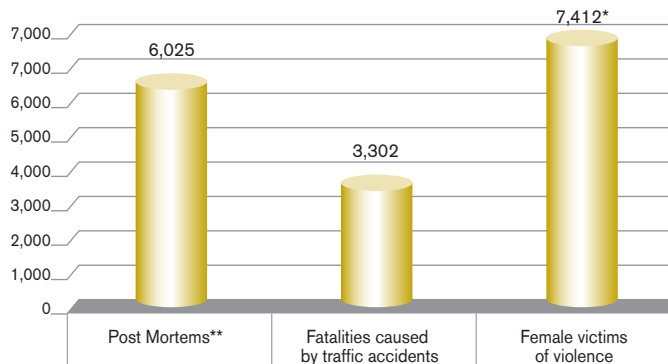
Within the Office of the Public Prosecutor, the Office of Attention to Victims has been created, and the model of attention implemented has achieved important results in the past two years in relation to intervention by the Public Prosecutor: the moment in which a prosecutor begins to conduct the investigation has decreased from 22 days to 0

Type of Violence*	2010		2011	
	Capital	Int.	Capital	Int.
Femicide	2	15	6	16
Rape	410	1,486	571	1,688
Physical Violence	1,519	3,490	1,549	3,429
Economic Violence	56	167	30	123
<b>Total</b>	<b>7,145</b>		<b>7,412</b>	

## Fatalities Caused by Traffic Accidents

The total number of deaths caused by traffic accidents in 2012 was 3,302, representing a rate of 21.9 per 100,000 inhabitants. The first 7 months of 2013 witnessed a rise in this rate, with an average of 17.3 fatalities per day, rising from 16.2 in 2012. Of these, men accounted for 82.9% of total fatalities.

Indicators of insecurity, 2012



\*2011.

\*\*Statistics of deaths related to criminal investigation are presented by INACIF. Statistics presented by the Ministry of Interior may differ.

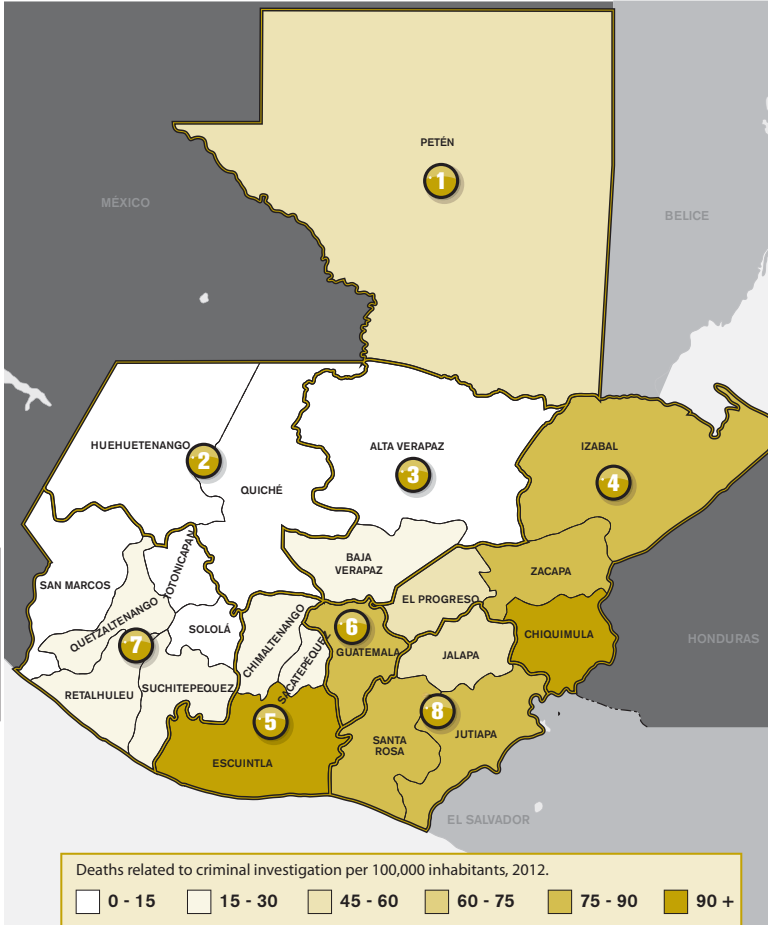
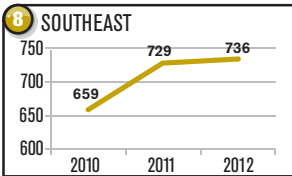
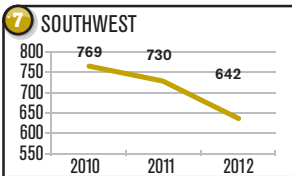
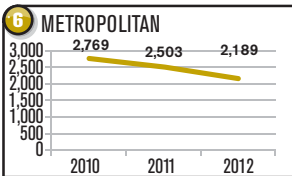
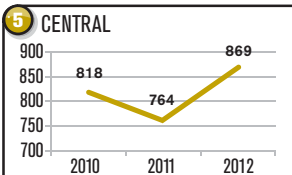
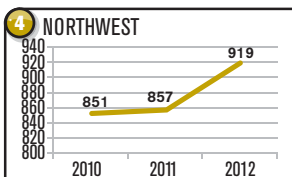
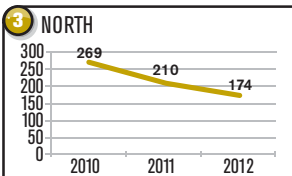
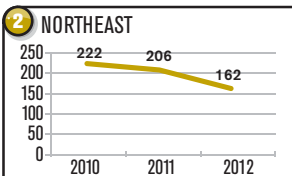
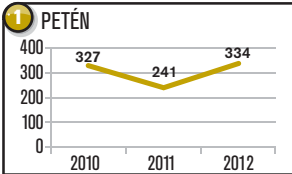
Sources: Consolidado de Solicitudes Anual (2012) National Institute of Forensic Sciences of Guatemala; Annual Report Public Prosecutor's Office (2011 and 2012); Department of Public Information; Ministry of Interior.

# Territorial Comparison of Crimes

The territorial distribution of deaths related to criminal investigations follows a distinct pattern. Beyond the expected high rates in metropolitan Guatemala (86.1 fatalities per 100,000 inhabitants)

, there are further hotspots located along the borders with Honduras, El Salvador, Belize and the Pacific Ocean, whilst the western and northern regions record levels far below the national average.

## Death related to Criminal Investigations



The department recording the highest level is Chiquimula, with 100.8 fatalities per 100,000 inhabitants, with this level rising to 188.3 amongst the male population, whilst Zacapá and Izabal, also bordering Honduras, record rates of 84.8 and 68.7 respectively. The border with the Pacific Ocean also follows a clear pattern, with Escuintla recording an overall level of 95.9 (173.9 amongst the male population), followed by Santa Rosa (82.5) and Jutiapa (60.3), whilst the western section records significantly lower levels: Suchitepeque (21.5) Retalhuleu (24.7), which are mirrored in the southwestern (18.1) and northwestern regions (7.7) as a whole. The vast and sparsely populated department of Petén, which borders both Mexico and Belize, is another focal point, with a level of 52.3. It is interesting here also to point out that a state of emergency was declared in both Petén and Alta Verapaz, yet whilst the number of fatalities related to crime dropped by 39% in Alta Verapaz, recording a relatively very low rate of 11.7 per 100,000 inhabitants in 2012, Petén displayed a slight overall increase, and therefore the overall impact is inconclusive.

## Homicides and other Crimes

**1 PETÉN**

Homicides.....	330
Kidnapping.....	8
Extortions.....	1
Theft and robbery.....	451

**2 NORTHEAST**

Homicides.....	200
Kidnapping.....	13
Extortions.....	13
Theft and robbery.....	859

**3 NORTH**

Homicides.....	148
Kidnapping.....	5
Extortions.....	103
Theft and robbery.....	480

**4 NORTHWEST**

Homicides.....	829
Kidnapping.....	16
Extortions.....	14
Theft and robbery.....	1,171

**5 CENTRAL**

Homicides.....	730
Kidnapping.....	24
Extortions.....	53
Theft and robbery.....	3,288

**6 METROPOLITAN**

Homicides.....	1,747
Kidnapping.....	25
Extortions.....	1,885
Theft and robbery.....	9,128

**7 SOUTHWEST**

Homicides.....	541
Kidnapping.....	19
Extortions.....	272
Theft and robbery.....	1,901

**8 SOUTHEAST**

Homicides.....	639
Kidnapping.....	26
Extortions.....	176
Theft and robbery.....	563

Sources: Consolidado de Solicitudes Anual (2010, 2011, 2012) and Consolidado de Necropsias realizadas en Sedes Periciales a nivel nacional (January - July 2013), National Institute of Forensic Sciences of Guatemala.

## Institutions Linked to Security

With the signing of the Agreement on the Strengthening of Civilian Power and the Role of the Army in a Democratic Society (1996), the public security system was restructured, establishing civilian control over security and creating a National Civil Police force. Over the years, and unlike in other cases, the jurisdiction of the police has remained constant, although there has been a frequent change in both the ministerial authority and the leadership of the police.

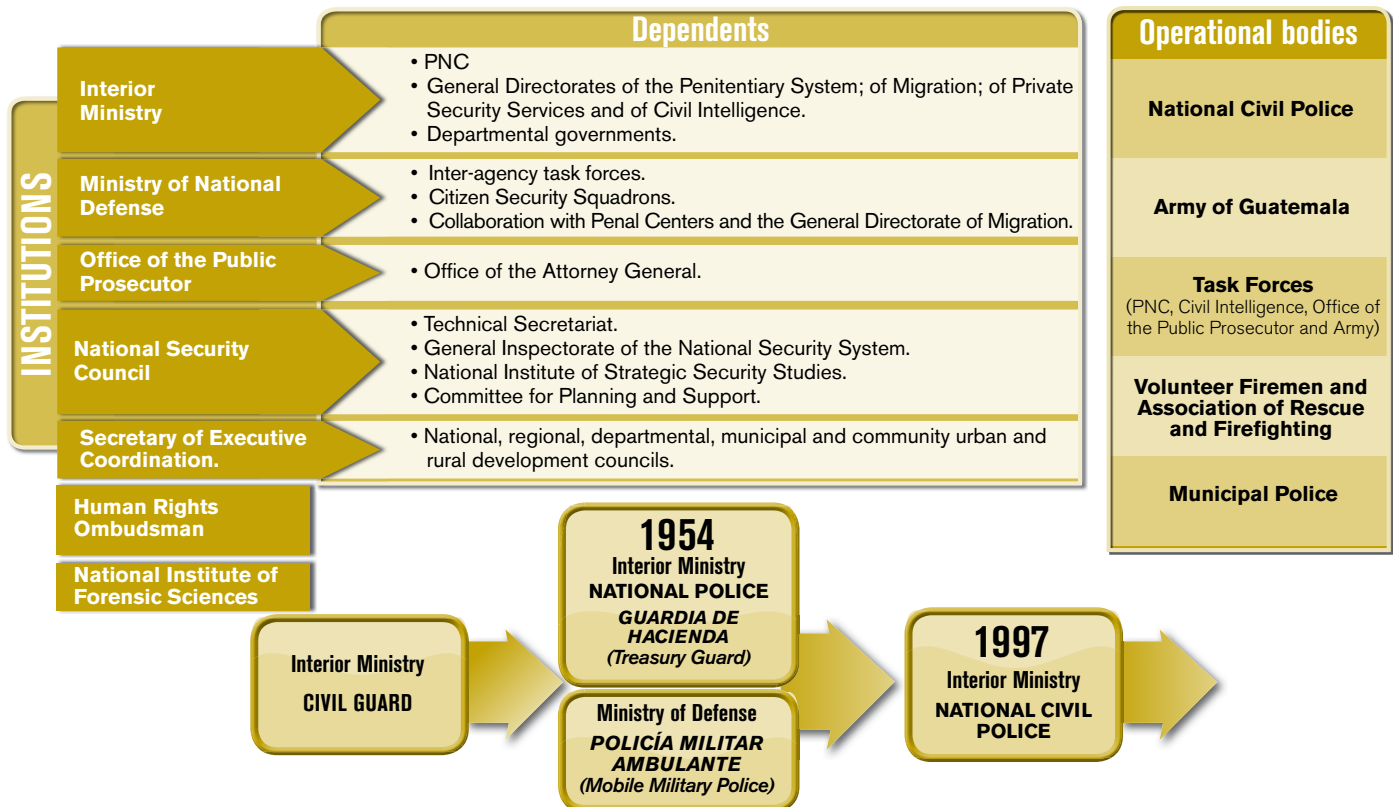
The Interior Ministry has the principal role, while other stakeholders include the Ministry of Defense, the Office of the Public Prosecutor and the Office of the Human Rights Ombudsman.

- **National Civil Police (PNC):** established as a new force in 1997 as a result of the Peace Accords. It brings together elements of the now defunct National Police and *Guardia de Hacienda*, in addition to new members. Since its creation, it has been a dependent of the Ministry of Interior.
- **Interior Ministry:** It is the institution responsible for public security. The PNC, as well as other dependencies, such as the Directorate of Migration, are under its authority.
- **Defense Sector:** The *Policía Militar Ambulante*, which was previously under the authority of the Ministry of Defense, was dissolved following the signing of the Peace Accords, consolidating the Armed Forces (apolitical and obedient to the civil-

ian authority) as the only body linked to the defense sector.

- **Councils:** In 2008 the National Security Council (CNS) was created. It coordinates the National Security System under the Framework Law of the National Security System (Decree N° 18-2008).
- **The Security Advisory Council,** created by the Peace Accords as an institution dedicated to advisory and citizen auditing functions, is the interlocutor between civil society and state institutions responsible for security.
- **Office of the Human Rights Ombudsman (PDDH):** without being subject to the authority of any other institution since its creation in 1987, the Ombudsman is commissioned by Congress to defend human rights, and occupies the position for a period of five years.
- **Secretary of Executive Coordination:** Established in 1997, it collaborates with the President in the coordination of the national system of urban and rural development councils, and the system of regional and departmental councils, which seek to increase community participation in prioritizing security needs.
- **Institute for Public Penal Defense (IDPP):** Since 1994 it provides assistance to the Guatemalan population through the provision of free legal advice. It is currently independent of any other institution.

### Principal Actors



Sources: National Security Council, National Security Policy, Office of the Human Rights Ombudsman, *Ley marco del sistema de seguridad* (Decree N° 18/2008), *Acuerdo Gubernativo N° 197/2012* and *Acuerdo Gubernativo N° 204/2013*.

# The Criminal Justice System

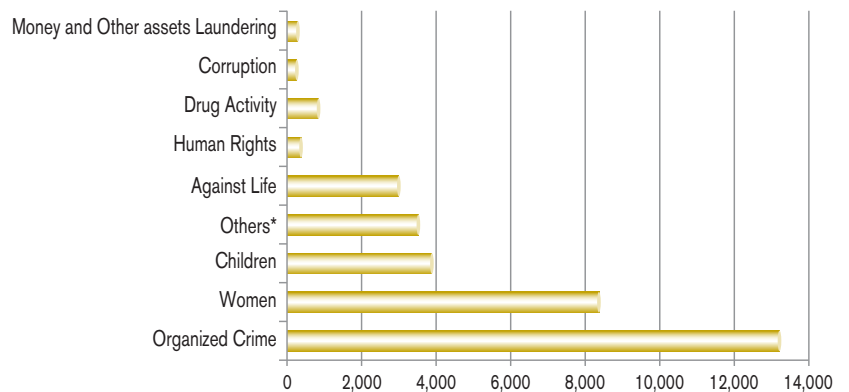
Guatemala abandoned the inquisitorial system with double level of appeal and recourse in July 1994 when it approved a new Criminal Procedure Code that adopted the accusatory system. Criminal investigation is led by the Public Prosecutor's Office. During this process, and until the trial, the accused may be detained preventively (maximum six months). Only those above 18 years old are able to be criminally tried, while minors (children and adolescents aged between 13 and 18 years) are subject to a special regime that,

in criminal cases, considers rehabilitation with educational purposes and social reintegration. In relation to criminal investigation, the role of the police has historically been to collaborate with proceedings under the direction of the Public Prosecutor's Office. This is currently facing an important change with the creation of the Directorate of Criminal Investigation within the Interior Ministry, a change that may be better appreciated when organizational issues, personnel, and budget issues are consolidated.

## Types of Prosecution Offices within the Public Prosecutor's Office



## Ranking of complaints received according to the Prosecutor's Office



\* Economic, environmental, intellectual, property and crime against property.

The **Coordinating Body for the Modernization of the Justice Sector** was created in 1997 and consists of the Judicial Organism, the Public Prosecutor's Office, the Public Criminal Defense Institute and the Ministry of Interior. It works towards the realization of joint and coordinated actions in the sector. It began his work with an IDB loan of US\$30 million.

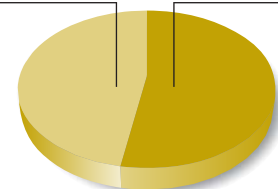
Over time it has been assigned a small budget to maintain a minimal staff and facilities. In places located far from the capital, five centers have been installed in which there are representatives of all the institutions involved in this body and to which the population can request assistance in meeting their justice requirements.

## The Administration of Justice and Criminal Cases

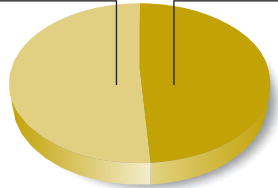
<b>Executive Power</b>	National Civil Police	The police receive complaints and work on them under the instructions of the Prosecutor. It can act in cases of crimes <i>in flagrante delicto</i> . Detentions must be ratified by a judge to become provisional detentions pending trial.	26,201 police personnel. One policeman per 561 inhabitants.
<b>Public Criminal Defense Institute</b>		Acts as technical defense to ensure the right to defense of all people who require free legal assistance.	586 attorneys (317 men and 269 women). 35 headquarters at the national level, of which 15 are able to provide assistance in native languages.
<b>Public Prosecutor's Office</b>	General Attorney	Summary of the police investigation and presentation to justice. Attorney: responsible for leading the criminal investigation.	23 district, 34 municipal and 15 sectional prosecutors
<b>Judicial Organism</b>		Criminal jurisdiction Oral proceedings.	3 chambers, 8 courts, of which 3 attend to criminal cases (penal chamber, youth and adolescent chamber, and mixed departmental chambers). 846 judges across the country.
<b>Executive Power</b>		General Directorate of the Penitentiary System within the Interior Ministry.	

## Procedural Situation of the Prison Population

**2011**  
47% (4,610 cases)      53% (5,235 cases)



**2013**  
51% (47,853 cases)      49% (7,635 cases)



Sources: Código Procesal Penal; Ley de Protección Integral de la Niñez y la Adolescencia; Government of Guatemala, Informe de Primer Año de Gobierno 2012-2013; Judicial Branch, National Centre for Legal Analysis and Documentation, Informador Estadístico; information provided by the Public Criminal Defense Institute; Public Prosecutor's Office, Memoria de Labores 2011. Procedural situation: Interior Ministry.

# Security Policy Guidelines

Security policy has been a central point on the Guatemalan agenda since the moment of the Peace Accords, and throughout the different administrations there have been huge debates on the subject as well as significant participation in general. In 2008, the **Framework Law of the National Security System** marked an important consensus and defined the concept of democratic security in line with the Peace Accords. This legal framework was subsequently accompanied in practice by the development of debates and actions between civil society, academia, and the State. **The National Security Council** became an important component, with initiatives emitted by it and demands made to it.

The deterioration of the security situation and the need to

achieve results led to the 2009 launch of the **National Agreement for the Advancement of Security and Justice**. It was met with certain skepticism by several actors - including partners in international cooperation - and its size and dispersion (101 different initiatives) bolstered this image, although fundamental support for initiatives such as the **Police Reform Commission** arose from it. By the end of the Álvaro Colom administration (2008-2012), the FOSS - Forum of Social Organizations Specialized in Security - already registered the decline of this agreement. In May 2012, with a new government in the country since the beginning of the year, the **Pact for Security, Justice and Peace** was launched.

**National Agreement for the Advancement of Security and Justice - 2009**

Signed by the Government and Congress together with the Supreme Court and Office of the Public Prosecutor. 10 lines of action with 101 points among them, of which the following are highlighted:

- Creation of a Ministry of Public Security.
- Regulations of the Civic Service Law.
- Implementation of the Penitentiary System Law.
- Creation of an entity inside the PNC to explain criminal actions.
- Strengthening of the Judicial System.
- Regulation of private security firms.
- Creation of the National Commission against the Illegal Possession and Carrying of Firearms.
- Promotion of a National Disarmament Plan.
- Strengthening of the Normative Framework of the PNC.
- Integration of a Commission for Police Reform.

**Pact for Security, Justice and Peace - 2012**

Proposed by the Government, it seeks to add broad sector participation to key points of the 2009 Agreement, such as:

- National Disarmament Plan.
- Formulation of a national plan for the prevention of crime and violence.
- Institutional strengthening of the justice sector.
- Strengthening of human rights and the culture of peace.

The breakdown of social order, the instability and obsolescence of the State, and violence as a structural problem are main characterizations presented in this Pact, which is built on content and consensus obtained in the previous Agreement.

**National Security Policy – 2012**

Defines a national security system that contains:

- Democratic internal security
- External security
- Risk management and proactive civil defense
- Strategic intelligence

Consolidate PNC reforms.  
Preventive programs.  
Vigilance and border control actions.  
Eradication and substitution of illegal cultivated goods.  
Inter-institutional coordination to combat, reduce and neutralize criminal organizations.  
Design and development of the infrastructure of the penitentiary system.  
Creation of two institutes: Penitentiary, and Migration and Naturalization.  
Increasing the capacities of security and defense forces.  
Disbanding the market for illegal weapons and ammunition.

**Commission for Police Reform**

Following the signing of the National Agreement for the Advancement of Security and Justice, the National Commission for National Civil Police Reform was created, with members appointed by the President of the Republic. In October 2009, the Preparatory Committee was formed and in January 2011 its work was under way, at that time under the leadership of Helen Mack, who was appointed for that purpose. In recent years the Commission has been working on those considered priority issues:







- A police that is adequate to meet social demand.
- Attending to the problem of criminal investigation: who, how and when.
- Police education as the basis of the police profession.
- Control and supervision of police work.

The Commission receives international cooperation assistance.  
In 2013, it was under the leadership of Presidential Commissioner Adela Camacho de Torrebiarte.

Source: Acuerdo Nacional para el Avance de la Seguridad y la Justicia, Pacto por la Seguridad, la Justicia y la Paz, Política Nacional de Seguridad, National Commission for Reform of the National Civil Police.

## The Legal Framework

- Libertad Democrática Renovada* (LIDER).
- Partido Patriota* (PP).
- TODOS*.
- Compromiso Renovación y Orden* (CREO).
- Gran Alianza Nacional* (GANA).
- Unidad Nacional de la Esperanza* (UNE).
- Frente Republicano Guatemalteco* (FRG).
- Partido de Avanzada Nacional* (PAN).
- Desarrollo Integral Auténtico – Unidad Revolucionaria Nacional Guatemalteco* (DIA-URNG).
- DCG
- UCN
- MAS
- UCN/DCG/PSD
- Others

Composition of the Assembly	Laws	Presidency, period and Government party
 <p><b>1990-1995</b></p>	<ul style="list-style-type: none"> <li>-Law against Drug Activity (DL N° 48 – 92 – 09/23/1992).</li> <li>-Penal Procedure Code (DL N° 51 – 92 – 09/28/1992).</li> </ul>	<p><b>Jorge Serrano Elías</b> (January 1991 – June 1993) MAS</p>
 <p><b>1995-1999</b></p>	<ul style="list-style-type: none"> <li>- National Coordination for the Reduction of Natural or Man-made Disasters Law (DL N° 109 – 96 – 11/07/1996).</li> <li>-Organic Law of the National Civil Police (DL N° 11 – 97 – 02/04/1997).</li> <li>-Law of the Executive (DL N° 114– 97 – 11/13/1997).</li> <li>-Migration Law (DL N° 95 – 98 – 11/26/1998).</li> <li>-Judicial Career Law (DL N° 41 – 99 – 10/27/1999).</li> </ul>	<p><b>Ramiro de León Carpio</b> (June 1993 – January 1996) UNC</p>
 <p><b>1999-2003</b></p>	<ul style="list-style-type: none"> <li>-Support to the Civil Security Forces Law (DL N° 40 – 2000– 06/07/2000).</li> <li>-Law against Money and other Asset Laundering (DL N° 61 – 2001 – 11/28/2001).</li> <li>-Civic Service Law (DL N° 20 – 2003 – 05/12/2003).</li> </ul>	<p><b>Álvaro Arzú</b> (January 1996 – January 2000) PAN</p>
 <p><b>2003-2007</b></p>	<ul style="list-style-type: none"> <li>- Law for the Prevention and Suppression of Terrorist Financing (DL N° 58 – 2005 – 08/31/2005).</li> <li>-General Directorate of Civil Intelligence Law (DL N° 71 – 2005 – 10/12/2005).</li> <li>-Law against Organized Crime (DL N° 21 – 2006 – 07/19/2006).</li> <li>-Penitentiary Regime Law (DL N° 33 – 2006 – 10/05/2006).</li> </ul>	<p><b>Alfonso Portillo</b> (January 2000 – January 2004) FRG</p>
 <p><b>2007-2011</b></p>	<ul style="list-style-type: none"> <li>- Framework Law of the National Security System (DL N° 18 – 2008 – 03/11/2008).</li> <li>-Law against Sexual Violence, Exploitation and Human Trafficking (DL N° 9 – 2009 – 02/18/2009).</li> <li>-Weapons and Ammunitions Law (DLN° 15 – 2009 – 03/31/2009).</li> <li>-Law on Strengthening Criminal Prosecution (DL N° 17 – 2009 – 05/07/2009).</li> <li>-Law regulating private security services (DL N° 52 – 2010 – 11/23/2010).</li> <li>-Asset Recovery Law (DL N° 55– 2010 – 12/07/2010).</li> </ul>	<p><b>Oscar Berger</b> (January 2004 – January 2008) GANA</p>
 <p><b>2011-2015</b></p>	<ul style="list-style-type: none"> <li>- General Directorate of Criminal Investigation Law (DL N° 15 – 2012 – 08/21/2012).</li> <li>- Law against Cluster Bombs and Munitions (DL N° 22 – 2012 – 09/07/2012).</li> <li>- Law Against Corruption (DL N° 31 – 2012 – 11/22/2012).</li> </ul>	<p><b>Álvaro Colom</b> (January 2008 – January 2012) UNE</p>
		<p><b>Otto Pérez Molina</b> (January 2012 – January 2016) PP</p>

## Civil Society in Guatemala

Civil Society has been, and is, a relevant actor in the security field in Guatemala. The framework agreement for resuming the negotiation process between the Government of Guatemala and the *Unidad Revolucionaria Nacional Guatemalteca*, approved in January 1994, included the creation of an "Assembly open to the participation of all sectors of Guatemalan society", which was installed in the same year with two functions: to transmit non-binding recommendations and guidelines on the subject and to be familiar with and endorse the agreements to give them the character of national commitments.

**Security Advisory Council (CAS)** It was created by the Peace Accords as an advisory and citizen auditing body and a mechanism for linking civil society and State institutions responsible for security. It entered the public domain through Government Agreement 115--2004 - 03/16/2004. Its functions, among others, are to advise the President and Vice-president on security issues; ensure the implementation of the model of democratic security; promote reform within the sector; request and receive periodic information on the various state officials and authorities; and issue statements regarding draft income and expenditure budgets and budgetary implementations. It intervenes at the request of the Presidency in specific actions, but in general terms it is oriented towards complementing the work of the Executive from a medium and long term perspective. The proposal and impetus for the creation of the national security system and its Framework Law arose from this space, in dialogue with government institutions, civil society and the Political Parties Forum. It also promotes and elaborates the initial proposal of the Agreement for the Advancement of Security and Justice. It is a member of the Commission for the Police Reform.

**Forum of Social Organizations Specialized in Security (FOSS)** Comprised of seven organizations from a broad spectrum that have developed a broad incidence and specialization in themes of security and justice: the Association for Research and Social Studies (ASIES); the Association for the Study and Promotion of Security in Democracy (SEDEM); the Center of Guatemala Studies (CEG); the Myrna Mack Foundation (FMM); Democratic Incidence (IDEM), the Institute of Education for Sustainable Development (IEPADES); and the Institute of Comparative Studies in Guatemalan Penal Sciences. Since its consolidation, FOSS worked in monitoring compliance with the National Agreement for the Advancement of Security and Justice.

## The International Commission against Impunity in Guatemala (CICIG)

Facing difficulties to overcome impunity and dismantle illegal armed groups in the spirit of the Peace Accords, the Government of Guatemala requested assistance from the United Nations and in December 2006 signed an agreement for the creation of the CICIG, a unique experience globally, which was approved by Congress in August 2007.

It is an international committee that supports public institutions in investigating the activities of illegal groups and clandestine security organizations that have direct or indirect links with State officials or the ability to block lawsuits concerning illegal activities. Operating under Guatemalan law, it acts as a prosecutor in criminal proceedings, provides support to other work of the Office of the Public Prosecutor, receives complaints and transmits investigative reports to the corresponding investigator.

### Structure and national and international offices:

- 5 units:
- Office of the Commissioner
  - Investigation
  - Litigation
  - Administration
  - Security

CICIG makes proposals for legal reforms and provides technical assistance primarily in criminal investigations and court proceedings. In this framework, it works closely with members of the Office of the Public Prosecutor and the National Civil Police, seeking a transfer of skills to strengthen local institutions.

# The Security Budget

The function “Public Order and Citizen Security” includes both the specific aspects of security and the administration of justice in general. Within the institutional budget classification, the Interior Ministry is the institution that has the largest share of the budget, largely due to the inclusion of the National Civil Police. To this there is a need to add other institutions and programs located within the Presidency, the Public Prosecutor’s Office and even the National Forensic Science Institute (which produces statistics on deaths associated with criminal acts).

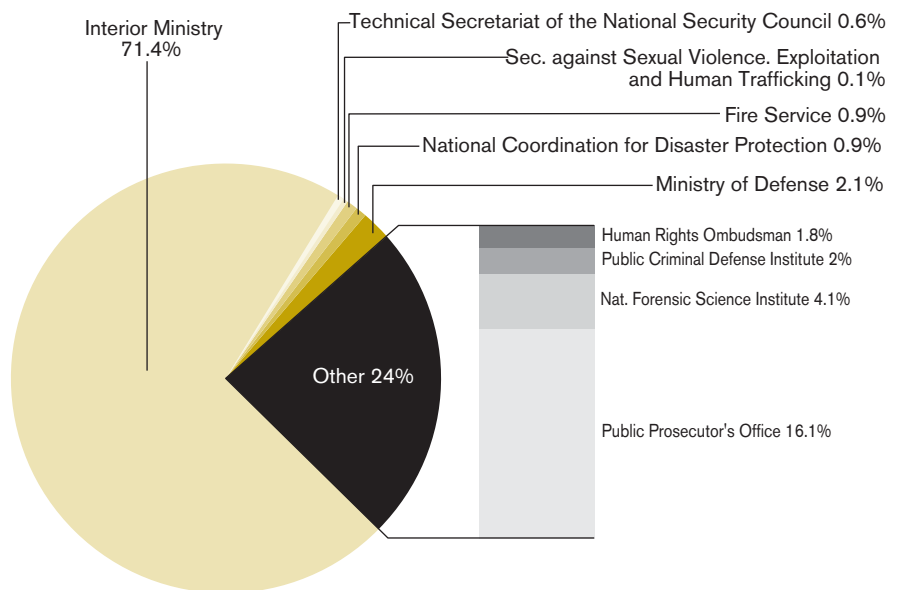
The sum of all items in the general state budget for security

programs in 2013 amounted to seven hundred and eighty one million dollars, representing 1.5% of gross domestic product.

From 2013 the Ministry of National Defense’s budget disaggregates a specific program for “Prevention of crimes against property”, which allows a more precise understanding of the defense resources that are allocated to public security. Other items within the “territorial defense” (which according to annual operational goals include tasks such as territorial control in the face of crimes) require higher levels of disaggregation than those currently present in order to be analyzed.

## SECURITY BUDGET, 2013 (US\$)

Interior Ministry		%
PNC	381,612,348	48.9
Penitentiary System	76,832,714	9.8
Migration	23,261,082	3.0
Others	75,363,039	9.7
Presidency		
Technical Secretariat of the National Security Council	5,031,447	0.6
Sec. against sexual violence, exploitation and human trafficking	1,056,604	0.1
Ministry of Defense		
Assistance to citizen security and public security forces	16,641,797	2.1
Fire Service		
	7,194,969	0.8
National Coordination for Disaster Protection		
	6,591,195	0.9
Public Prosecutor’s Office		
	125,786,164	16.1
Public Criminal Defense Institute		
	15,911,950	2.0
Human Rights Ombudsman		
	13,651,509	1.8
Nat. Forensic Science Institute		
	32,075,472	4.1
Total Security Budget (2013)		
<b>US\$ 781,010,287</b>		



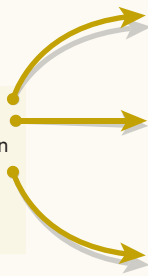
The 2013 security budget is equivalent to 1.5% of GDP or 9.3% of the overall State budget.

### Distribution of Tax Revenue

Tax revenue for 2012 was **US\$ 5,468,688,105**



On average, each economically active member of the population (EAP) contributes **877** dollars each year



**265** dollars of this total is assigned to **Education**

**105** dollars of this total is assigned to **Health**

**125** dollars of this total is assigned to **Security**

**61** dollars is assigned to the **National Civil Police**



Source: Ley de presupuesto general de ingresos y egresos del Estado for fiscal year 2013. EAP: Encuesta Nacional de Empleo e Ingresos 2012, National Statistic Institute of Guatemala. Tax Contributions: Liquidación del presupuesto general de ingresos y egresos del Estado y cierre contable del ejercicio fiscal 2012. The dollar exchange rate used corresponds to that of the World Economic Outlook Database, IMF, for each year considered. All values in current dollars.

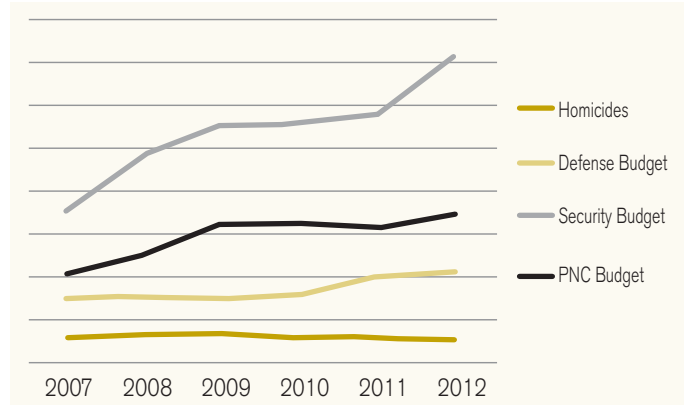
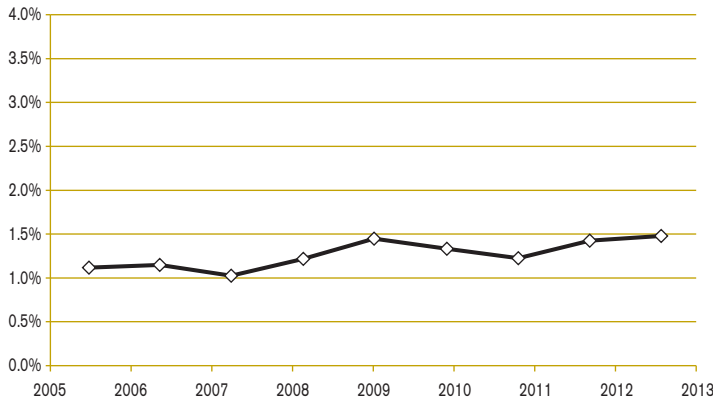


# Evolution of the Security Budget

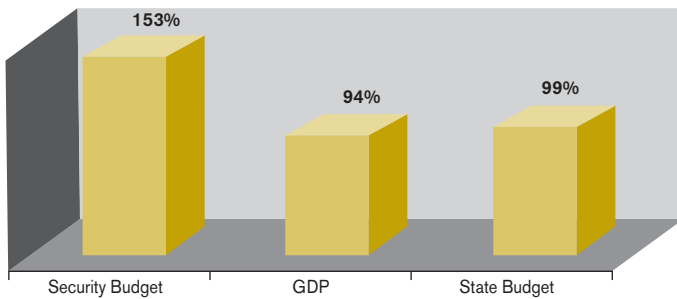
The relation between the security budget and GDP has remained stable, with a slight increase in recent years in the proportion of GDP assigned to the area. In terms of the amount of resources, the upward curve is notable: it has grown by 130% in

the past eight years (from about 300 million dollars in 2005 to 781 million in 2013). Also, as can be seen, the rate at which the security budget has grown is greater than the growth of the total State budget.

Security Budget as a percentage of GDP, 2005 – 2013

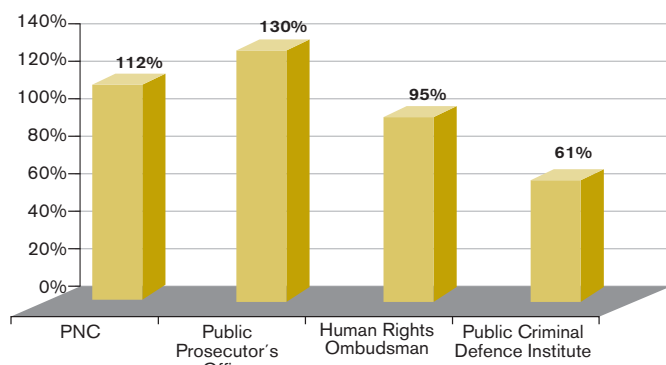


Comparative Growth (2005 – 2013, in current US\$)



Year	Homicides	Defense Budget	Security Budget	PNC Budget
2007	5,781	152,106,898	355,550,994	207,613,872
2008	6,292	156,210,263	481,461,902	251,417,830
2009	6,498	153,090,192	549,449,625	316,560,315
2010	5,960	159,860,766	556,867,756	316,560,315
2011	5,682	197,818,891	576,613,056	314,850,424
2012	5,164	210,816,824	713,658,507	343,855,827

Variation in the Budget Allocation, 2005-2013 (%)

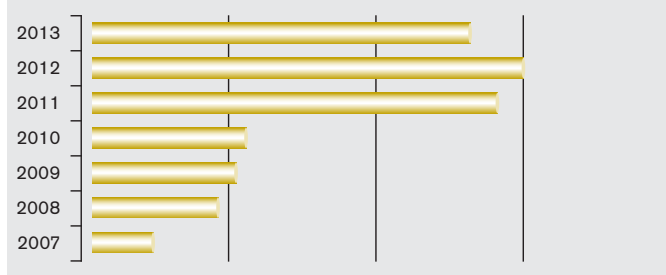


15,580 military personnel

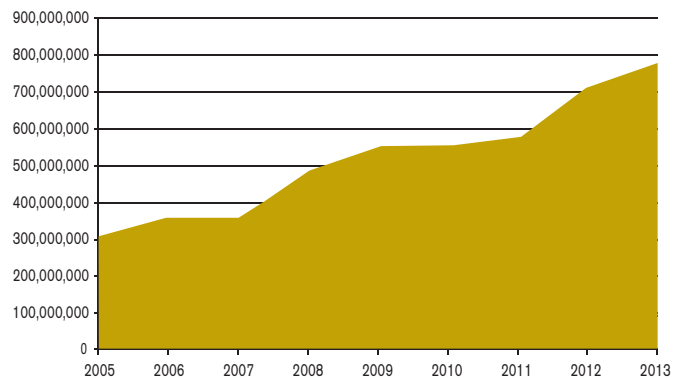


26,201 police personnel

Budget Growth for Forensic Medicine (INACIF)



Security Budget in current US dollars, 2005 - 2013

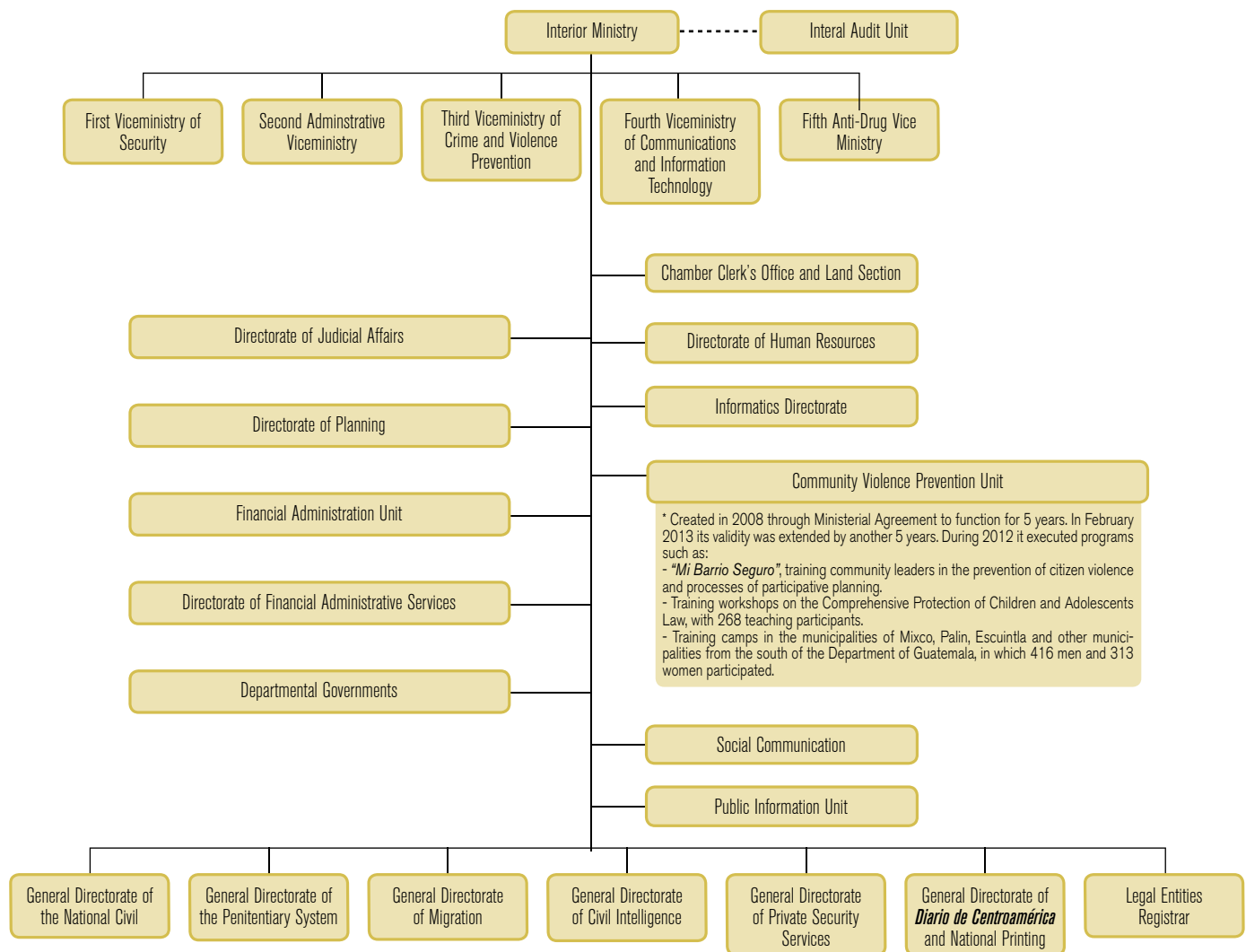


Source: State General Budget Laws from 2005 to 2013. Integrated Accounting System (SICOIN), Fiscal Transparency Portal. GDP and exchange rate: World Economic Outlook Database, IMF, for each year considered. All data in real US dollars. Homicides: Ministry of Interior. Military personnel: Comparative Atlas of Defence in Latin America and Caribbean. 2012 Edition, RESDAL. Police personnel: National Civil Police.

# Ministry of Interior

The Agreement on the Strengthening of Civilian Power and Role of the Military in a Democratic Society (1996), established the new National Civil Police (PNC), under the jurisdiction of the Ministry of Interior. While this jurisdiction has not changed, the authorities of the Ministry and the PNC have shown a high turnover. Since the signing of the Peace Accords to date, there have been 14 Ministers of Interior and 19 Directors of the PNC, averaging 14 months and 10 months in office respectively. One of the most important reforms of the past two years has been the creation of the **Directorate of Criminal Investigation** as a civil body specializing in crimi-

nal investigation and judicial assistance located within the Interior Ministry and with a close relationship with the Office of the Public Prosecutor. Criminal investigation will not, in the future, be a specific part of policing, but the creation of a Criminal Investigation Police is in the pipeline. While the National Agreement for Security and Justice proposed the creation of a Ministry of Security, it is yet to be created. The Interior Ministry changed its structure in 2012 through changes to Community Support, Judicial Sector Support and Security in Petén, and the creation of vice ministries of **Crime and Violence Prevention** and **Narcotics**.



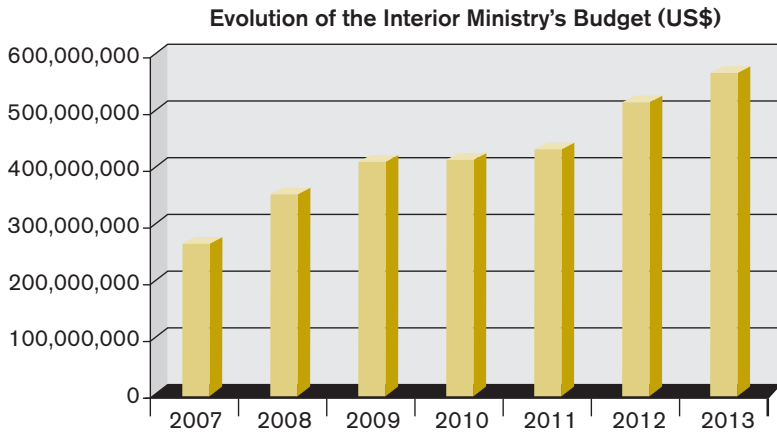
In 2012 it launched the National Observatory of Violent Deaths "24-0". Coordinated by the Vice Ministry of Crime and Violence Prevention, it produces maps reflecting violent deaths within the territory. The system is fed with data from the PNC updated every two hours and the information is posted on the website of the Ministry of Interior. Among the improvements proposed for this platform in the future is the presentation of data disaggregating the age and gender of the victims.

Source: Interior Ministry, *Memoria de Labores* 2012.

# The Budget Allocations within the Interior Ministry

The Ministry of the Interior, as well as addressing the issue of public security, coordinates policies and issues such as the relationship with departmental governments, the registration of persons, and the official newspaper. The weight of PNC's bud-

get, however, is considerable, and therefore the upward curve of the Ministry's budget allocation can practically be explained as more resources being allocated to the PNC.



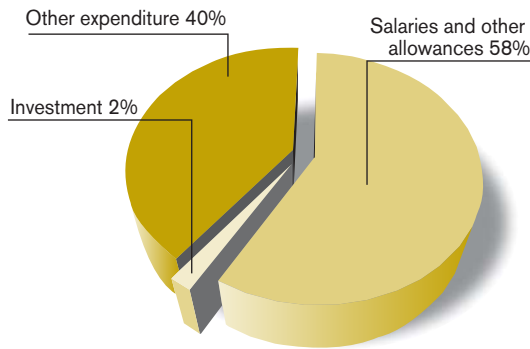
On average, 74% of the Ministry's budget corresponds to the National Civil Police.

The Ministry's budget includes the State's contribution to the Police Reform Commission, which has increased by 47% (from 7,692,308 million dollars in 2012 to 11,320,755 million dollars in 2013).

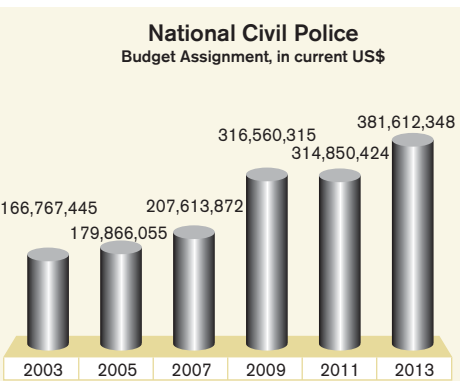
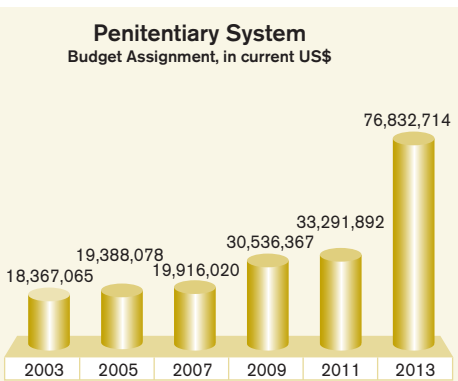
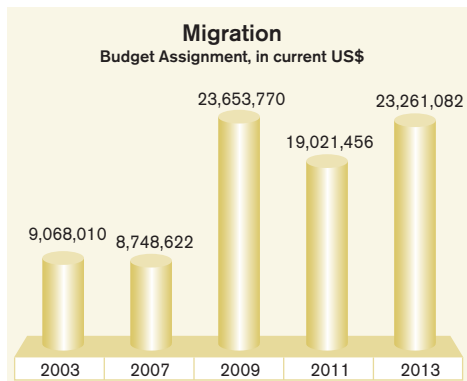
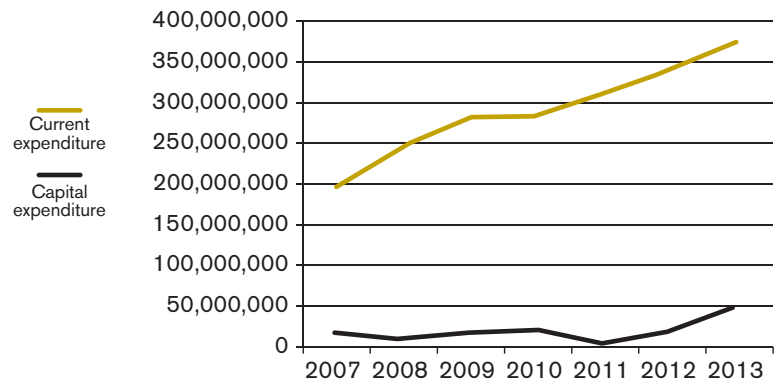
Current expenditure and salaries occupy a large proportion of the PNC budget: between them they total 98%, leaving just 2% for investment. A significant increase in the resources allocated

to the penitentiary system and migration can also be observed. In these last two cases, it is worth highlighting that part of budget increase is for capital expenditure.

Distribution of the PNC budget, 2013



Current and Capital Expenditure in the PNC Budget (in current US\$)



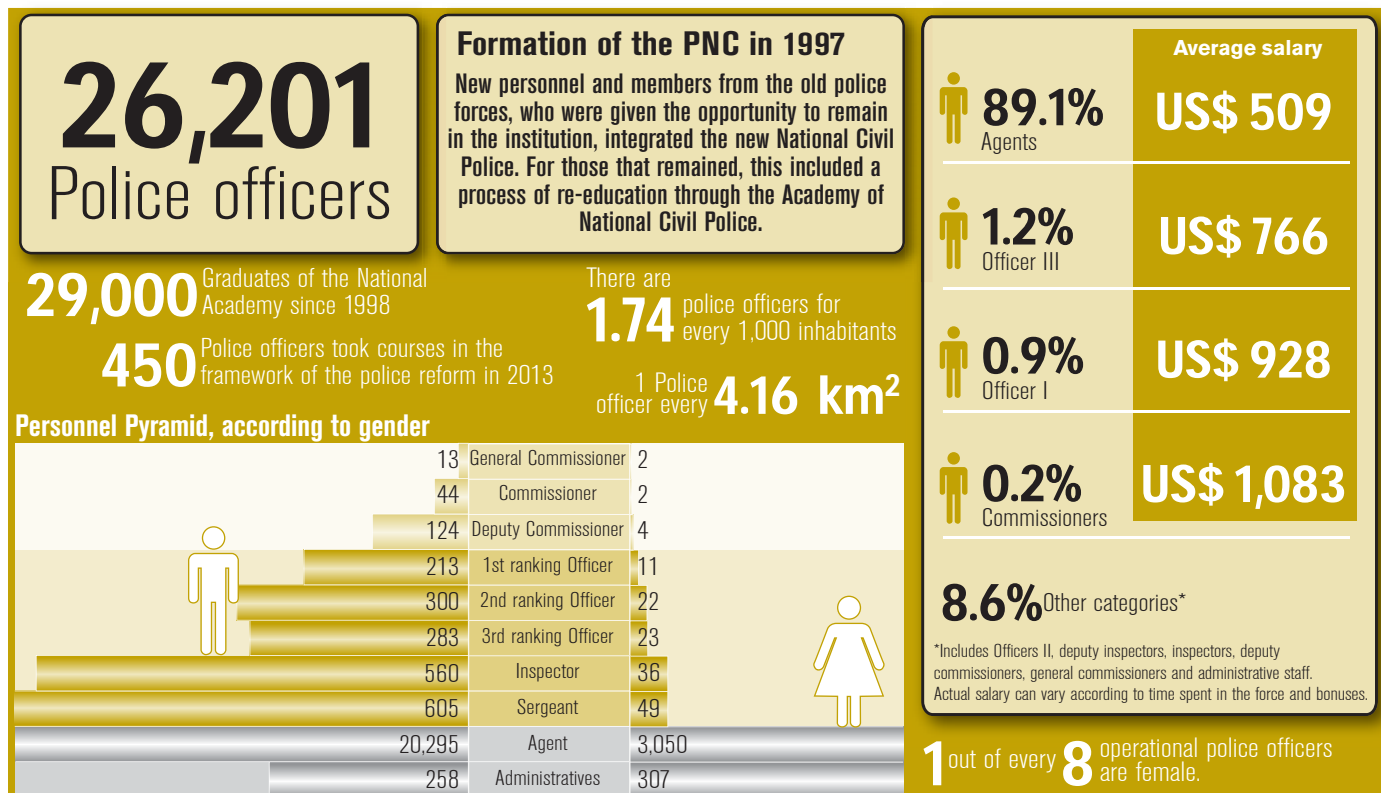
Sources: State General Budget Laws from 2003 to 2013. Integrated Accounting System (SICOIN), Fiscal Transparency Portal. All data in current US\$ dollars. The value of the dollar taken corresponds to that in the World Economic Outlook Database, IMF, for each year considered.

## National Civil Police:

Up until 1996, the police system was composed of three bodies: the National Police, *Guardia de Hacienda* and the *Policia Militar Ambulante*, which received military training and whose main tasks were dedicated to control of the population.

The signing of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society (*Acuerdo sobre fortalecimiento del poder civil y función del Ejército*

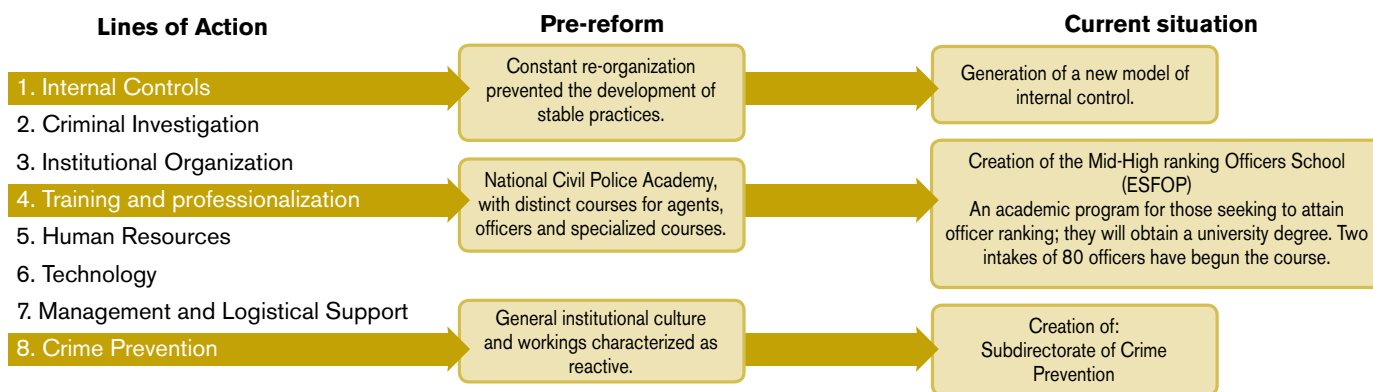
*en una sociedad democrática*) led to the restructuring of the system and the creation of the National Civil Police (PNC). Into this new body, personnel from the former National Police and the *Guardia de Hacienda* were incorporated, in addition to newly recruited police officers, and by 2001 the PNC had a total of 19,031 members, of which 8,568 (45%) were new members and the remaining 10,463 (55%) officers from the previous police bodies.



## Police Reform

Reform of the PNC has been placed at the center of security policy and targets the institutional and cultural transformation of the PNC. To this end, Government Agreement 361-2010, 22/12/2010, set up the **National Commission of Police Reform**,

which also receives the support of the international community, in particular the governments of Canada, Chile, Colombia, Germany, Spain, United States and Taiwan.

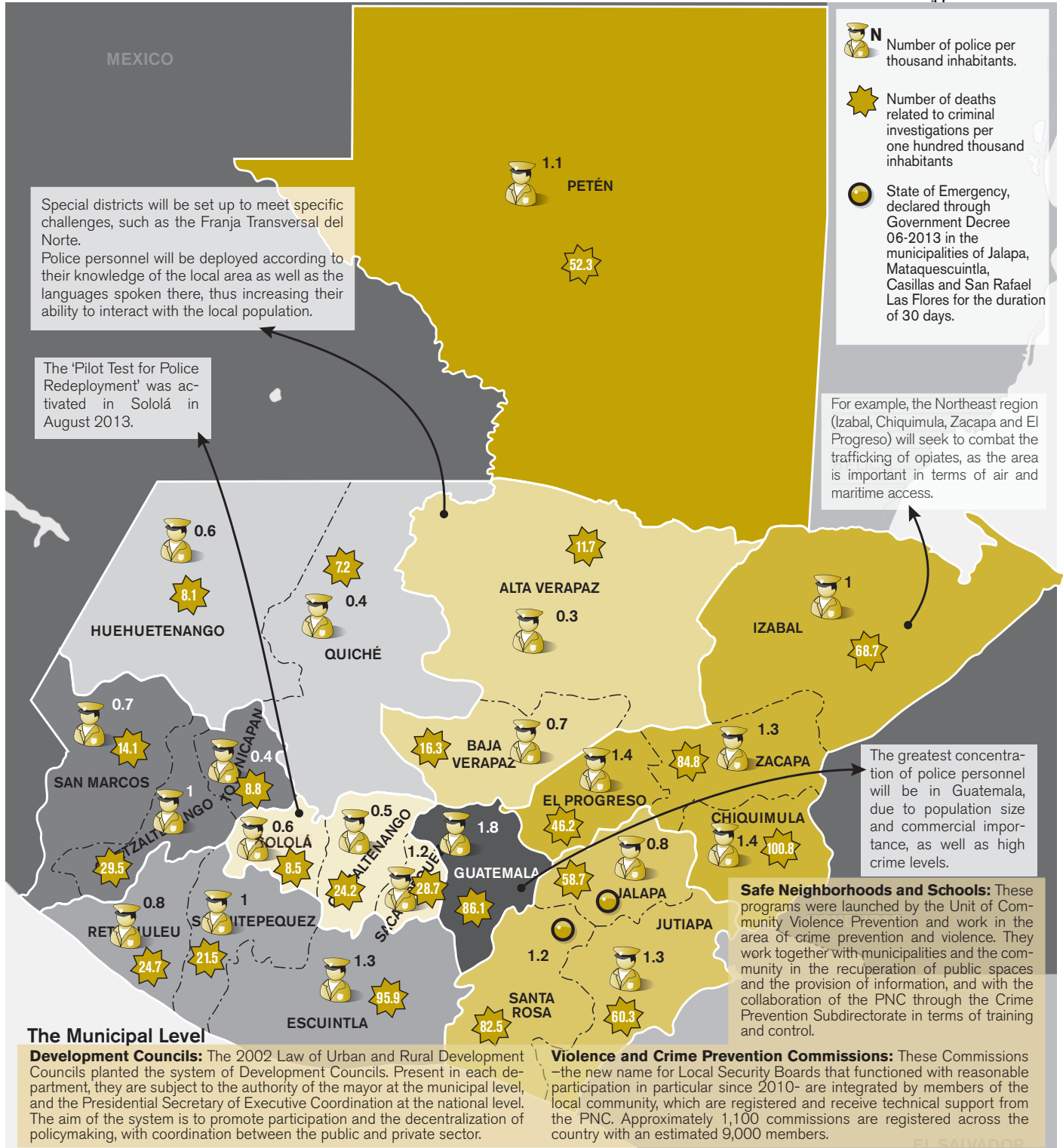


Sources: National Civil Police. Commission for Police Reform.

# The Territorial Distribution of Police

As part of a strategy that seeks to increase the territorial coverage of the PNC, the force is undergoing a nationwide re-deployment that aims to increase its ability to respond to key challenges specific to each region, following evaluative studies by the Integrated Management System of the Interior Ministry. The force will be structured across

9 regions and 31 districts and with a central station responsible for these forces, thus de-centralizing some of the functions of the General Directorate. With the stated aim of complete national coverage, the re-deployment includes the re-opening of 34 police stations in municipalities where they had previously closed between 2008 and 2012.

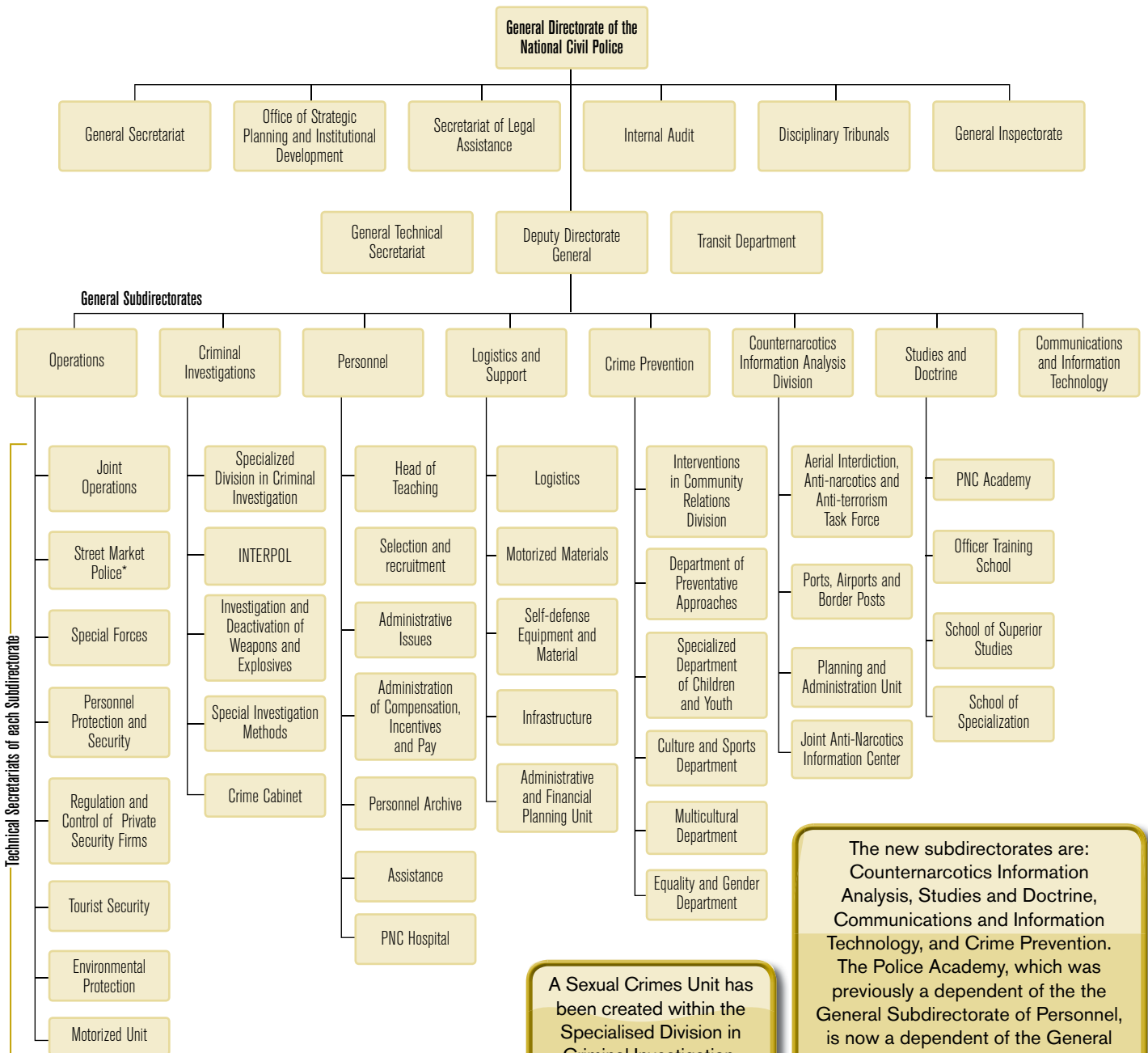


Sources: Crime Prevention Subdirectorato of the PNC; Website of the Interior Ministry, PNC and Secretary of Social Communication of the Office of the President.

# Organization of the National Civil Police

As part of reforms, the structure of the PNC has been modified, mainly through the creation of new general subdirectorates linked to analysis of information, training and police doctrine, technology and communications, and crime prevention. Different “Task Forces” associated with different crimes have also been created, with the Subdirectorate of Criminal Investi-

gation in charge of all of them. According to the Organic Law of the PNC, directors cannot belong to political parties or stand for elections. The Director General is appointed by the Minister of the Interior, together with the Deputy Director General and other general directors. The latter are nominated by the Director General.



\* Unit dedicated to custody and prevention in street markets.

A Sexual Crimes Unit has been created within the Specialised Division in Criminal Investigation.

The new subdirectorates are: Counternarcotics Information Analysis, Studies and Doctrine, Communications and Information Technology, and Crime Prevention. The Police Academy, which was previously a dependent of the the General Subdirectorates of Personnel, is now a dependent of the General Directorate of Studies and Doctrine of the PNC. The Counternarcotics Information Analysis Division became a subdirectorates, as did the Crime Prevention Division.

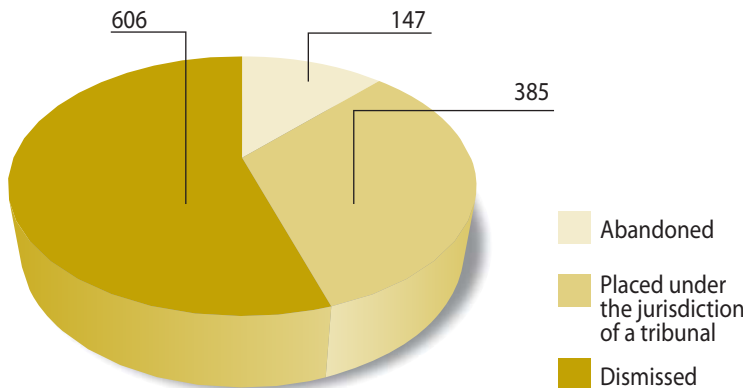
Source: Information provided by the National Civil Police and Government Agreement 153/2012.

# The System of Police Discipline and Control

Disciplinary control remains a challenge for the police institution, given that the quantity of personnel leaving the institution (1,138 in 2012) is similar to the quantity of new police agents

graduating from police academies (1,500 in August 2012), meaning that the replacement rate needed to increase the size of the police force is not being achieved.

## Personnel leaving the PNC between January and September, 2012



Between January and October 2012, the Human Rights Ombudsman received 250 complaints against the PNC, 139 against the Interior Ministry and 35 against the Ministry of Defense. The greatest number of complaints against the PNC referred to violations such as illegal detentions and prohibited photographic registers. The Office of the Public Prosecutor, for its part, also received complaints: 924 in 2012, of which 340 were dismissed. 31 personnel were put in preventative detention centers, 38 received alternative sentences and 23 were convicted.

The Police Reform Commission has proposed the creation of a new model of General Inspectorate as well as a revision of the disciplinary and organizational regulations of the police. The new *Orden General 27-2012*, that regulates the Inspectorate, contains important and relevant aspects given that it both strengthens it and makes it more functional, clearly outlining its functions into

3 pillars of action: inspection, internal investigation and analysis. The new model plants the role of the General Inspectorate as a unit that assists the Director General of the PNC. It creates and regulates the Division of Internal Affairs, comprised of the Department of Professional Responsibility, Department of Discipline and the Department of Human Rights.

## Organs of Internal Control

Organs	Functions
<p><b>General Inspectorate:</b> presided by a commissioner.</p>	<ul style="list-style-type: none"> <li>Control, investigate and monitor all of the institution's units and elements.</li> <li>Participate in the elaboration of institutional policies.</li> <li>Develop the system for internal control and discipline, leading, supervising and interrelating the systemic functioning of the general sub-directorates' control units.</li> <li>Lead inspections of all the units.</li> <li>Order investigations of all complaints received about discipline and present recommendations to the Director General.</li> </ul>
<p><b>Internal audit:</b> presided over by a public accountant and auditor.</p>	<ul style="list-style-type: none"> <li>Evaluate the advancement and quality of the spending assigned to the institution.</li> <li>Assist in financial and accounting activities.</li> <li>Assure that all internal control processes and budgetary, financial and administrative norms and policies are adhered to.</li> </ul>
<p><b>Disciplinary tribunals:</b> Presided over by a commissioner, a primary regulator (active, notary lawyer that is a member of the BAR) and second regulator proposed by the Departmental Development Board.</p>	<ul style="list-style-type: none"> <li>Attend to the cases related to the PNC disciplinary regime which fall within their respective areas of competence.</li> </ul>

Sources: Information provided by the Chief of Strategic Planning and Institutional Development of the PNC to the Human Rights Ombudsman, *Informe Anual Circunstanciado, Situación de los Derechos Humanos de Guatemala, 2012. Reglamento de Organización de la PNC, Acuerdo Gubernativo 97-2009.*

# The Police Legal Framework

The National Civil Police, created in 1997 in the framework of the Peace Accords, has amongst its central functions the maintenance of order and public security, the investigation and prevention of crime and traffic control. Furthermore, it holds the function of registering and regulating the private security sector and col-

laborating with other institutions in migration control, the provision of assistance in response to catastrophes and requirements of the judicial power. Despite this, it is probable that collaboration with the judicial power will be reduced due to the recent creation of the **General Directorate of Criminal Investigation (DIGICRI)**.

## Valid Legal Framework of the PNC

Organic Law of the PNC Decree 11-1997	Education Regime Regulations Government Agreement 587, 1997	PNC Administrative Regulations, Government Agreement 585, 1997	Regulations of the system for classifying positions and salaries of the PNC, Government Agreement 718, 1998	Disciplinary Regulations, Government Agreement 420, 2003	Organizational Regulations of the PNC, Government Agreement 97, 2009. Modified by Government Agreement 153-2012	<b>Disciplinary Code: announced for 2013</b>
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## Criminal Investigation, discipline and organization: recent initiatives

<b>Creation of the General Directorate of Criminal Investigation (DIGICRI):</b>	<b>Elaboration of a Disciplinary Code for the PNC:</b>	<b>New PNC organizational regulations:</b>
<p>The budget for the creation of this new unit was approved in 2011 and was finally created on July 19th 2012 through Law 15-2012. This Directorate is a civil unit that depends administratively on the Interior Ministry, but operationally on the Office of the Public Prosecutor. The PNC, for its part, has a General Sub-directorate of Criminal Investigation that holds authority over the Specialized Division of Investigation, which assists the Office of the Public Prosecutor in its investigations. The law that creates the DIGICRI only mentions the relation with the Police Sub-directorate of Operations, with who "it will share information relevant for the carrying out of its respective functions", not with that of investigation.</p>	<p>Announced to enter into effect in March 2013, it would have as an objective the regulation of the attitude, performance and operational form of police personnel. It is probable that this new code will lead to the elimination of the old Disciplinary Regime, established by Government Agreement 584 (1997) and Disciplinary Regulation (2003), constituting a substantive advance with respect to the Guatemalan Police deontology.</p>	<p>Government Agreement 153-2012 (July 18, 2012) reformed the Organizational Regulations of the National Civil Police (Government Agreement 97-2009, April 1, 1999), and, contemplating the creation of the General Sub-directorate of Studies and Doctrine and the implementation of the General Sub-directorate of Information and Communication Technology and the General Sub-directorate of Crime Prevention, widens the organizational and functional structure of the PNC.</p>
<p>An important aspect in respect to the career is the salary received by police personnel, and for this a bond equivalent to a police wage was announced at the end of 2012. It was also announced that a specific commission will be installed in charge of investigating the reclassification of posts, wages and salaries for remaining personnel and this way be able to fix this bond annually from 2014 onwards.</p>		

**Current personnel level 26,201  
2015 target: 35,000**

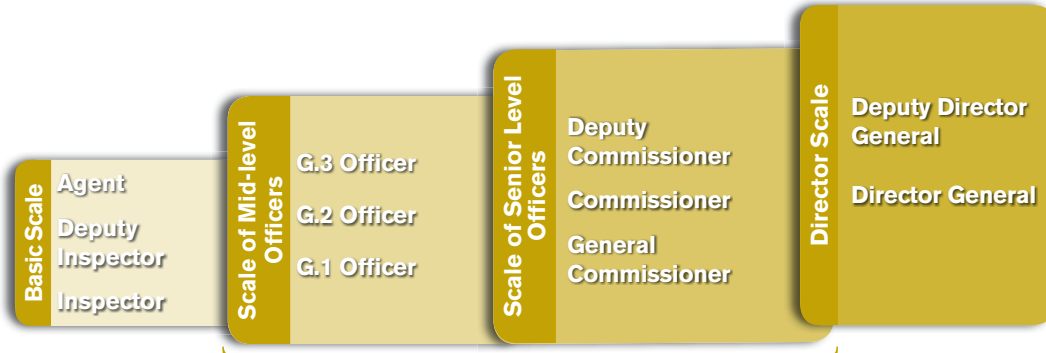
Sources: PNC *Ley Orgánica and Reglamento del régimen educativo*, Commission for Police Reform and the Interior Ministry.



# Police Education

While the creation of the PNC was in its initial stage, the training process was headed by the Spanish Civil Guard, but this was followed by the creation of the National Civil Police Academy, which was a dependent of the General Sub-directorate of Personnel until 2012, when the new organizational regulations of the PNC placed the Academy within the new General Sub-directorate

of Studies and Doctrine, which is also responsible for the Police Officer Training School, the School of Superior Studies and the Police School for Specialization. This Sub-directorate coordinates all the police training, programs and centers, the profiles for entering and leaving, supervises the application process and proposes members of evaluation boards and selection commissions.

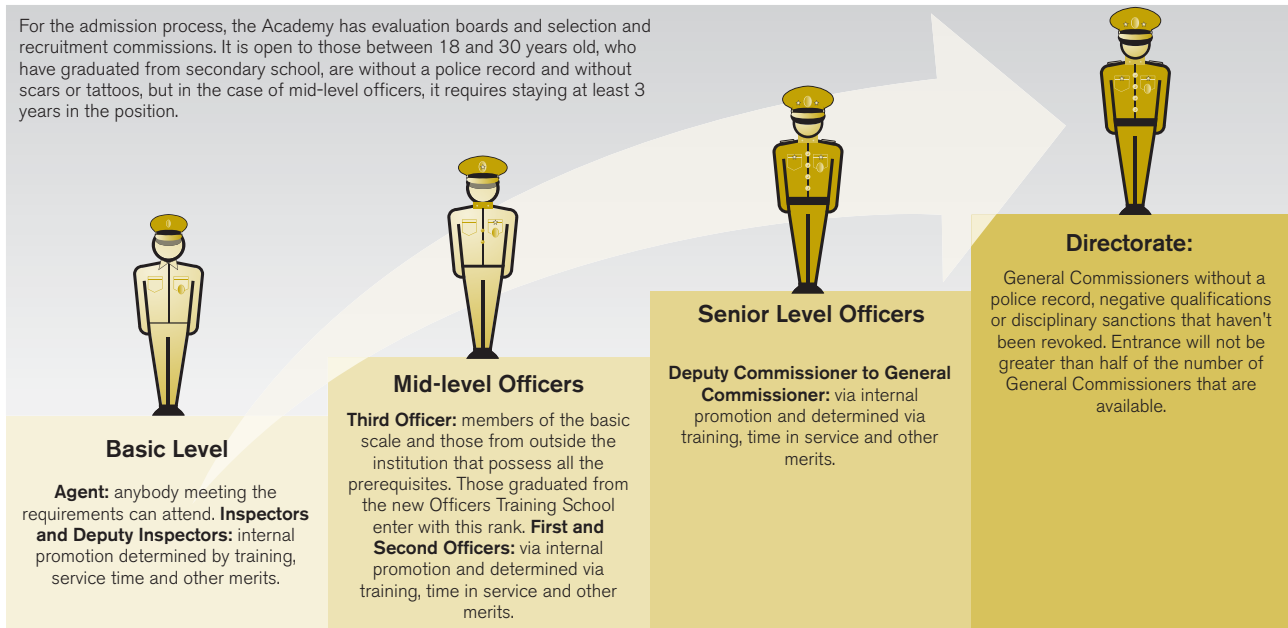


The Commission for Police Reform has a line of work dedicated to police training and professionalization that has undertaken a project for police education, and which proposes establishing a model, system and policy for police education. It has also proposed the creation of a system for training and professionalization and another for the evaluation and selection of aspiring candidates. Of the proposed targets, the following has been achieved:

- *Opening of the Police Officer Training School (ESFOP)*
- Start of the first promotion of the 3rd grade officer police training course with 80 students.
- *School of Superior Studies:* will provide diplomas through distance learning for the promotion of officers, deputy commissioners, commissioners and general commissioners.
- Degree in Police Sciences and a Masters in Criminal Investigation: through a partnership with the Universidad del Occidente and financed by USAID, it has an emphasis in community policing and is open to police personnel that hold university degrees, and which would graduate as Police Officers and Graduates in Police Sciences with a specialization in community policing. Together with these new programs, the National Institute of Police Sciences and Security was created for the PNC.
- *In addition to this, they are opening new headquarters of the Academy in different parts of the country.*

## Police Career

For the admission process, the Academy has evaluation boards and selection and recruitment commissions. It is open to those between 18 and 30 years old, who have graduated from secondary school, are without a police record and without scars or tattoos, but in the case of mid-level officers, it requires staying at least 3 years in the position.



### Basic Level

**Agent:** anybody meeting the requirements can attend. **Inspectors and Deputy Inspectors:** internal promotion determined by training, service time and other merits.

### Mid-level Officers

**Third Officer:** members of the basic scale and those from outside the institution that possess all the prerequisites. Those graduated from the new Officers Training School enter with this rank. **First and Second Officers:** via internal promotion and determined via training, time in service and other merits.

### Senior Level Officers

**Deputy Commissioner to General Commissioner:** via internal promotion and determined via training, time in service and other merits.

### Directorate:

General Commissioners without a police record, negative qualifications or disciplinary sanctions that haven't been revoked. Entrance will not be greater than half of the number of General Commissioners that are available.

Sources: PNC Ley Orgánica and Reglamento del régimen educativo, Commission for Police Reform and the Interior Ministry.

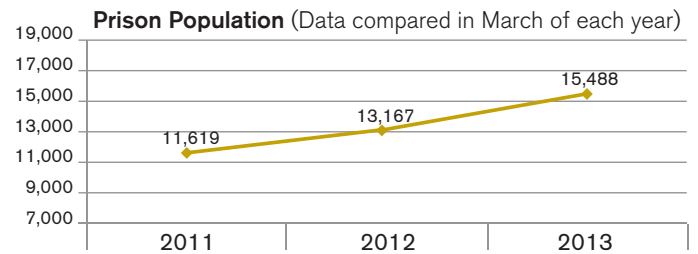
# The Penitentiary System

The General Directorate of Penitentiary Systems (DGSP) is a dependent of the Interior Ministry, and has the task of maintaining the security and custody of prisoners. To ensure the security of the penal centres, the Directorate has 3,867 prison guards operating in the 22 detention centers around the country, which are divided between 12 preventative detention centers, 4 prisons for those serving sentences, 1 maximum security facility, and 5 rehabilitation centers.

Of these, 8 centers are specifically for men and 2 for women.

The system has a total capacity of 6,492 inmates. In August 2013, the General Directorate had 15,488 prisoners within its custody. Training for prison guards has a duration of four and half months, and is carried out at the School for Penitentiary Studies. In 2012, 392 officers graduated, while in 2013 there were 221 new aspirants (151 men and 70 women).

Relation between crimes and sentences			
Complaints received by the Public Prosecutor's Office according to crime (2011)		Prison population according to crime (2012)	
Property	32.2%	Robbery	19.7%
Life	3.2%	Homicide	13.2%
Liberty	18.8%	Assassination	12.9%
		Kidnapping or abduction	7.4%

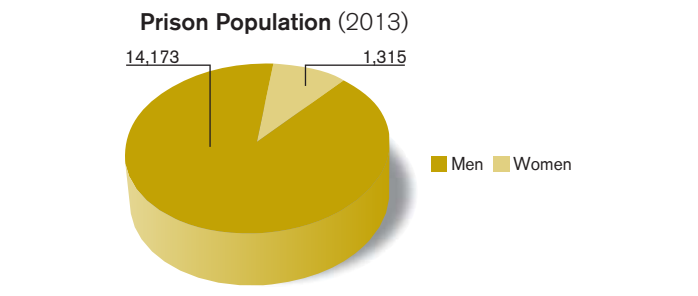


### Social Rehabilitation and Readaptation

The Subdirectorate of Social Rehabilitation is responsible for creating spaces and training programs to provide social rehabilitation and readaptation, according to the Penitentiary Regime Law. In 2012, 3,795 inmates participated in these activities, representing an increase of 25% over the previous year.

These programs include

- "Yo sí, Puedo": Educational assistance to illiterates.
- System providing authorisation for inmates to work, including training in the production of a range of goods and the generation of commercial spaces for the sale of their products.



### Modernization Program:

A process of repairing and modernizing the network of prisons within the Penitentiary System is underway. It includes the construction of maximum security cells, 10 new departmental preventative detention centers, installation of X-ray facilities, surveillance cameras and 15 biometric systems.

## Witness and Victim Protection: the Comprehensive Victim Attention Model

The Law on the Protection of the Subjects, Proceedings and Persons Connected with the Administration of Criminal Justice (DL 70-96 of 1996) created the Witness and Victim Protection Service, and provides the framework of the system.

According to the Law, the public prosecutor assigned to criminal proceedings may, ex officio or, upon the request of an individual to obtain protection, place a request to the **Office of Witness Attention**.

WITNESS AND VICTIM PROTECTION			
Year	Total requests	Incorporated	Archived
2008	564	43	521
2009	411	42	369
2010	215	44	171
2011	196	79	117

The number of requests to be placed on the witness/victim protection scheme has followed a decreasing trend, with requests in 2011 representing just 34.8% of the 2008 total. The data is striking and deserves greater attention: how can the reduction in requests for protection be analysed if, supposedly, the presence of organized crime is increasing?

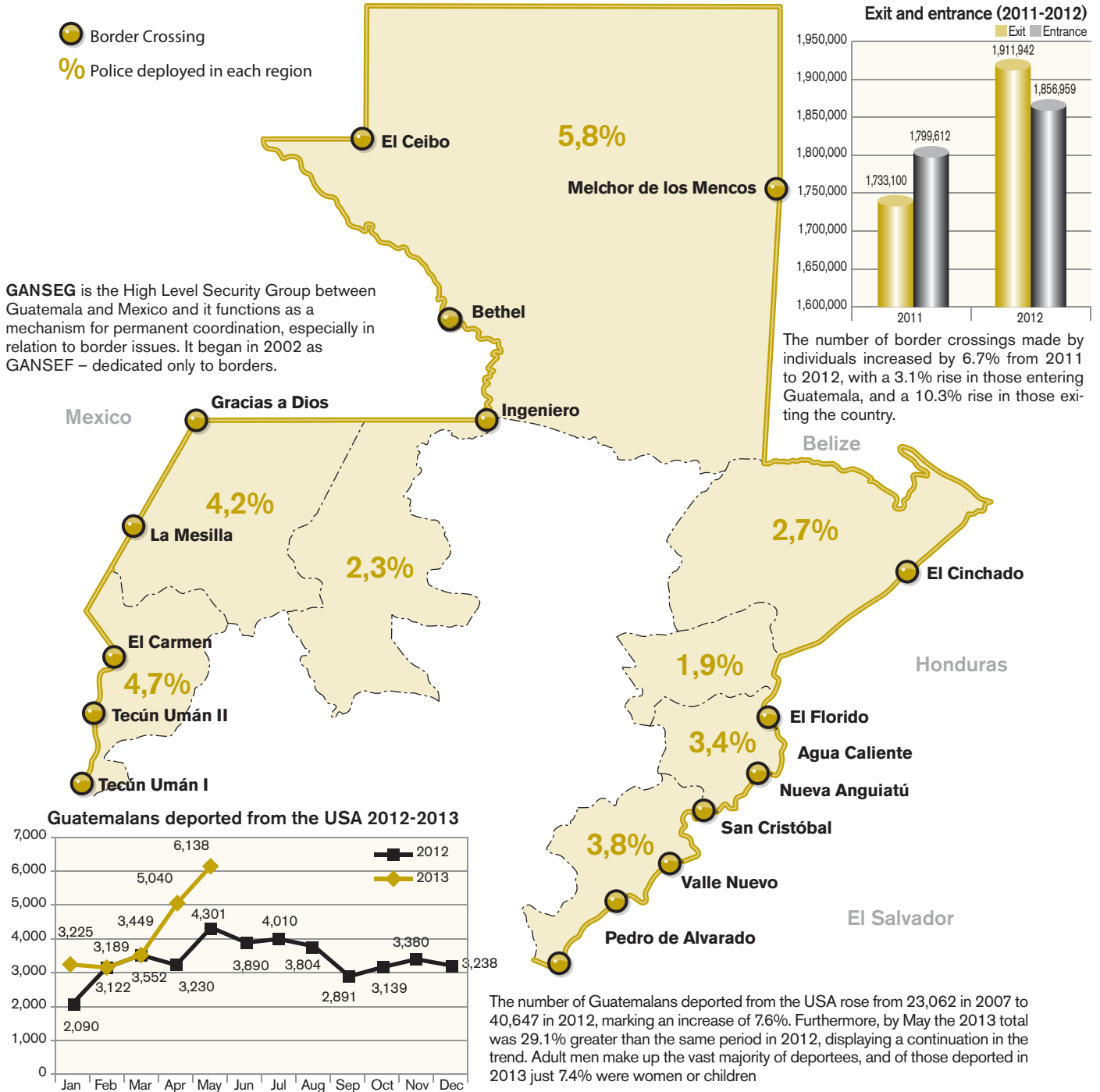
On the other hand, the number of cases incorporated onto the scheme rose from 7.6% in 2008, to 40.3% in 2011, signalling an improvement in attention to potential recipients.

Sources: Ministry of Interior. *Ley del Régimen Penitenciario (Decreto N° 033/2006 - 05/1 0/2006)*. Supreme Court of Justice, Circular N° CP-01-2011. Ministry of Interior, *Memoria de Labores 2012-2013*, Public Prosecutor's Office, *Memoria de Labores 2011*.

# Border Crossings and Immigration Control

Border crossings have shown an increasing trend in recent years, with an overall increase of 20.5% between 2008 and 2012. The most striking trend, however, is found in the number of Guatemalans deported from the United States, which has risen by 76% in the past 4 years, with this trend continuing in 2013. In order to attend to the issues related to large cross-border flows, in 2006 the Centre of Migrant Attention was created, with its

headquarters in the Ministry of Foreign Affairs. Amongst the services it provides, one can highlight the protection unit, which is directed in particular towards detainees, deportees, cases deemed to be of a highly vulnerable nature, and persons being repatriated; the employment office, which works with the Ministry of Work and Social Prevention; and the health office, which works with the Ministry of Public Health and Social Assistance.

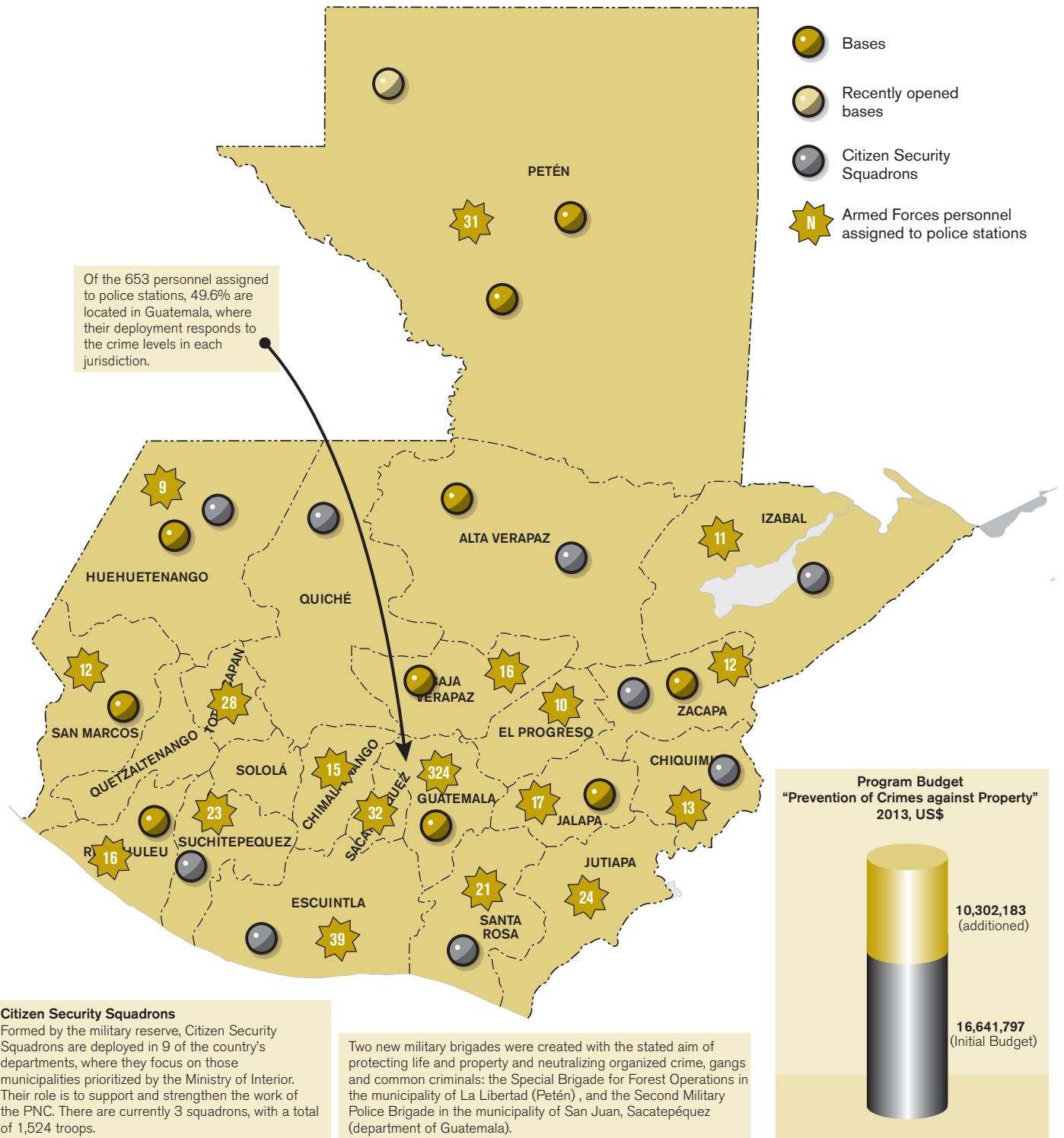


Sources: Website of the Directorate of Migration; Secretary of the Interior, Mexico, *Sexto Informe de Labores*.

# Cooperation of the Armed Forces in Public Security

Article 244 of the Constitution of the Republic states that Guatemala's Army is an institution designed to maintain the independence, sovereignty and honor of Guatemala, its territorial integrity, peace and internal and external security. Since the year

2000 (Decree 40-2000) there has been a periodic renewal of executive decrees whose main passages refer to the need for additional resources to those that the National Civil Police are able to provide in order to tackle crime.



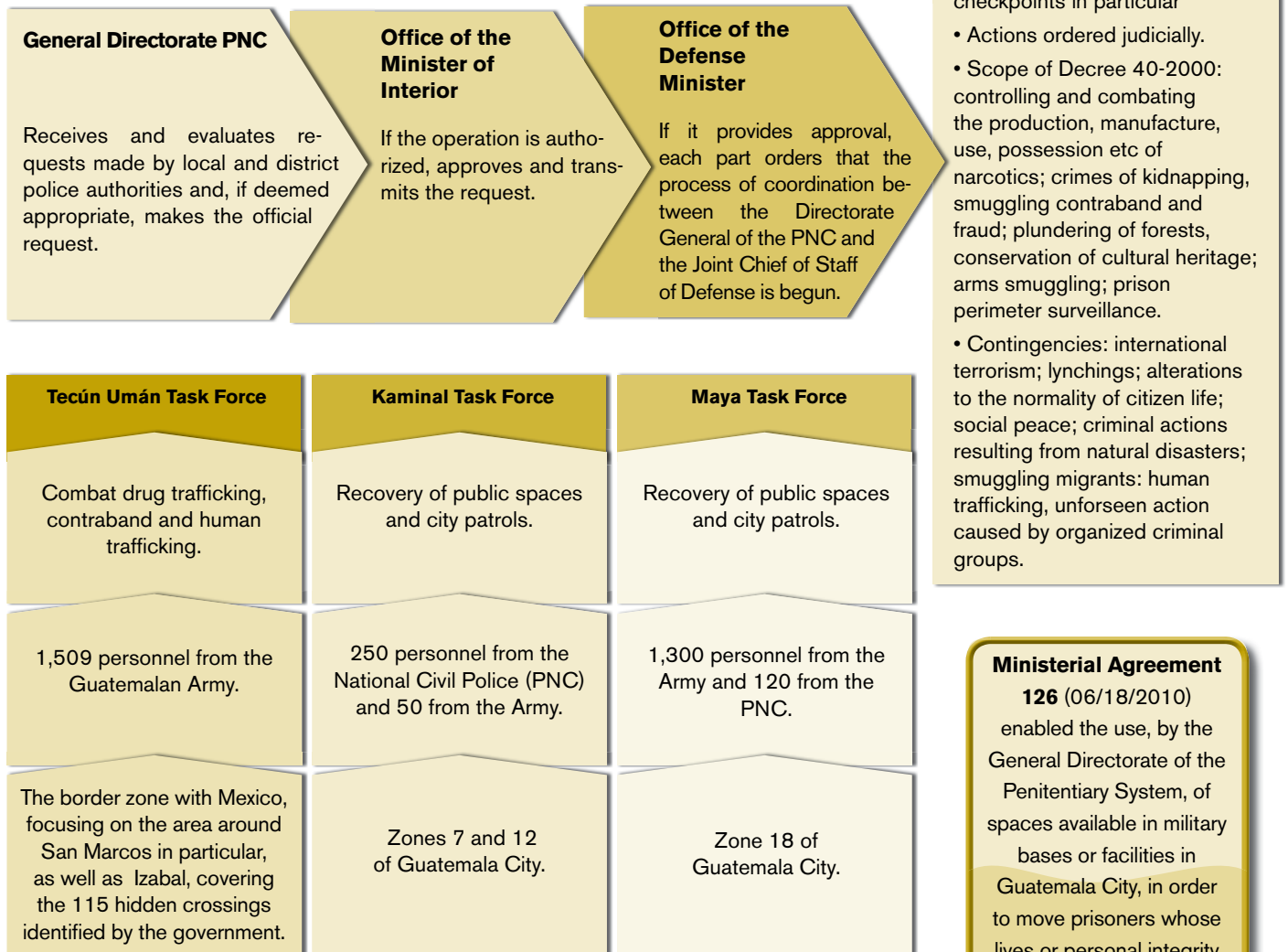
Sources: Ministry of Defense, *Memoria de Labores 2012-2013* and *Plan Operativo Anual Ejercicio Fiscal 2013*; Human Rights Ombudsman, *Informe Anual Circunstanciado Situación de los derechos humanos en Guatemala 2012*; website of the Ministry of Interior.

# Security Task Forces

Since 2012, cooperation in public security has featured a protocol issued at the highest level of executive responsibility. In November of that year, the President of the Republic issued Government Agreement 285-2012, which approved the **Protocol for Inter-institutional Action: Support of the Army to Civil Security Forces**. This Agreement was prepared by the Ministries of

Interior and National Defense in coordination with the Technical Secretariat of the National Security Council. Its aim was to formally outline the procedure, collaboration and coordination by which the Armed Forces operate in citizen security, and, in particular, to have a unified protocol.

## Procedure for support between the PNC and Army



## Collaboration with Penitentiary Centres

The collaboration of the Armed Forces with the General Directorate of the Penitentiary System is also regulated by Decree 40 of June 7, 2000, which states that the Ministry of Interior may request the support and cooperation of the Army of Guatemala in guarding the perimeter of preventive and other detention centers without affecting the civil character of penitentiary centres.

**Sources:** Government Agreement 285-2012 (11/07/2012); Ministerial Agreement 126 (06/18/2010); Ministry of National Defense, *Procedimiento para brindar apoyo a las fuerzas de seguridad civil y Memoria de Labores 2012-2013*; *Diario de Centroamérica*, June 17th 2013.

# Private Security

The private security sector has converted itself into an important actor in Guatemala given both the size of the sector in terms of personnel and the functions they provide, but also as they cover certain gaps in the field of public security which have arisen due to a lack of coverage by state security actors. The sector is regulated by the **General Directorate of Private Security Services**, which belongs to the Ministry of Interior, and which has its base

in Legislative Assembly Decree N° 52-2010, passed on November 23rd, 2010, the moment in which the activity began to be regulated. Even official sources present discrepancies in the quantity of firms and agents. According to the Interior Ministry, there are 140 private security firms with 51,000 personnel. According to the Superintendence of Tax Administration there were 280 firms in 2012, and according to the Mercantile Registry there were 185.

The minimum estimates are

**140 private security firms employing and 33,924 registered firearms** → **51,024 employees**

## Private Security Firms

Authorization for a private security firm is attained through a licence, and is valid for the duration of 3 years. It can be renewed for an equal period, following the payment of the corresponding fees.

**Activities permitted to agents of the firm:**

- Bodyguard
- Security guard
- Property guards (outside of urban areas)
- Private investigator

**Individuals**

- Bodyguard
- Private investigator

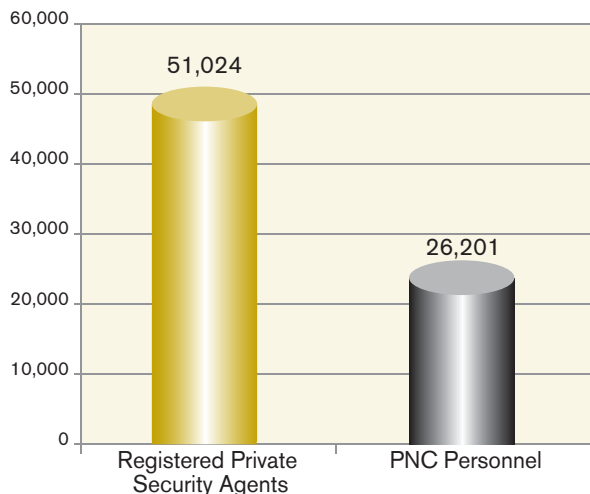
**Training:**

Whilst it is the private security firms that are responsible for ensuring that their staff receive the sufficient training, the General Directorate of Private Security Services is responsible for defining and authorizing the content of training programs for both the administrative and operational personnel operating in the field.

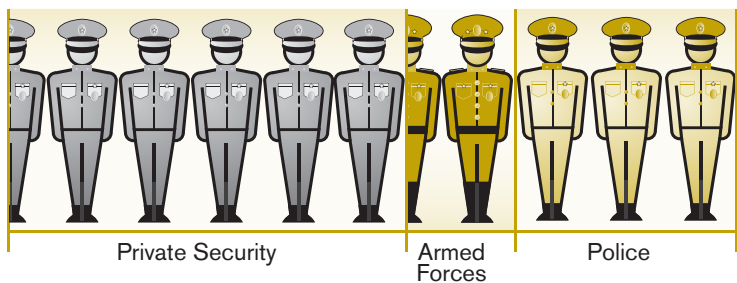
In 2012, the Teaching Manual of the Basic Course for Private Security Agents was developed with the support of IEPADES (Instituto de Enseñanza para el Desarrollo).

According to the Law, individuals or private entities that offer private security services are subject to the control and authority of the Directorate of Private Security Services, in coordination with the PNC (Division of Supervision and Control of Private Security Firms). The Directorate's functions include: authorizing operating licenses for those private security firms that meet requirements; carrying out inspections and fiscal controls, and verifying that the firms provide the required training to their staff; denouncing acts that may constitute a crime and imposing sanctions on those failing to meet the requirements. It also requires them to maintain an updated database covering all registered firms, including information regarding their personnel and equipment, a process that is currently being implemented.

## Number of Private Security Agents and Police Personnel (2013)



If you were to group together all of the security elements theoretically operating within the country into a single unit, it would look something like this:



\*Comparison using 2012 figures. It takes into account the number of private guards registered in the formal system supervised by the State. It does not include informal guards.

Sources: Ministry of Interior, *Memoria de Labores 2012*. Directory of Private Security Services. *Dirección General de Servicios de Seguridad Privada*.