



European Union
Election Observation Mission
GUATEMALA 2023
Final Report



General Elections
25 June 2023
Presidential Run-Off
20 August 2023

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Election Observation Mission to Guatemala

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FINAL REPORT

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I. Acronyms

ACHPR	African Commission on Human and People's Right
ACHR	American Convention on Human Rights
AmCPRW	Inter-American Convention on the Granting of Political Rights to Women
APG	Guatemalan Journalists' Association (<i>Asociación de Periodistas Guatemaltecos</i>)
A-WEB	Association of World Election Bodies
C169	Indigenous and Tribal Peoples Convention
CACIF	Coordinating Committee of Agricultural, Commercial, Industrial and Finance Associations (<i>Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras</i>)
CC	Constitutional Court (<i>Corte de Constitucionalidad</i>)
CEDAW	Convention on the Elimination of Discrimination Against Women
CICIG	International Commission against Impunity in Guatemala (<i>Comisión Internacional contra la Impunidad en Guatemala</i>)
CONADI	National Council for the Integration of Persons with Disabilities (<i>Consejo Nacional para la Integración de la Persona con Discapacidad</i>)
CRPD	Convention on the Rights of Persons with Disabilities
CSJ	Supreme Court of Justice (<i>Corte Suprema de Justicia</i>)
DPI	National Identification Card (<i>Documento Personal de Identificación</i>)
ECLAC	Economic Commission for Latin American and the Caribbean
EP	European Parliament
EU	European Union
EU EOM	European Union Election Observation Mission
FCT	Foundation Against Terrorism (<i>Fundación Contra el Terrorismo</i>)
FECI	Special Prosecutor's Office against Impunity (<i>Fiscalía Especial Contra la Impunidad</i>)
IACAC	Inter American Convention Against Corruption
IACHR	Inter American Commission on Human Rights
IACtHR	Inter American Court on Human Rights
IADC	Inter American Democratic Charter
ICCPR	International Covenant on Civil and Political Rights
ICCPR GC	ICCPR General Comment
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IPU	Inter Parliamentary Union
JED	Departmental Electoral Board (<i>Junta Electoral Departamental</i>)
JEM	Municipal Electoral Board (<i>Junta Electoral Municipal</i>)
JRV	Polling Station (<i>Junta Receptora de Votos</i>)
LEPP	Election Law (<i>Ley Electoral y de Partidos Políticos</i>)

LGBTIQ	Lesbian, Gay, Bisexual, Transsexual, Intersexual and Queer
MLP	Peoples' Liberation Movement (<i>Movimiento para la Liberación de los Pueblos</i>)
MOE-Gt	Guatemala Election Observation Mission (<i>Misión de Observación Electoral Guatemala</i>)
MP	Office of the Public Prosecutor (<i>Ministerio Público</i>)
NDI	National Democratic Institute
OAS	Organisation of American States
PARLACEN	Central American Parliament
PC	Citizen's Prosperity (<i>Prosperidad Ciudadana</i>)
PDH	Office of the Ombudsperson (<i>Procuraduría de los Derechos Humanos</i>)
PwD	Persons with disabilities
RC	TSE Citizen's Registry (<i>Registro de Ciudadanos del TSE</i>)
RENAP	Nacional Civil Registry (<i>Registro Nacional de las Personas</i>)
SECAI	Secretariat for Access to Public Information <i>Secretaría de Acceso a la Información Pública</i>
SIP	Inter American Press Society (<i>Sociedad Interamericana de Prensa</i>)
SIT	Telecommunication Authority (<i>Superintendencia de Telecomunicaciones</i>)
TREP	Transmission of Preliminary Election Results <i>(Transmisión de Resultados Electorales Preliminares)</i>
TSE	Supreme Electoral Tribunal (<i>Tribunal Supremo Electoral</i>)
UEMCEO	TSE Specialised Unit for Media and Opinion Polls <i>(Unidad Especializada de Medios de Comunicación y Estudios de Opinión)</i>
UNCAC	United Nations Convention against Corruption
UNDRIP	United Nations Declaration on the Rights of the Indigenous Peoples
UNE	National Unity of Hope (<i>Unidad Nacional de la Esperanza</i>)
UNHRC	United Nations Human Rights Commission
UNIORE	Inter-American Union of Electoral Bodies <i>(Unión Interamericana de Organismos Electorales)</i>
VOS	Willingness, Opportunity and Solidarity (<i>Voluntad, Oportunidad y Solidaridad</i>)

II. Summary and priority recommendations

The 2023 general elections in Guatemala took place in an overall calm yet politically tense environment, with citizens showing a remarkable resilience and commitment to defend democracy despite a limited separation of powers, severe restrictions on the freedoms of expression and of the press, misuse of politically captured institutions for electoral purposes and constant attacks on the rule of law. A sense of a deep democratic crisis set in following attempts by the Office of the Public Prosecutor (MP) and other members of the Judiciary to overturn the choice of voters and the implementation of genuine elections results, as well as to intimidate and criminalise the Supreme Electoral Tribunal (TSE) down to the level of polling officials, and the *Semilla* Movement.

More than nine million Guatemalan voters were called to the polls on 25 June to elect a President and a Vice-President, the 160 members of the Congress, 340 mayors and municipal councils, and the 20 Guatemalan members to the Central American Parliament (PARLACEN). A record number of 22 presidential tickets and 28 political parties contested the elections, ensuring in principle a plurality of options to voters. The large number of congressional and municipal candidates seeking re-election with a different party than in previous elections contributed to a fragmented party system with no solid ties between candidates and parties. Real alternatives were drastically reduced after the TSE and the Judiciary disqualified some options critical of the establishment, amounting to the exclusion of two presidential and one vice-presidential candidates with perceived chances to reach the 20 August run-off. The disqualifications constituted an unreasonable limitation to the right to stand. In this scenario, *Semilla*'s presidential candidate Bernardo Arévalo critical and anti-corruption stance was never perceived as a potential threat by the establishment until he became the second most-voted presidential candidate in the 25 June election after Sandra Torres (National Unity of Hope - UNE).

On 28 August, the TSE announced that Arévalo won the 20 August presidential run-off, with 60.91 per cent of the valid votes, over Torres, with 39.09 per cent. Despite the clear margin, Sandra Torres refused to accept the defeat, with UNE challenging the results before the Supreme Court (CSJ), who dismissed the petition. Shortly after the announcement, President Alejandro Giammattei formalised his invitation to Arévalo to initiate the transitional period and the transmission of power. The legislative election vote delivered a fragmented result, with 17 parties to be represented in the 2024-2028 Congress. *Vamos*, Giammattei's party, will constitute the largest group with 39 deputies, followed by UNE, with 28; *Semilla*, 23; *Cabal*, 18, and *VIVA*, 11. Remaining 12 parties obtained 41 seats.

Political tensions escalated in the immediate post-electoral period with precautionary measures to avert death threats against the president-elect, claims of an on-going coup plotted by certain State institutions, temporary suspension of *Semilla*, lately reversed by the TSE, and relentless intimidation by the MP's Special Prosecutor's Office against Impunity (FECI). This included raids against TSE offices, prosecution of its magistrates, tampering with sensitive election materials and seizure of the tally sheets of all five elections. Neither the Government nor its supporting political parties condemned such actions. The EU EOM considers these actions attempted to undermine the political rights of voters, the equal participation of contenders, the integrity of the elections, the respect for the results and their implementation, and violate international and regional commitments ratified by Guatemala.

The Guatemalan legal framework provides a basis for conducting democratic elections. However, the arbitrary and selective application of the law by the TSE, the CSJ and the Constitutional Court (CC) led to significant limitations on fundamental rights on the availability of a timely and effective remedy. Moreover, the election law and related legislation do not provide for unambiguous and final jurisdiction to the TSE in electoral issues, undermining its role as the highest authority in the matter. This has prompted some judicial institutions to meddle in TSE's jurisdiction, as evidenced by a decision of the CC to repeat the official tabulation of the 25 June elections results and by a first-instance criminal court order to

temporarily revoke *Semilla* legal status at the request of the FECCI, disregarding provisions in both matters in the election law. Furthermore, the issuing of the court order shortly before the TSE announced the official results of first presidential round suggested that the intention was to disrupt the 20 August run-off and ignore the election results.

Despite some shortcomings during the campaign, the TSE organised both electoral rounds professionally and efficiently. However, its credibility was marred in the months and weeks leading to the first electoral round by accusations of political bias, alleged corruption and by decisions on disqualification of candidates based on an arbitrary interpretation of the law. Positively, after 25 June the TSE magistrates strongly upheld the integrity of the vote and respect for the will of the voters, a stance that were crucial for the ultimate success of the elections, reaffirming the TSE's constitutional role as the highest authority in electoral matters. Despite the intimidation and judicial persecution against TSE workers, top officials and magistrates, few members of the departmental (JED) and municipal (JEM) electoral boards, polling stations (JRV) and data-entry clerks resigned between the two rounds.

The TSE engaged in an open dialogue with parties and civil society, and led regular weekly meetings with political organisations that were replicated at departmental and municipal levels, enhancing the transparency of the elections. It also increased the number of voting centres in rural areas, providing more opportunities for the exercise of the vote in remote locations. Training of polling station members was assessed as mainly good or very good. The TSE strengthened cooperation with civil society organisations to foster the participation of vulnerable and underrepresented groups, namely voters with disabilities and the transgender community. Regrettably, voter education materials in any of the indigenous languages were scarce and published very late in the process.

The system for the transmission and announcement of preliminary elections results (TREP) positively contributed to increase public trust in the counting of the votes, although persistent narratives of a fraud being plotted through allegedly politically biased data-entry clerks and the use of the technology associated to the TREP circulated during both electoral rounds and in the post-election period. Despite most political parties publicly expressing their confidence in the system in the days before the elections, some of them, including UNE, questioned it without providing reliable evidence of misuse. No additional technology and common guidelines were put in place by the TSE to support the JEDs and JEMs to conduct the official tabulation of results and the allocation of congressional and municipal seats.

The voter register contained 9,361,068 voters (of which 54.1 per cent were women), an increase of 14.9 per cent compared to the 2019 elections. The number of registered voters accounted for 79 per cent of the voting age population, as inclusion relies on the will of the citizen to register. Under registration affected mainly young voters aged between 18 and 25, despite efforts to link the issuance of the national ID card at the coming of age with voter registration. Some 40,000 members of Army and the Police have no voting rights which is not in line with international and regional instruments ratified by Guatemala. In addition, there are no provisions to facilitate voting for persons whose physical or health conditions do not allow for in-person voting at the polling stations. Moreover, around 10,000 pre-trial detainees were not provided with the opportunity to vote.

The subjective criteria of “capacity, suitability and integrity” enshrined in the Constitution and applied as a basic principle of candidate eligibility, gave the TSE and the judiciary broad discretionary powers to adjudicate and reject candidacies. In particular, the registration of presidential candidates was subject to an arbitrary, political and selective interpretation of the legal provisions by the TSE, the CSJ and the CC, resulting in the disqualification of Carlos Pineda (Citizen's Prosperity - PC) less than one month before the 25 June elections, when he was leading the polls, Roberto Arzú (*Podemos*) and Jordán Rodas, the Vice-Presidential candidate of the Peoples' Liberation Movement (MLP). In none of the three cases did the grounds for the disqualification meet the requirements of reasonable restrictions enshrined in the international and regional principles on the right to stand, to which Guatemala is State party. Also,

provisions on early campaigning may entail the disqualification from standing of would-be candidates, which the EU EOM considers disproportionate and a limitation to the freedom of expression.

Campaign regulations respected the fundamental freedom of assembly and contestants were able to campaign freely. Despite a generally calm environment, EU observers reported threats to candidates as well as political and security tensions in several departments. Abuse of incumbency was observed by the EU EOM in the campaign of the first election round in a manner that benefited President Giammattei's party *Vamos* in 17 out of the 22 departments. Cases of misuse of state resources, including the use of state vehicles, and distribution of food, money and household items were also reported. All these practices are forbidden by law and contributed to an unlevelled playing-field. During the presidential run-off campaign, UNE was observed signing citizens up to receive benefits from Sandra Torres's potential governmental social schemes. *Semilla's* ability to campaign was marred by the litigation against judicial decisions. Contenders campaigned extensively online, with social media being largely used to discredit competitors and to question the integrity of the elections. Anonymous fake accounts were widely used for smear campaign and attacks against targeted candidates and the TSE, often through third-party ads on Meta.

The 2023 elections were held in an environment with significant restrictions to the freedoms of expression and of the press and their consequent impact on voters' right to receive information. The closure of the newspaper *elPeriódico* on 15 May, following the lengthy financial hounding and judicial persecution to which the publication, its founder, José Rubén Zamora, and several of its journalists and columnists were subjected, represents a serious restriction to press freedom. Zamora's six-year prison sentence after a trial that lacked due process, the systematic persecution and indictment and criminalisation of journalists and columnists, several of whom have gone into exile, and the criminalization of journalists based on arbitrary interpretations of the law by the MP constituted an intimidating environment for the media that resulted in self-censorship and limited access to information and freedom to report during the electoral process. The EU EOM's media monitoring findings showed that in the first round four presidential candidates: Manuel Conde (*Vamos*), Edmond Mulet (*Cabal*) Zury Ríos (*Valor-Unionista*) and Sandra Torres received 56 per cent of the TV coverage. In general, the coverage provided in the first round was pluralistic, yet accommodating and uncritical. In the presidential run-off the distribution of airtime was more even between both contenders, with Torres receiving 54 per cent of the TV coverage and Arévalo, the remaining 46 per cent.

Social media proved to be a key source of electoral information throughout the post 25 June election developments. At the same time, all online monitored platforms were largely used to distort the political discourse and to generate information disorders. Overall, tech companies failed to enforce meaningful actions to prevent such scenarios. The EU EOM observed groups of coordinated real, anonymous and bot-driven X/Twitter accounts operating to push trending topics, drive the public opinion in favour or against candidates and fuel allegations of fraud, disinformation, intimidation and threats against political opponents. This also encompassed accusations of partiality, interference and bias against EU international election observers. X/Twitter accounts close to the far-right Foundation against Terrorism (FCT) anticipated the FECI and the courts initiatives before they occurred and disclosed confidential information of election-related cases. This suggests leaks from or collusion with said judicial institutions.

Although the Constitution enshrines that men and women have equal rights and opportunities, representation of women in the political life remains low. Only 23 per cent of the registered candidates were women, mostly occupying the lowest positions in the lists. In addition, most political parties have no quotas to ensure a meaningful participation of women. The new Congress will only have 32 female deputies of a total of 160 members. Positively, the TSE had a gender equality policy resulting in 40 per cent of JEDs and JEMs members and 58 per cent of the polling station staff being women.

Other marginalised groups also continued to face barriers to participation. Indigenous groups complained that their geographical distribution across different election constituencies hindered a meaningful political

representation. They also pointed out that the lack of a timely voter education and information in indigenous languages hindered the access of monolingual voters to essential election-related information. Participation of voters with disabilities in the elections remained low, despite efforts to ease physical barriers at the voting centres and the availability of braille ballots for visually-impaired voters. LGBTIQ issues became central in the presidential run-off period, with Sandra Torres, who had advocated in previous elections for equal marriage, spreading homophobic narratives at campaign events.

The elections were subject to extensive judicialisation and abuse of legal proceedings, mainly by the FECCI and some political parties unsatisfied with the results of the first presidential round, undermining legal certainty and the separation of powers. Actions included a CC decision to temporarily prevent the announcement of the official results of the 25 June elections and to repeat the tabulation hearings (which did not produce different results from the preliminary announcement) and the revocation of *Semilla* legal status by a court order disregarding provisions of the higher-ranking election law prohibiting the suspension of parties during election periods. After the presidential run-off, the FECCI and the Prosecutor against Electoral Offences continued with prosecution actions against *Semilla* and the electoral authorities. The assertiveness and rudeness of their actions reached the level of harassment and intimidation.

Election days were mainly peaceful and well organised by the TSE. Turnout in both election days were slightly higher than in previous elections, with voters, polling staff and party agents showing a democratic commitment to elections. Polling procedures were mostly adhered to in polling stations observed by the EU EOM. Aiming at increase confidence in the counting and transmission of results proceedings, for the 20 August run-off, the TSE stressed instructions on allowing party agents to take pictures of the polling station tally sheets and receiving certified copies of the results. The expeditious announcement of presidential results on the election evening contributed to increased transparency and confidence in the outcome of the elections. The 24.3 per cent of null and blank votes combined in the first round of elections was perceived as a sign of citizen's dissatisfaction with the political situation.

Following the assessment of the elections, the EU EOM offers 26 recommendations to the consideration of the Guatemalan authorities, the TSE, political parties and the civil society. The priority recommendations of the EU EOM to Guatemala 2023 are:

- Strengthen the rule of law and the separation of powers by promoting a culture of legality and the protection of human and political rights among members of the Judiciary.
- Remove restrictions to the right to vote for members of the Army and Police and adopt specific measures to ensuring the opportunity to vote for citizens in prison, hospitals and with other special conditions.
- Facilitate voter registration procedures through an automatic system whereby citizens are registered in the electoral roll at the coming of age, in order to avoid the high under-registration of young voters.
- Redefine provisions and sanctions on early campaigning to ensure that they do not limit the right to stand and the freedom of expression of would-be candidates.
- Define the criteria established in Article 113 of the Constitution in order to avoid arbitrary interpretations and to bring it in line with the country's international commitment on the right to stand for elections.
- Give the Supreme Court exclusive jurisdiction on writs of constitutional protection against the TSE, including against decisions of the Director of the Citizen's Registry.
- Establish equal conditions for online and offline paid political advertisement, including on third-party campaigning, with a view to guaranteeing a level playing field among contenders.
- Develop programs promoting the digital literacy of voters and fact-checking initiatives to support voters' ability to recognise election-related disinformation online and offline, thus increasing their ability to make an informed decision.

- Introduce measures aimed at increasing women's political participation such as a requirement in the law for gender parity and alternation in candidate lists, and encouraging women in top decision-making positions of political parties.

III. Introduction

At the invitation of the Supreme Electoral Tribunal of Guatemala (TSE), the European Union deployed an Election Observation Mission to observe the 2023 general and PARLACEN elections. The mission was led by Chief Observer and member of the European Parliament from Spain, Jordi Cañas. A core team of 12 analysts arrived in the country on 11 May. The mission was strengthened with the arrival of 40 long term observers (LTOs) for the two electoral rounds, who were deployed in the 22 Guatemala departments and the capital city between 26 May and 4 July and 26 July and 28 August, and 44 short-term observers (STOs) deployed between 19 and 29 June and 16 and 24 August 2023. In addition, the mission was joined by locally recruited short term observers from the EU Member States diplomatic community resident in Guatemala and neighbouring countries. A delegation of the European Parliament, led by Leopoldo López Gil, joined the EU EOM for the observation of the two election days and endorsed its preliminary statements. This brought the full mission strength to 136 accredited observers for the 25 June elections and 120 for the 20 August presidential run-off, drawn from 27 EU member States, Norway and Canada.

The EU EOM remained in the country until 6 September 2023 to observe the tabulation and announcement of final presidential results and post-election developments. The EU EOM assessed the whole electoral process against international and regional standards for democratic elections as well as the laws of Guatemala. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation endorsed at the United Nations in 2005.

This final report presents a detailed assessment of the findings of the mission on the various stages of the electoral process, including the announcement of the official results of all five elections and related post-election events until the departure of the mission on 6 September 2023. The analysis was based on the mission's own observations as well as on reports and meetings with the election authorities, political organisations, the media, academics, civil society organisations and other international observation missions. This report contains 26 recommendations aimed at contributing to the improvement of future electoral processes in Guatemala.

The EU EOM wishes to express its appreciation to the Supreme Electoral Tribunal, the Ministry of Foreign Affairs and all other institutions, authorities, civil society and political organisations of the Republic of Guatemala for their kind and forthcoming cooperation and assistance throughout the mission's presence. The EU EOM also expresses its appreciation to the Delegation of the European Union in Guatemala and the diplomatic missions of EU Member States in the country for their continued support throughout the process.

IV. Political Context

Lack of separation of powers led to the capture and misuse of judicial system for political and electoral purposes.

The 2023 general elections to elect a President and a Vice-President, the 160 members of the Congress, mayors, municipal councils and 20 members to the PARLACEN was described as the most questioned and tense in 38 years of democratic governments. A record number of 22 presidential tickets and 28 political parties contested the elections¹. However, the choice of genuine alternatives for voters was significantly reduced by the disqualification of some critical political options with good electoral chances (see section *Registration of Candidates*). Presidential candidates Sandra Torres (National Unity of Hope – UNE), Zury Ríos (coalition *Valor - Unionista*) and Manuel Conde (*Vamos*) supported the administration of President Alejandro Giammattei (*Vamos*) in the Congress during the 2020-24 legislative period. Bernardo Arévalo (*Semilla*) captured voting intentions and political support of young urban voters during

¹ 41 per cent of parties were created after the 2019 elections.

the last two weeks preceding the first round of elections as a candidate not linked to the traditional political establishment and to the government. Torres and Arévalo contested the run-off on 20 August (*see section Results and Post-electoral Environment*).

The large number of congressional and municipal candidates seeking re-election with a different organisation than in the 2019 elections, contributed to a fragmented party system and revealed the lack of solid ties of candidates to parties, which were used essentially as electoral vehicles. Actually, more than a third of mayors that were previously elected for other parties sought re-election with *Vamos*, as they received advantages and financial support from the Government and were expected to gather support for all *Vamos* candidates in return. *Vamos* mayor candidates were elected in 135 municipalities out of 340. Moreover, *Vamos* will constitute the largest Congress group in the 2024-28 legislature with 39 deputies.

Consider mechanisms to strengthening internal political party democracy to improve representativity, direct links between the candidates and the party, as well as synergy with party values and programmes.

The main political concern during the electoral process was the lack of separation of powers, which led to the political capture of democratic institutions, including the judicial system, for political and electoral purposes. EU EOM interlocutors reported recurrent allegations of corruption practices influencing the registration of candidates. Some political and electoral actors were subject to intimidation, including death threats, but they did not report most incidents in fear of reprisal or due to lack of trust in an effective remedy. Repressive and questionable legal actions and arrests eroded the rule of law and forced party members, judges, journalists and election staff to leave the country in fear of persecution.

The political climate between the two rounds of elections was marked by constant attempts to overturn the voters' choice expressed in the first round and to intimidate and criminalise both the electoral administration and *Semilla*. Unprecedented legal uncertainty, lack of dialogue between key actors, and political volatility installed a deep sense of democratic crisis in the run-up to the second round. Actions initiated by the FECCI and embraced by radical groups to delegitimise the unexpected run-off contender *Semilla*, exposed the extreme judicialisation the electoral process had gone through (*see section Election Disputes*). FECCI raids generated intimidation through the use of security procedures involving excessive show of police force, armed and masked agents, cars with covered number plates and filming of journalists covering the events. The seizure of mobile phones of *Semilla* members and denial of access to the national party representative during the raid was in breach of the Criminal Procedure Code. The timing and selectivity of FECCI's proceedings defied fundamental international standards on equal protection of the law without any discrimination.² Irregularities in Guatemala's party administrative procedures are common and not investigated as vigorously as the investigation on *Semilla*. The EU EOM considers these actions attempted to undermine the political rights of voters, the equal participation of the run-off contenders, the integrity of the 25 June elections, the respect for the results and their implementation.³

In a clear demonstration of civic participation and resilience, large sectors of the Guatemalan society stood united to uphold the first-round election results and to defend democracy. Forceful statements and mobilisation by the private sector, indigenous authorities, political parties, civil society and religious leaders displayed a remarkable alignment of views and helped secure the respect of the election calendar and the results. The generalised apathy towards the political class and elections preceding 25 June, turned to a committed civic fight to safeguard the constitutional order. The strong demonstration of popular will strengthened the autonomy and independence of the TSE, enabling it to stand up for its status as the highest authority in electoral matters (*see section Election Disputes*).

Relevant international actors, including the Organisation of American States (OAS), most Latin American countries, the European Union (EU) and the United States called to respect the election results and the

² [Article 26](#). International Covenant on Civil and Political Rights (ICCPR).

³ ICCPR General Comment 25, [para. 19](#).

rule of law. The OAS Secretary General, Luis Almagro, undertook a four-day visit to Guatemala from 1 August, in line with articles 17 and 18 of the Inter-American Democratic Charter (IADC) on democratic crisis in Member States. Almagro met with all key actors in the electoral process, including the two presidential candidates, the TSE and the Government and secured President Giammattei's commitment to an orderly presidential run-off and transition process, including the recognition of results on 20 August. Almagro's report presented to the OAS Permanent Council on 10 August confirmed OAS' intention to accompany the transition process until 14 January 2024, when the new government is duly installed. At a third OAS Permanent Council meeting convened on Guatemala on 30 August, the Council issued a Statement initiated by six American States to stress the importance of separation of powers and to condemn the use of legal means to change the results of the elections and for intimidation of opponents.⁴ Almagro also participated in the first meeting between Giammattei and Arévalo on the transition of power.

Strengthen the rule of law and the separation of powers by promoting a culture of legality and the protection of human and political rights among members of the Judiciary.

V. Legal Framework

The legal framework provides the basis for democratic elections, but its arbitrary application, abuse of legal instruments for political goals and the constant judicialisation undermined the rule of law.

Guatemala has ratified the main international and regional human rights treaties that include obligations for democratic elections.⁵ Fundamental rights such as equality, non-discrimination, freedom of expression, assembly and political participation are protected in the 1985 Constitution. The legal framework for elections includes the 1985 Law on Elections and Political Parties (*hereinafter the election law*), its amendments and regulations,⁶ and the Law on Protection of Constitutional Rights, both of which have constitutional status. Other laws and regulations are also relevant in the electoral field, such as the Law on Freedom of Expression, the Law on Probity, the Penal Code, and the Civil Code. The decisions of the Constitutional Court, in so far as they establish jurisprudence, are a very important element of Guatemala's electoral legal framework.⁷ In Guatemala, international treaties that recognise human rights are part of the national legislation and take precedence over the country's domestic legislation.⁸

Assessment of the Legal Framework for Elections

The Guatemalan legal framework provides the basis for the conduct of democratic elections, but the arbitrary and selective application of the law by the TSE, the judiciary and the Constitutional Court has led to significant limitations to the fundamental right to be elected, the availability of timely and effective remedy for persons whose rights have been violated and to serious restrictions of freedom of expression. Furthermore, the framework does not provide clear and final jurisdiction over electoral matters to the

⁴ Antigua and Barbuda, Canada, Chile, Colombia, Costa Rica and the United States.

⁵ International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all Forms of Racial Discrimination (ICERD), Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), United Nations Convention against Corruption (UNCAC), Convention on the Rights of Persons with Disabilities (CPRD) and the Indigenous and Tribal Peoples Convention (ILO c. 169). Guatemala is also party to the American Convention on Human Rights (ACHR), Inter-American Convention on the granting of political Rights to Women, Inter-American Convention Against Corruption (IACAC), the American Declaration on the Rights of Indigenous Peoples and the Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities.

⁶ The Law on Elections and Political Parties was amended by Congressional decrees in 1987, 1989, 1990, 2004, 2006, 2007 and 2016. Regulation of the Law on Elections and Political Parties, Regulation on Voting Abroad and Regulation on the Control and Supervision of the Finances of Political Organisations.

⁷ According to Article 43 of the Law on Protection of Constitutional Rights, "the interpretation of the provisions of the Constitution and other laws contained in the decisions of the Constitutional Court set jurisprudence which the courts must respect in the event of three conflicting decisions" (*unofficial translation*).

⁸ Article 46 of the Constitution, [CC File 1822-2011](#) and [further jurisprudence](#).

TSE, leading to meddling on electoral matters of judicial institutions with a questionable use of their competence to intervene, opening the door to the political use and abuse of existing legal tools. This was the case when a first instance criminal judge decided to provisionally suspend *Semilla* based on the law against organised crime (*see section Election Disputes*)⁹. This situation has not only undermined the principle of legal certainty and the rule of law throughout the process and the free expression of the will of the electorate but also compromised the supreme role of the TSE in the electoral process. The framework also presents gaps in areas such as oversight of campaign finance, third-party campaigning, online political advertising and data protection.

Envisage a procedure to enforce existing provisions on malfeasance in order to repeal politically-motivated court decisions, including on the temporary and permanent suspension of political parties.

Designed to uphold the constitutional rights of all, the Law on Protection of Constitutional Rights stipulates that no area is exempt from protection and is invoked whenever actions, resolutions, regulations, or laws threaten, restrict, or violate constitutional rights. The law allows five days to file writs of constitutional protection (*amparo*) in electoral matters, but this deadline is rarely respected. This instrument, provided as an extraordinary remedy to protect fundamental human rights, has instead been used in the 2023 elections to challenge candidacies and the final election results in replacement of regular remedies, often with the purpose to obstruct and discredit the process. This abuse generated uncertainty and confusion, as did the fact that some appeals and decisions on the electoral process were made hours before the elections, which did not contribute to ensuring the conditions of certainty, predictability, and reliability that should accompany an electoral process.¹⁰

Enforce compliance with deadlines for filing writs for constitutional protection on electoral matters, accompanied by the effective implementation of existing sanctions to discourage the filing and resolution of frivolous or manifestly unfounded petitions.

Election System and Boundary Delimitation

The President and Vice-President are elected on a single ticket by an absolute majority of the valid votes cast for a four-year term, without the possibility of re-election. If no presidential ticket receives 50 percent plus one of the valid votes cast, a run-off election between the two candidates with the highest number of votes is held 45 to 60 days after the first election.¹¹ The 160 members of the Congress are elected through a proportional closed-list system, comprising a national list and 23 district lists (i.e. by two separate ballots).¹² According to the Constitution, one fifth of the Congress members are elected on a national list (32), while the remaining two fifths (128) are allocated by the election law to the 23 electoral constituencies according to their population.¹³ The seats within each constituency are allocated to contending parties using the D'Hondt formula. The 2016 amendment to the election law set the distribution of seats among constituencies but did not envisage a procedure to change its number to reflect demographic changes.¹⁴

⁹ Special Prosecutor's Office against Impunity notification the TSE's Citizens Registry on 12 July. File MP001-2022-0033864.

¹⁰ CC File 3376-2023, rejecting the candidacy of 375 candidates from the PODER party, on 20 June 2023, five days before the first round of elections. CSJ File 2842-2023 granting temporary constitutional protection to the UNE party, just one day before the presidential run-off, raising doubts about the digitalization of the tally sheets.

¹¹ Article 184, Constitution of Guatemala. Article 201 of the LEPP.

¹² The constituencies coincide with the 22 administrative departments, except for the department of Guatemala, which is divided into two constituencies, increasing the number of constituencies to 23.

¹³ Article 157, Constitution of Guatemala. Article 205 of the LEPP.

¹⁴ Article 205 of the 2009 LEEP established that each electoral district was entitled to one deputy per 80,000 inhabitants and that the total number of deputies was to be updated according to the latest statistics from the National Population and Housing Census.

VI. Election Administration

Allegations of bias and corruption marred the TSE before 25 June, with its credibility being restored after it defended the results of two well-organised elections rounds from intimidation and interference

Structure and Composition of the Election Administration

Elections were administered by the TSE, the highest electoral authority in the country. All its magistrates were new to elections following their appointment in March 2020 for a six-year term with a possibility of re-election.¹⁵ The TSE magistrates are elected by qualified majority of two thirds of Congress deputies from a list of 20 candidates proposed by an ad-hoc nomination commission appointed by the legislative and composed of five professionals from the University sector and the Bar Association. The procedure ensures in principle that shortlisted candidates meet the requirements for the position and that magistrates are appointed with a sufficient number of votes reflecting the political pluralism at the Congress.¹⁶ In practical terms, due to the general cooptation of institutions (*see section Political Context*), including the nomination commission, the TSE magistrates were perceived as linked to the main political forces.

Consider a staggered appointment of the magistrates of the Supreme Electoral Tribunal to ensure continuity of institutional knowledge.

At departmental and municipal levels, elections were administered respectively by temporary departmental (JEDs) and municipal boards (JEMs), whose members were appointed by the immediate higher instance.¹⁷ Contrary to previous processes, where the usual practice was to appoint persons with previous experience in the position, an estimated 90 per cent of the JED and 80 per cent of the JEM members were new. Consequently, most JEDs and JEMs lacked previous electoral experience.¹⁸ The selection criteria of JED members include not holding an executive position in a political organisation. However, the TSE had to conduct significant changes to the initial composition of the boards, following resignations of around 20 per cent of the JEDs and 6.5 per cent of JEM members, reportedly due to concerns over security, workload or suspected political affiliation. The TSE is responsible for ensuring socio-cultural diversity and gender balance among JEDs and JEMs members.¹⁹ This unusually high replacement rate generated mistrust amongst stakeholders.

EU observers noted contrasting levels of preparation for the elections among the different JEDs and JEMs, whose members showed commitment despite difficult working conditions, specially between the two election rounds when they endured interference and intimidation by the MP and members of political parties that did not accept the results of the first presidential round. EU observers also reported that collaboration between the TSE offices at the departmental and municipal levels with the JEDs and the JEMs was useful and positive in a context where the latter were largely devoid of electoral experience.²⁰ Funds for most JEMs were only allocated at the end of May, delaying the setting up of their offices.

Ensure the independence and impartiality of departmental and municipal election boards by reviewing the qualifications and requirements of their members.

¹⁵ The TSE magistrates should be Guatemalan citizens by birth, over forty years old, be of good reputation and either have served a full term as judge of the courts of appeals (or equivalent tribunal) or been a practicing lawyer for more than ten years. Articles 207 and 216, Constitution; articles 123 and 124, Election Law. The TSE which conducted the 2023 was composed of five principal magistrates (two women and three men) and three alternates magistrates (all men).

¹⁶ Election law, articles 136-14.

¹⁷ One president, one secretary, one member and two substitutes for each of the 24 JEDs and 339 JEMs or 1,815 individuals.

¹⁸ In 2022, the TSE organised itself to select the candidates for the JEDs, a complex exercise in a context where it still had to proceed with the financial liquidation of the 2019 electoral process.

¹⁹ Electoral Law: Articles 172 and 174.

²⁰ TSE delegations and sub delegations are permanent bodies in charge of non-only updating the voter lists by also to conduct candidate registration, both in direct coordination with the TSE's Citizen Registry.

Administration of the Elections

In the run-up to the 25 June elections, almost all EU EOM interlocutors expressed their concern about the independence and ability of the magistrates due to political allegiances, lack of previous electoral experience, and alleged corruption as reported by media as well by organisations and parties from the whole political spectrum. These allegations marred TSE's credibility.

Contrastingly, following events challenging the results of first round of the presidential election and subsequent court rulings, the TSE took clear decisions to ensure its role in the electoral process and to defend the vote, both through legal actions and challenges to court decisions and through a more active public communication strategy. EU observers in most departments reported that although actions taken by the FECCI against elections generated fear, the responses and positions taken by the TSE magistrates reinforced not only JED and JEM members' commitment but also the collaboration of the TSE with them. All JED members carried on with their responsibilities and only 16 JEMs out of 340 have suffered changes in their composition (22 members including three presidents).

The TSE established 24,427 polling stations in the country and increased the number of voting centres in rural areas by 36 per cent compared to the 2019 elections, which benefited a total of 3,457,369 voters, equivalent to 36.93 per cent of the electorate. This provided more opportunities for the exercise of the right to vote in remote locations, aiming to reduce voter transportation by parties. Despite this initiative, EU observers reported transportation of voters on both election days (*see section Polling, Counting, Transmission and Tabulation of Results*). Out-of-country voting for the presidential election was organised in 17 locations in the United States only.

Polling station information was easily accessible through a series of interactive tools such as call centres, SMS and geolocation application, among others. Prior to the 25 June elections, TSE security analysis did not lead to major changes of locations of voting centres. However, for the 20 August elections, the TSE moved 62 rural polling stations to the municipal capitals in three municipalities due to lack of security, affecting a total of 22,458 voters.²¹

The TSE engaged in an open communication policy and organised regular meetings with political parties during the entire process that were open to observers and the media. EU observers reported that stakeholder meetings were conducted periodically at departmental and municipal levels. Regrettably, TSE decisions and agreements were not always published in a timely manner.

Printing of over 50 million ballot papers was conducted efficiently, although it represented a challenge for the TSE after the original planning had to be modified several times because of parties' request to include names of the congressional candidates and uncertainties as to the final list of parties and candidates (*see section Registration of Candidates*). A similar efficient logistics process was repeated in accordance to the second round calendar in a context where the TSE had to repeat five municipal elections on the day of the presidential run-off.²² Low salaries, lack of confidence in the electoral authorities and fear of electoral violence made it difficult for the JEMs to identify and appoint electoral staff, who sometimes had no choice but to recruit it from other municipalities.

Training of polling station members was assessed to be good or very good in 75 per cent of the 40 that EU observers attended in the first round. For the second round, about 90 per cent of the 55 trainings observed by EU observers were assessed as very good or good. In line with good electoral practice, the TSE conducted workshops for the 120 national trainers and JEDs members. In addition to the training manuals,

²¹ Nentón (Huehuetenango), San Pedro Pinula (Jalapa) and Tacaná (San Marcos).

²² TSE decree 03-2023 of 18 July 2023. Municipal elections took place on 20 August in San Bartolomé Jocotenango (Quiché), San José del Golfo (Guatemala), San Pablo Jocopilas (Suchitepéquez), San Pedro Yepocapa (Chimaltenango) and San Martín Zapotitlán (Retalhuleu).

the TSE published procedures on the importance for party agents to take photographs of the results tally sheet and receive a copy of the results certification, in line with the 11 August TSE instruction.²³

Prior to the 25 June general elections, the TSE demonstrated improvisation and a lack of expertise while preparing the official results management system to be used by the JEMs and JEDs to tabulate official results. Nine days before the first round election day, JEDs presidents were trained on a set of IT tools to aggregate official results, including on the rules for allocating municipal seats. For the second round, JEMs and JEDs relied on their experience and expertise gained from the first round.

VII. Election Technology

The system for transmission and announcement of preliminary election results (TREP) positively contributed to provide transparency and increase public trust in the counting of the votes.

The system for the transmission and announcement of preliminary election results (TREP) was subject of controversy by some political actors following the two election days. While preliminary results were meant for informational purposes only, in practical terms they were perceived by the citizens as the final and official ones.

This was the first time the TSE outsourced the implementation of the TREP, which faced the challenges of a late tendering process. In August 2022, the TSE tendered the procurement of the technological solutions for a TREP and a biometric identification of voters at the polling stations. Following complaints from political parties on the use of biometry the tender was cancelled,²⁴ In October 2022, the TSE tendered the purchase of a TREP solution only, a process that was also cancelled.²⁵ Finally, in December 2022, the TSE used a direct procurement procedure to contract the TREP solution,²⁶ inviting two suppliers to participate in the tender. This type of urgent procedure is in line with provisions in the law and does not necessarily affect the quality and reliability of the selected system, although it reduces the transparency of the procurement process, as the tender documents, the evaluation criteria and the results of the evaluation process were not published.

Improve the transparency of the procurement process of the system for transmission and announcement of preliminary election results, including the details of the tender, the selection criteria and the outcome of the evaluation process.

Before the 25 June General Elections, the TSE conducted two large-scale results transmission mock exercises, raising confidence in the efficiency and reliability of the system. Political organisations and other stakeholders were regularly invited by the TSE to discuss about the system. Besides implementing common IT security best practices in the TREP system, the integrity of the TREP was supplemented by calculating the hash of each scanned results protocol and storing that information in a publicly accessible immutable backup solution using a blockchain. This solution was positively accepted by most parties, although UNE made unsubstantiated claims that it was used to tamper with the preliminary results. Although the TSE alleged that the TREP would be subject to two security audits, the lack of public information on the findings and on subsequent improvements made to the system did not contribute to build public confidence in the election technology.

Despite most political parties publicly expressed their confidence in the TREP in the days prior to the first election round, some of them later questioned it without providing reliable evidence of any failure. Civil society organisations scrutinised the TREP's accuracy and reliability using diverse techniques to analyse

²³ TSE, circular n°16-2023, which emphasized the right to monitor the polls only by agents belonging to contesting parties.

²⁴ TSE decision 113-2022 of 26 September 2022.

²⁵ TSE decisions 158-2022 and 159-2022 of 16 November 2022 due to changes in the technological model of the electoral process.

²⁶ [Art. 44.f](#) State Procurement Law

the data based on the 25 June election results protocols available at the TSE website and found no significant inconsistencies.

For the presidential run-off, the TSE adjusted the TREP to handle the results protocols and those of the five municipalities where local elections were held. On 18 August conducted a satisfactory full-scale results transmission mock exercise, providing public evidence of the system's readiness.

Although the preliminary results delivered by TREP are not legally binding, the TSE allocated to it a big amount of effort and resources. In contrast, no additional technology or standard approach was put in place to ease and speed up the official tabulation of results by the JEDs and JEMs resulting in an inefficient use of public resources. By the time the TSE attempted to contract a technological solution to support the official tabulation it was too late for the political parties to accept it.²⁷

Out of their own initiative and based on the need to speed up the tabulation of official results of the two JEDs in charge of the largest constituencies, the Guatemala department and the city, their respective JEDs procured a system for the tabulation of official results. This was highly criticised by most political parties that claimed that the use of IT for this purpose was under the exclusive jurisdiction of the TSE. Following a poor performance during the 25 June elections, the Guatemala department and city JEDs cancelled the contract of their official results tabulation system and resorted to manual tabulation of the presidential run-off official results.

Implement a standardised and more effective and verifiable system to facilitate JEMs and JEDs' aggregation of results at municipal and departmental levels and the allocation of municipal and congressional seats.

VIII. Voter Registration

The registration system in place is not conducive to an inclusive voter roll; restrictions to the right to vote at odds with Guatemala's international commitments.

The Right to Vote

The right to vote is guaranteed for all Guatemalan citizens from the age of 18. Registration to vote is not automatic and relies on an active enrolment of the citizen. Some 40,000 persons serving as members of the Army and Police have no right to vote, which is not in line with international and regional commitments. Prisoners in pre-trial detention or serving short sentences can vote, although there are no provisions to facilitate their effective exercise of the right. Similarly, persons whose physical or health conditions do not allow for an in-person voting at the polling stations are disenfranchised, as are citizens reaching the voting age after the voter register cut-off date.

Remove restrictions to the right to vote for members of the Army and Police and adopt specific measures to ensuring the opportunity to vote for citizens in prison, hospitals and with other special conditions.

Assessment of the Voter Register

The voter register comprised 9,361,068 voters, an increase of 14.9 per cent compared to the 2019 elections, although the TSE had announced a target of 9.8 million voters until early 2023. This is equivalent to 79 per cent of the total voting age population.²⁸ The voter register includes only 90,708 out-of-country voters in the USA, where an estimated 2.8 million Guatemalans live.²⁹ Voters can permanently register and update their registration status either at the TSE Citizen Registry offices (RC) at the departmental or municipal levels or through the RC's online platform. Since August 2021 those citizens

²⁷ The outsourced initiative was presented to the parties by the TSE on 18 May 2023.

²⁸ Source: RENAP.

²⁹ Source: Facts on Hispanics of Guatemalan origin in the United States. Pew Research Centre.

receiving and ID card for the first time, could request at the National Civil Registry (RENAP) or via its online services to be added to the voter register.³⁰

Of the 4.03 million citizens between 18 and 25 who hold an ID card, only 1.45 million registered to vote, accounting for only 35 per cent of this age segment. Women comprised 54.1 per cent of the registered voters. In addition, 94,250 citizens who turned 18 between the closing of the register and election day did not have the chance to register.³¹

Facilitate voter registration procedures through an automatic system whereby citizens are registered in the electoral roll at the coming of age, in order to avoid the high under-registration of young voters.

While political parties received a copy of the voter list, there was no period of public display to allow for potential corrections after the closing of the register on 25 March 2023, which is not in line with international good electoral practice. On 1 June, the TSE launched an online application allowing voters to check the location of their polling stations.

Seeking to prevent changes of municipality with the aim to influence local election results, around 191,000 voters who changed their municipality of residence the year prior to the elections had to cast their votes in their previous municipalities.³² Finally, the TSE decision allowing voting with an expired ID card was a positive step towards enhancing voting opportunities.³³ According to the Civil Registry (RENAP), 10 days before the 25 June elections, around 6.6 per cent of the citizens held an expired ID and 129,457 citizens were yet to collect their ID.³⁴ The RENAP further contributed to the enhancing of participation on election day by delivering free of charge certificates to holders of damaged ID cards in a context where RENAP plans to extend ID cards to underage citizens from 2024.³⁵

IX. Registration of Candidates

Arbitrary and politically-motivated decisions undermined the fundamental right to stand of four presidential candidates and a complete party list.

The TSE's Citizens Registry (RC) is the body responsible for the registration of candidates. The registration period ran from 21 January to 21 March 2023. The RC registered 40,086 candidates for all five elections: 44 candidates for the Presidency, 387 candidates for the Congress national list, 2,347 for the Congress district list, 272 for the PARLACEN, and 37,036 for the municipal election. This ensured in principle a plurality of options to voters. However, around 12 per cent of the applications were ineligible, almost twice as many as in the elections of 2019 (6.9 per cent), including the entire PC party list, the majority of *Poder* list, three presidential candidates and one vice-presidential candidate that were disqualified at different moments of the registration period and afterwards on dubious grounds, limiting voter's real choices and undermining candidates' right to stand in elections.

The 2016 electoral reform introduced the concept of early campaigning, i.e. engaging in political propaganda before the official start of the electoral process, as a violation of the law. The sanction for committing such a practice is the ineligibility to stand as a candidate, which the EU EOM considers disproportionate. Furthermore, the law is unclear on the period during which the offence can be

³⁰ From January to March 2023, among the 1,965,429 citizens added to the voter register, the four registration options were used in the following manner: RC offices (88.1 per cent), RENAP offices (6.5 per cent), TSE online services (4.8 per cent) and RENAP online services (0.6 per cent).

³¹ Source: RENAP

³² Following the 2016 electoral reforms, article 13 of the election law forbids voters to change their electoral residence once the call for elections has been published (Four months prior to the closing of the voter register).

³³ TSE circular on 13 June was released at the time when many trainings were completed.

³⁴ 99 per cent of IDs are divided equally between first time issuances and renewals.

³⁵ Source: RENAP decision of 26 May 2023. The measure was implemented few days prior to the 25 June elections.

committed. One year before the start of the election campaign, the TSE warned three would-be candidates that their public activities could be labelled as early campaigning.³⁶ The EU EOM considers that the warnings against early campaigning were aimed at silencing critical political voices, undermining freedom of expression and the right to stand for election. During the election process, one of the candidates was disqualified for repeated cases of early campaigning.³⁷

Redefine provisions and sanctions on early campaigning to ensure that they do not limit the right to stand and the freedom of expression of would-be candidates.

Candidates who have managed public funds had to present a certificate of solvency stating that they had no pending debts or administrative complaints. In addition, the TSE required candidates to provide a certificate of no previous criminal and police records, despite the fact that the Constitution grants political rights to such citizens and that the Election and Political Parties Law does not regulate this.³⁸

The registration process of some candidates was subject to an arbitrary and selective interpretation of the law by the TSE, the CSJ and the CC. This resulted in the ineligibility of three presidential candidates: Carlos Pineda (PC) one month before the elections, when he was leading the polls, Roberto Arzú (*Podemos*) and Óscar Castañeda (*Poder*), and one vice-presidential candidate, Jordán Rodas (MLP). The vague criteria of “capacity, suitability and integrity” enshrined in the Constitution and applied as a basic principle of candidate eligibility, gave the TSE and the judiciary broad discretionary powers to adjudicate and reject candidacies and to use them as a political weapon to eliminate opposition candidates.³⁹

Based on these wide discretionary powers, the TSE also disqualified several candidates for being charged with an offence, in violation of their presumption of innocence, while registering other candidates with similar charges. At the same time, the TSE interpreted the legislation on candidate registration in line with the right to stand for elections by registering candidates with alleged constitutional prohibitions. This was the case of presidential candidate Zury Ríos (*Valor-Unionista*) and vice-presidential candidate Romeo Guerra (UNE), who the TSE registered before the CC finally confirmed their eligibility.⁴⁰

The EU EOM considers that the eligibility criteria of ability, suitability and honesty provided for in the constitution lacked clarity and objectivity, and were applied inconsistently. The restrictions imposed on candidates based on grounds other than a final court judgment in criminal proceedings are unreasonable and do not meet Guatemala’s commitments on the right to stand for election.

Define the criteria established in Article 113 of the Constitution in order to avoid arbitrary interpretations and to bring it in line with the country’s international commitment on the right to stand for elections.

The Constitution prohibits ex-presidents, persons who have led coups d’état or armed rebellions and their relatives up to the fourth generation from running for Presidency and Vice-Presidency. Zury Ríos (*Valor-Unionista*), the daughter of former dictator Efraín Ríos Montt, who had been banned from running in the 2015 and 2019 elections, was registered by the TSE for the 2023 elections. This decision was challenged by *Cabal* before the Constitutional Court, which rejected the appeal and confirmed Zury Ríos’ registration. Contrary to previous interpretations, the Constitutional Court ruled that the restriction preventing relatives from assuming the presidency is limited to the period immediately following the leader’s term in office. The EU EOM considers that permanent ineligibility based on criminal acts

³⁶ Ernesto “Neto” Bran, incumbent and elected mayor of Mixco (Guatemala), Edmond Mulet, *Cabal* presidential candidate and Roberto Arzú, *Podemos* presidential candidate. [TSE Citizen’s Registry reports of 17 and 18 March 2022](#). Article 94 bis, of the Election and Political Parties Law.

³⁷ TSE File 366-2023, rejecting the registration of Roberto Arzú for violation of the regulations on unlawful propaganda (article 94bis of the election law).

³⁸ Article 22 of the Constitution.

³⁹ Article 113 of the Constitution.

⁴⁰ *Cabal vs Zury Ríos*. (Constitutional Court File 2065-2023 of 18 of May 2023) and *Todos vs Romeo Estuardo Guerra* (CC File 888-2023 of 11 of May 2023).

committed by another person is disproportionate and does not meet Guatemala's commitments in relation to the right to stand.

During the different stages of the electoral process, the TSE receives and processes complaints and appeals from political organisations and candidates. The Citizens' Registry is responsible for registration or rejection of candidacies, while the TSE plenary decides on the appeal of annulment. The Supreme Court of Justice and the Constitutional Court are the second and third appeals instances.

According to the law, all actions and decisions taken during the electoral process can be challenged within three working days of their official notification. Until 25 June, 285 petitions had been filed with the TSE and 111 annulment appeals with the CSJ and the CC. The TSE generally respected the deadlines for deciding on complaints, but the CSJ and the CC, which are part of the appeals structure and have different deadlines, were prone to significant delays, with decisions being taken very close to the election day. On 14 June, the CSJ ordered the reinstatement of the presidential ticket and of 375 candidates of the *Poder* party. This decision was challenged by the TSE before the CC, who sustained the appeal only five days before the elections. Unjustified delays on decisions on candidate registration are incompatible with the electoral timeframe and against the principle of timely and effective remedy, enshrined in the international and regional instruments ratified by Guatemala.⁴¹

Set clear, reasonable and binding deadlines for challenging candidates' eligibility and for their resolution by the competent authorities, respecting the principle of timely and effective remedy.

The law also provides for the possibility of challenging candidacies by means of a writ of constitutional protection (*amparo*) if it is proven that a constitutional right has been threatened or violated (*see section Legal Framework*). The writs are lodged with the Supreme Court against the decisions of the TSE, or with any of the 45 courts of appeal against the decisions of the TSE's Citizens' Registry. The fact that they can be filed at any time, regardless the preclusive nature of electoral legislation, has led to petitions being filed with the alleged aim of pushing a rival party or candidate out of the electoral race. On 19 May an administrative appeal court granted a temporary writ of protection to *Cambio* party, which had requested the annulment of the PC national assembly, held in November 2022 and certified by the TSE's RC. *Cambio* sought the annulment of all subsequent PC decisions on the nomination of candidates, including the registration of its presidential candidate, Carlos Pineda, who was leading in the polls at the time the petition was submitted. As a result, all 1,438 PC candidates on all elections levels were excluded.⁴²

Give the Supreme Court exclusive jurisdiction on writs of constitutional protection against the TSE, including against decisions of the Director of the Citizen's Registry

X. Campaign Environment

Abuse of incumbency and use irregular campaign practices, mainly by Vamos and Valor in the first electoral round and by UNE in the run-off

The Election Campaign

The campaign period of the first round of elections started on 27 March 2023 and finished at midday on 23 June. *Cabal*, *UNE*, *Valor* and *Vamos* were observed to dominate the election campaign. Despite a generally calm environment, EU observers reported threats to candidates, as well as political and security tensions in several departments. Candidates had no limitations to campaign, enjoying equal rights to freedoms of assembly and movement throughout the country.

⁴¹ ICCPR General Comment 32, [para. 27](#).

⁴² Two candidates for the Presidency and Vice-Presidency, 14 for the Congress national list, 94 for the Congress district list, 6 for PARLACEN, and 1.322 for the municipal elections.

Campaign messages during the first round of elections generally lacked programmatic proposals. Abuse of incumbency was evident throughout the campaign. The use of government programmes in a manner that benefitted *Vamos* was either observed or reported in 17 departments, contributing to the lack of equitable access to state resources.⁴³ The EU EOM observed 141 campaign events and registered six cases of misuse of state resources, including the use of state vehicles, municipal infrastructure and public officials campaigning during working hours. Distribution of food and money by ten parties was observed, in particular by *Valor-Unionista* and *Vamos*, in 23 per cent of the observed campaign events, often targeting the most vulnerable communities. A few days before the first round, the EOM observed the distribution of household items to voters by *Vamos* through communal vote buying schemes involving mayors and community councils for urban and rural development. Poor, rural and often illiterate voters were targeted for their loyalty. These practices, forbidden by law,⁴⁴ were widely publicised in the social media. Compliance was not enforced by the TSE, allegedly due to lack of institutional will. EU observers reported that *Valor-Unionista* mobilised the largest share of women and the smallest share of indigenous people for campaign events, while the *Semilla* party rallies were attended by the largest share of youth.

The presidential run-off campaign officially resumed on 12 July, once the TSE confirmed the two presidential tickets for the run-off and finished at midday 18 August. UNE campaign activities were observed by the EU EOM since 26 June and were interrupted in solidarity with *Semilla* for two days on 13 July, at the beginning of the judicial persecution against the party. *Semilla* was observed to be campaigning from 14 July. Campaign silence started at noon on 18 August and was generally respected in the offline environment. The run-off campaign was reported by EU observers as low-intensity, with a more visible UNE campaign in a mostly calm environment. Election-related violence, mostly linked to the municipal elections, almost disappeared during the run-off campaign and election⁴⁵. Only one of the two presidential debates was attended by both candidates. Sandra Torres was unavailable for the first debate on 7 August, as she scheduled the presentation of her government programme at the same time.

Fundamental freedoms of assembly and movement were broadly respected, with limitations of access to some rural areas dominated by local and indigenous authorities for both contenders. *Semilla*'s ability to campaign was negatively affected as its resources were consumed by litigation against judicial decisions. UNE promoted conservative, pro-life, religious values in favour of traditional families, as well as increased security and social programmes. EU observers reported an unofficial alliance between UNE and government party *Vamos* in most departments, putting at UNE's disposal its network of elected mayors, municipal resources and social schemes. *Semilla* portrayed itself as a movement for social justice and against corruption, and presented its first 100 days programme focusing on anti-corruption, economic, security and development measures with "rescued" State institutions. EU observers reported that *Semilla* rejected offers for alliances with other political actors in exchange for future benefits. Torres was publicly supported by 250 mayors from nine different parties and some civic committees.⁴⁶

The EU EOM observed 67 campaign events during the run-off campaign and documented nine cases of misuse of state resources by UNE and *Vamos*, the latter at campaign events related to the repeated municipal elections.⁴⁷ Irregular UNE and *Vamos* campaign practices and vote-buying were observed by the EU EOM, as well as distribution of household items, food and money related to both municipal and

⁴³ A total of GTQ 340 million (approx. EUR 40 million) extra public funds were allocated to the Senior Citizens Programme in April 2023 and announced to beneficiaries by President Giammattei in events across the country during the campaign period. In addition, social canteens, social vouchers, Temporary Programme of Integral Development for former combatants and municipal programmes were reported to be used for electoral purposes in 16 departments.

⁴⁴ Article 223 of the election law.

⁴⁵ Eight candidates were assassinated during the campaign of the first round of elections and none during the run-off campaign.

⁴⁶ *Azul, Bien, Cabal, Cambio, Nosotros, Todos, Valor, Vamos* and VIVA.

⁴⁷ Observed in the departments of Chiquimula, Huehuetenango, Jutiapa, Retalhuleu, Santa Rosa, Sololá and Zacapa, among others.

presidential campaign events.⁴⁸ UNE was observed signing citizens up to receive benefits from potential UNE government social schemes.⁴⁹ The EU EOM encountered challenges to observe UNE's presidential campaign, with EU observers being asked to leave Torres' rallies on four occasions.⁵⁰ In San Martín Zapotitlán (Retalhuleu), where municipal elections were repeated due to burning of ballots and transportation of voters on 25 June, EU observers observed at a campaign event the mass distribution of food parcels to women and the use of state resources by the *Vamos* mayor standing for re-election.

Enforce existing provisions in the Penal Code and the Election Law on vote buying and transportation of voters for political purposes, and ensure public commitment from political parties not to resort to such practices.

Instances of third-party campaigning were observed from radical groups, namely by the Foundation against Terrorism,⁵¹ forerunners of the judicial persecution by the MP against Semilla, journalists and members of the judiciary critical of corruption; and by *Pro Patria* League, an organisation linked to Army war veterans (see section *Digital Communication and Social Media*). *Pro Patria* League sponsored several large billboards with the message: "Don't destroy your family with your vote". Examples of such billboards expose the legal vacuum existing on third-party campaigning, offering vast opportunities for well-funded political actors to influence campaigns. The TSE opened an investigation to assess whether the billboards violated campaign regulations.

Campaign Finance

Lack of equitable access to state resources and lack of efficient financial reporting to prevent undeclared and illicit campaign funding.

State budget allocations for the 2023 public funding scheme for political parties fell short of the established amount. The TSE did not disburse available party and campaign funds proportionally among political parties to allow for genuine competition. This resulted in CREO, UNE, URNG-*Maíz* and *Vamos* not receiving any public funding in 2023, limiting the ability of smaller parties to campaign in contrast to the larger parties that received significant private funding and were less dependent on public financing. Failure to treat all political parties on an equal footing and provide them equitable access to state resources for election campaigning is contrary to the international commitment of equal protection by the law. A TSE dedicated unit reviewed the financial reports of political parties, cross-checking information and issuing inquiries about unreported expenses and inconsistencies⁵². Files were then submitted to the TSE's RC for sanctions, which had full discretion to decide the administrative measures to apply, without clear criteria or classification of infringements.

Over 150 files were examined and sent for sanctions to the RC during the electoral process. Due to the lack of timely, effective and fair sanctions, as well as of an independent justice system, the existing reporting obligations did not ensure the prevention of unreported and illicit campaign funding. Occasional and disproportionate sanctions issued for reporting failures or non-compliance with the electoral law suggested political bias. In several departments with land or maritime borders or transport corridors, EU observers reported illicit campaign fund-raising methods with funders offering candidates funding for their campaign in exchange of future benefits, contracts or territorial control, if funding was accepted.

⁴⁸ For instance, in Chimaltenango at the San Carlos University for GTQ 900 (approx. EUR 105). EU observers reported similar practices in Alta Verapaz, Baja Verapaz, Chiquimula, department of Guatemala, Guatemala City, Huehuetenango, Izabal, Jalapa, Petén, Retalhuleu, Santa Rosa, Sololá, Suchitepéquez, Totonicapán, Quetzaltenango and Zacapa.

⁴⁹ In Suchitepéquez and Totonicapán. Also, a [Sandra Torres' tweet](#) of 16 August.

⁵⁰ In San José Pinula (Guatemala) on 15 July, Huehuetenango on 13 August, Retalhuleu on 16 August and Cobán (Alta Verapaz) on 17 August.

⁵¹ [Tweet](#) by Ricardo Méndez Ruiz, FCT President.

⁵² TSE's Unit for Control and Supervision of Political Parties' Finances (UECFPP)

Almost all political organisations complied with the financial reporting requirements. The TSE admitted though that transparency and accountability of political party financing needed to be improved. Positively, campaign finance reports were available on a dedicated TSE online page. As observed by the EU EOM, the campaign ceiling did not fulfil its objective to ensure equal opportunities for political parties. An assessment of financial reports revealed that paid UNE ads in June through official Facebook pages were more than five times higher than the overall public funding available for such expenses. Paid *Semilla* ads in June through official Facebook pages represented 73 per cent of campaign expenses from public funding reported to the TSE.⁵³ Another type of campaign expense directly observed by EU observers were helicopter transportation costs to and from campaign events. While UNE did not report any campaign costs or donations of air transport services in May, June or July to the TSE, EU observers reported that in at least 10 occasions between 27 May and 30 July, UNE members or candidates used helicopters to move to campaign rallies, with an overall estimated cost was set at GTQ 116,100 (approx. EUR 13,860), based on minimum tariffs of helicopter rental in Guatemala.⁵⁴ The EU EOM did not observe the use of helicopters by *Semilla* members or candidates.

Strengthen internal processes and human capacities to make financial reporting more efficient in order to prevent infringements to the campaign finance regulations. Sanctions should be clearly defined and commensurate with the gravity of the violation committed.

Online Campaign

Contenders at all levels campaigned extensively online, using both organic and paid content. Along with a genuine promotion of party programmes, social media were also largely used by multiple candidates and sympathisers with a clear intention to discredit competitors and to question the legitimacy of the elections, which undermined public trust in the process. Anonymous fake accounts on Facebook, Twitter and TikTok were widely used to disseminate smear campaign and targeted attacks throughout the campaign, with Edmund Mulet (*Cabal*) and the TSE being the main targets ahead of the first round and Bernardo Arévalo and *Semilla* and the TSE ahead of the second. Such attacks were often spread through third-party ads on Meta's platforms (*see section Digital Communication and Social Media*).

An increasing polarisation of the political discourse was observed since the day after the 25 June elections. On the one hand, a coordinated dissemination of allegations of fraud, smear campaign against Bernardo Arévalo and election-related disinformation by actors linked to far-right groups and the military establishment; on the other, an organic increasing support to *Semilla* and its presidential candidate by regular users, content creators, political and business figures sharing enthusiasm through creative content with a hopeful and often ironic tone.⁵⁵ The EU EOM social media monitoring findings showed that Sandra Torres' accusations against Bernardo Arévalo for allegedly being behind an online smear campaign against her were ungrounded.

Despite a legal provision banning the use of religious beliefs or invocation of religious motives for campaign-related purposes, the EU EOM observed repeated instances of allusions to the religious sphere

⁵³ UNE ads were paid for a total of approx. GTQ 518,068 (EUR 60,108) compared to UNE public funding of GTQ 87,435.8 (EUR 10,153). Reported UNE private funding in forms of donations could not be used for such expenses. Paid *Semilla* ads in June amounted to approx. GTQ 86,450 (EUR 10,014) compared to GTQ 117,854 (EUR 13,649) of *Semilla* public funding.

⁵⁴ Flights to Chiquimula on 27 May, Alta Verapaz on 4 June, to Sololá on 10 June, to Quiché on 17 June, to Santa Rosa on 18 June, to Baja Verapaz on 21 June, 8 and 15 July, to Chiquimula on 16 July and to Sololá on 30 July.

⁵⁵ The EU EOM social media monitoring unit observed a multitude of smear campaign contents including homophobic attacks against party members and accusations of a hidden intention to implement policies on land expropriation and tax increase, to legalise abortion and same-sex marriage, to limit religious freedom and to promote a communist ideology.

by both candidates, with Sandra Torres' effort to push for a conservative discourse appearing more oriented to please the Christian evangelical believers in particular.⁵⁶

While UNE's campaign strategy comprised both a strong economic investment in the digital sphere and an offline tactic of widespread distribution of election campaign posters around the country, *Semilla* relied mainly on online organic campaigning.

XI. Media

Balanced election coverage against a backdrop of criminalisation and persecution of journalists.

The 2023 general elections took place in a context of restrictions to the freedoms of expression and of the press, and their consequent impact on voters' right to receive information. The closure of the newspaper *elPeriódico* on 15 May, following the lengthy financial hounding and judicial persecution to which the publication, its founder, José Rubén Zamora, and several of its journalists and columnists were subjected, represents a serious restriction to press freedom and a limitation of the range of information available for voters.

Zamora's one-year long pre-trial detention, his subsequent six-year prison sentence after a trial that lacked due process, as denounced by main international and regional organisations,⁵⁷ the systematic persecution and indictment of eight *elPeriódico* journalists and columnists, several of whom have gone into exile, and the criminalisation of journalists constituted an intimidating environment for the media that resulted in self-censorship and limited access to information and freedom to report during the electoral process. In this regard EU observers reported various degrees of self-censorship among journalists in 12 out of 22 departments, as well as direct threats to journalists in Escuintla, Guatemala City and Sololá.

Attempts at silencing journalists persisted even after the presidential run-off. On 24 August, the Public Prosecutor filed a writ for constitutional protection before the Constitutional Court requesting state institutions to protect the MP from attacks by journalists and influencers in the social media. The CC did not grant the writ.

Guatemala ranks 19 out of 22 countries in the 2022 Chapultepec press freedom index, elaborated by the Inter-American Press Society (SIP), only above Cuba, Venezuela and Nicaragua. Intimidation, prosecution and silencing of critical media and journalists have considerably increased during Giammattei's government. The Guatemala Journalists Association (APG) has registered more than 400 cases of violence, censorship and restrictions to the free exercise of journalism during the past three years, the highest number ever registered under the same administration. According to media interlocutors, more than 20 Guatemalan journalists are currently in exile due to threats or judiciary processes faced after publishing critical reports about the government.

Moreover, a significant number of media professionals reported to the EU EOM the difficulties they have encountered during the electoral period in accessing information from the TSE and other public bodies. Guatemala has a Secretariat for Access to Public Information under the Office of the Ombudsperson (PDH) to promote the right of access to public information and to oversee compliance with the provisions contained in the Law on Access to Public Information (LAIP). The SECAI appeared to be understaffed, with only seven officials for around 1,200 bodies required to provide public information.

Strengthen human and material resources of the Secretariat for Access to Public Information in order facilitate the work of journalists and benefit citizens and their right to access public information, including during elections.

⁵⁶ [Article 67e](#). Regulation of the Election and Political Parties Law.

⁵⁷ Source: [Inter-American Commission of Human Rights](#), 21 June 2023.

Despite this bleak environment for journalism, the media landscape in Guatemala is vast and includes a large offer of private and, to a lesser extent, public media. More than 700 radio and 450 TV stations currently operate in the country. However, concentration of the main radio and TV outlets in the hands of a few private media groups, and their dependence on state advertising, limits plurality and compromises citizen's right to receive information of all kinds. Radio and television are the main sources of information in the country, while influence of print press has considerably decreased in past years, with only two national newspapers, *Nuestro Diario* and *Prensa Libre*, currently available. State-owned media, including TGW radio, Canal de Gobierno TV channel and *Diario de Centroamérica* newspaper, are fully devoted to report on Government activities, with very low audience

Following the 1995 peace agreements, Guatemala committed itself to promote the reform of the Telecommunications Law so that indigenous peoples would have access to frequencies and be able to operate their community radio stations. However, the Mayan communities denounced before the Inter-American Court of Human Rights (IACtHR) the lack of political will, the high price of frequencies and the seizure of some radios stations. In 2021 the IACtHR found Guatemala responsible for violating the right to freedom of expression and for not recognising indigenous radio stations. The Guatemalan Telecommunication Authority (*Superintendencia de Telecomunicaciones - SIT*) argued that there were no more FM frequencies available, while indigenous representatives claimed that there are and that the digitisation of the radio spectrum has not been considered to multiply the number of frequencies.

Several community and indigenous radio associations have requested Congress to approve the draft bill 4087 "Community Media Law", currently under discussion. The draft envisaged the allocation of frequencies by open and public competition and merits instead of by auction as established in article 62 of the current General Telecommunications Law.

Congress to adopt the Community Media Law currently under discussion to guarantee community radios legal access to frequencies.

An improved digital environment has a direct impact on enhancing freedom of the press and freedom of expression in general. In Guatemala, it has facilitated the emergence of digital media and independent journalism such as *Plaza Pública*, *Prensa Comunitaria*, *Agencia Ocote* and *Factor4*, among others. Digital media have given great relevance to electoral information and investigative journalism. All of them face the problem of their long-term sustainability as they do not have a clear business model.

Legal Framework for the Media

Freedom of thought is guaranteed by the Constitution, which also guarantees free access to sources of information. It establishes that the media cannot be impounded, nor can their equipment be seized or intervened. Aspects of this constitutional right are regulated in the Law on Broadcasting of Thought (1966) which, together with the General Law on Telecommunications (1996) and the Law on Access to Public Information (2008), constitute the main legislation in force in Guatemala on media.

The 2016 amendment to the election law created the TSE's Specialised Unit on Media and Opinion Studies (UEMCEO), aiming at providing equal space for political parties and candidates in the media; electronic and printed media must register within the TSE to participate in the campaign advertisement scheme. In this regard the TSE equally distributed a total of GTQ 91 million (approx. EUR 10.9 million) among the 30 political parties contesting the 25 June election, and GTQ Q15 million EUR (approx. 1.8 million) among the two run-off contenders for the dissemination of campaign messages in legacy media. A total of 250 media (147 radio stations, 95 TV stations and eight publications) were either broadcasting or publishing electoral spots according to parties' preference, who have prioritised TV outlet (65 per cent of the total budget) over radio stations (27 per cent) and publications (8 per cent) to disseminate their campaign messages. Buying of airtime or space in legacy media outside of the media plan elaborated and funded by the TSE for dissemination of electoral propaganda is forbidden.

The 2016 reform benefited smaller media outlets, with lower rates and more space/airtime available for advertising. In fact, 64 more media outlets were registered to participate in 2023 than in 2019. Another factor has been the economic crisis facing traditional media and the proliferation of digital media and social networks, whose advertising space is cheaper than traditional media, and the migration of print media to digital platforms, with lower production costs. In 2019, one TV channel, TV Azteca, was registered, while in 2023 all free-to-air channels were registered except for Guatevisión, which only had electoral advertising in the independently-produced programme *Con Criterio*.

Media Coverage of the Elections

The EU EOM monitored the informational and advertising spots broadcast and published in the 13 media outlets with the largest audiences. The sample monitored includes five television channels: Canal 3 and Canal 7 of the Albavisión group; Guatevisión of the Prensa Libre group; TV Azteca of the Salinas group and Canal Antigua, on cable, of the Archiles group. Four radio stations with national coverage: Emisoras Unidas of the Emisoras Unidas group, Radio Sonora of Albavisión, Radio Nuevo Mundo of the Nuevo Mundo group and Radio Punto of the Alius group. Two daily newspapers: Prensa Libre from the Prensa Libre group and Publinews from the Emisoras Unidas group, and two random and free newspapers: *Nuestro Diario* and *Soy502*, both Prensa Libre group.

The media monitoring showed that, in the first round, four of the candidates (Conde, Mulet, Ríos and Torres) received more than half of the television coverage, 56 per cent, while the remaining 18 candidates shared 44 per cent of the news slots. With 14.4 per cent, Manuel Conde (*Vamos*) had the largest share on the monitored television stations. *Cabal's* Edmond Mulet, with 10 per cent coverage, was given the most radio airtime. Sandra Torres (UNE) received the most newspaper coverage. In the first round, the final winner of the elections, Bernardo Arévalo, obtained 4.1 per cent of appearances on TV news, 4.8 per cent on radio and 0.8 per cent in newspapers. This suggests that traditional mass media are no longer the only fundamental tools for winning elections.

In both the first and second rounds, the tone of news coverage has been mostly neutral. As for the presidential run-off, Sandra Torres received slightly more attention in the audio-visual media, while Arévalo got more coverage in printed media. Monitored newspapers showed a greater balance of information, with a slight advantage for Bernardo Arévalo with 52.1 per cent. On TV, Torres received 54 per cent of the airtime, and on radio, almost 69 per cent. This figure is due to her important presence on Sonora radio, one of the most listened to in the country, while the remaining radio stations maintained an informative balance. During the first round, Sandra Torres opted to place her advertising space on radio and television and her presence in newspapers was practically non-existent, while in the second round she employed the opposite strategy, placing all her advertising space in newspapers and with hardly any presence in the electronic media. The *Semilla* party's advertising was scarce on TV, moderate on radio and somewhat more forceful in newspapers during the first round, while in the second round the party made a strong bet on electronic media, practically discarding written publications.

XII. Digital Communication and Social Media

An online campaign marked by extreme division, attacks between candidates, disinformation and artificial manipulation of the political discourse in the digital environment.

Digital Landscape

Around 60 per cent of Guatemalans have access to the Internet, with variations depending on the area of residence and the type of network used. While recent efforts have improved connectivity in urban areas, several rural areas still lack high-speed Internet access and suffer from poor infrastructure.⁵⁸ While a

⁵⁸ Source: [Prensa Libre](#), 29 May 2023.

considerable digital divide between urban and rural areas prevents widespread access to the Internet and limits access to digital opportunities for many communities, zero-rating promotions offered by national mobile operators make access to social media apps like Facebook, TikTok and WhatsApp largely possible. According to a recent survey, around 47 per cent of interviewed have accessed electoral information through social media during this campaign, alongside television.⁵⁹

Overall, there were 8.7 million social media users at the start of 2023, with Facebook and YouTube leading in popularity, followed by TikTok and Instagram.⁶⁰ TikTok has recently registered significant growth, becoming the most downloaded app during the campaign. Despite the modest size of its community compared to other platforms, X/Twitter remains a key source of information, with an influential role in generating trending topics further spread through other platforms.

Legal Framework for the Social Media

The Guatemalan legal framework for the digital environment comprises different laws and regulations that seek to establish standards and protect users' rights. Freedom of expression is guaranteed in the Constitution and in the 1966 Law on Freedom of Expression. The 2008 Law on Access to Public Information guarantees the right of access to information held by the state, including in the digital sphere. The 1996 Telecommunications Law regulates the telecommunications sector, including internet networks and related services. The Consumer Protection Law regulates relations between service providers and consumers, setting standards for online advertising, misleading commercial practices and the protection of users' rights such as privacy and security of personal data. Guatemala lacks a comprehensive data protection framework, necessary to properly regulate consent and safeguard the collection and processing of personal information.

Adopt a data protection law that establishes principles, definitions, rights, obligations of those responsible for the processing of personal data, including election stakeholders for the processing of election-related data; create a supervisory authority to ensuring its implementation with a view to robustly protect citizens' right to privacy both online and offline.

The election law and its regulation and the TSE regulation on media and opinion polls include provisions applicable to the digital sphere. For the first time, the TSE required parties to register an official Facebook page to purchase paid political advertisement and candidates were forbidden to directly purchase ads through other pages and could only publish organic content. Apart from the general campaign spending cap applicable for all parties, the TSE set no limit to campaign spending for online paid ads, leaving room for unequal opportunities for parties to promote themselves on social media. Additionally, a legal vacuum on third-party campaigning online offered an opportunity for further financial support to well-funded contenders, exacerbating the unlevel playing field in the digital sphere (*see section Campaign environment*).

Establish equal conditions for online and offline paid political advertisement, including on third-party campaigning, with a view to guaranteeing a level playing field among contenders

Social Media Monitoring Findings

Facebook and TikTok were the prevalent online platforms for campaigning, with several EU EOM social media interlocutors perceiving Twitter as less effective to reach the electorate and more subject to manipulative operations by malicious actors operating in a coordinated manner. Content originally published on TikTok often migrated to other platforms, making it the most powerful digital campaign tool. Instagram proved to be an important source of campaign-related information, widely used by influencers, content creators and civil society organisations to promote live content with candidates on

⁵⁹ [CID-Gallup survey](#), 2 August 2023.

⁶⁰ We are Social, Guatemala [Country Report](#).

Facebook, TikTok, YouTube, Twitter and Instagram.⁶¹ WhatsApp was used by party members to disseminate campaign messages via national, regional and municipal groups, as well as to organise and mobilise around common issues and to discredit the election process. The EU EOM noticed scarce consideration for data protection matters by parties.

Social media proved to be a key source of electoral information throughout the post 25 June developments and the campaign for the run-off. Traditional media extensively used online platforms to reach the audience. X/Twitter was constantly used by all stakeholders to share their views on the process through press releases and calls for public demonstrations. Live streams on TikTok and Facebook offered citizens an opportunity to follow closely crucial events. The genuine effort by a community of young online content creators to offer in-depth analysis of election-related matters despite suffering repeated intimidation online by far-right activists, positively contributed to guaranteeing access to a plurality of views to the electorate during the campaign (*see section Media*).

At the same time, all online platforms monitored were largely misused to distort the political discourse in the digital space and to generate information disorder through multiple tactics.⁶² Dozens of suspicious TikTok, X/Twitter and Facebook accounts created during the election period spread election-related disinformation, smear campaign content, personal attacks and accusations, at times in a coordinated effort. Social media accounts presenting themselves as media fuelled false narratives across multiple platforms, with misleading opinion polls boosted through paid ads on Meta and pieces of disinformation presented as media content produced by reputable national and international media such as Soy502 y CNN.⁶³ Several such Facebook pages were sponsoring posts discrediting contestants' credibility through smear campaign and personal attacks. The anonymous nature of these pages weakened the voters' ability to discern their sources of political information to make a fully informed decision free from manipulative interference.⁶⁴ Overall, tech companies failed to enforce meaningful actions to prevent such scenarios, at odds with their community standards.⁶⁵

The EU EOM observed groups of real, anonymous and bot-driven Twitter accounts operating in a coordinated manner to push trending topics, drive the public opinion in favour or against candidates and fuel campaign messages, allegations of fraud, disinformation, intimidations and subliminal threats against political opponents, as well as repeated accusations of interference against international election observers and organizations.⁶⁶ This phenomenon is publicly known in Guatemala as “netcenters” and some of such malevolent users moved disinformation narratives across different platforms through manipulated content

⁶¹ 125 live campaign-related events streamed simultaneously on multiple online platforms were announced on Instagram from 1 May to 25 June (first round) and 10 from 26 June to 20 August (second round).

⁶² The MOE UE conducted a social media monitoring exercise. The monitoring included a quantitative and qualitative analysis of the election-related content online across Facebook, Instagram, X/Twitter, TikTok, YouTube, Telegram and Threads.

⁶³ The EU EOM identified 57 opaque Facebook pages, 15 of which claimed to be news sources without providing accurate details to verify their authenticity. These pages boosted at least 51 deceptive political ads conveying smear campaign and personal attacks. Many had administrators based abroad (79 in Mexico, eight in Peru, five in Honduras, one in Pakistan). Five stopped being accessible on the day after the first-round elections, two soon after 20 August. See as an example the ads placed through the Facebook page [Ruta23](#), which was deleted on 20 August 2023.

⁶⁴ See United Nations (UN) Human Rights Committee General Comment No. 25 paragraph 19: “Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”

⁶⁵ “In line with our commitment to authenticity, we do not allow people to misrepresent themselves on Facebook, use fake accounts, artificially boost the popularity of content or engage in behaviours designed to enable other violations under our Community Standards. [...] Do not: [...] Conceal a Page’s purpose by misleading users about the ownership or control of that Page”, [Facebook Transparency Centre](#). See [TikTok Election Integrity Policy](#) on disinformation, impersonation, spam and false interactions.

⁶⁶ See: “Annex – Social Media Monitoring Results”

and deepfakes.⁶⁷ Examples of interconnected accounts posting the same malicious content across X/Twitter, Facebook, Instagram and TikTok to reach a wider audience were identified, suggesting the implementation of a sophisticated method of cross-posting marketing approach.

Netcenters spread narratives about lack of impartiality of the TSE magistrates, possible irregularities in the vote counting, as well as the alleged unreliability of the technological solution in place for the transmission of preliminary results, contributing to create a climate of uncertainty and discontent around the elections, reinforcing a perception of an organised nationwide fraud between the two rounds of the presidential elections. The fact-checking initiative *La Linterna* brought together five media allies in an attempt to counteract dissemination of disinformation online during this electoral period, but its scope was limited.

Develop programs promoting the digital literacy of voters and fact-checking initiatives to support voters' ability to recognise election-related disinformation online and offline, thus increasing their ability to make an informed decision.

X/Twitter accounts close to the Foundation against Terrorism anticipated FECCI and courts' initiatives before they occurred and disclosed confidential information of election-related cases, which suggests leaks or collusion with these institutions. Such messages were further amplified through accounts linked to netcenters to artificially influence political conversations online in a coordinated manner.⁶⁸

Contrary to the requirement for parties to use only an official Facebook page registered at the TSE to purchase campaign ads and the prohibition to use personal pages, the EU EOM observed that 26 parties disseminated paid ads through satellite Facebook pages, and 47 candidates used personal pages at least once, with presidential candidate Edmond Mulet (*Cabal*) leading the spending with GTQ 130,259 (approx. EUR 15,500) for a total number of 94 campaign-related ads between 10 May and 7 June. Additionally, smear campaign content was intensively disseminated through paid political ads on Meta by third parties using opaque Facebook pages,⁶⁹ including during the election silence period. Following the TSE's Specialised Unit on Media and Opinion Polls identification, more than 160 cases of suspected violations, most of them on possible infringements of the regulatory framework for paid campaign online, arbitrary sanctions were established by the TSE during the campaign. This questioned the effectiveness of the mechanism in place to ensure a level playing field.

In order to guarantee the implementation of the electoral campaign regulation and allow an appropriate and timely legal response, the TSE could strengthen internal processes and capacities to conduct systematic social media monitoring. Sanctions could be clearly redefined and commensurate with the gravity of the violation committed.

XIII. Participation of Women

The number of elected women remains low; legislative measures ensuring effective parity are needed.

The 1985 Constitution establishes that men and women have equal rights and opportunities,⁷⁰ and specific legislation aims at promoting the full development of women and their participation in all levels of the

⁶⁷ Despite contravening X/Twitter's [Synthetic and Manipulates media policy](#), the company did not label such contents to provide additional context which could help users understand their inauthentic nature.

⁶⁸ For example, the anonymous X/Twitter account ;Yes, Master! has anticipated MP and court initiatives before they occurred and has disclosed confidential information of election-related cases. See: "Annex – Social Media Monitoring Results".

⁶⁹ In this context opaque means Facebook pages using creative names which did not provide clear information on their administrators/origin despite boosting political content through paid ads (smear campaign), several of which claimed to be news sources without providing accurate details to verify their authenticity

⁷⁰ Art. 4 of the Constitution.

economic, political and social life of Guatemala.⁷¹ Besides, 54 per cent of the registered voters are women. Regrettably, this has not led into substantial representation of women in politics: only 22.9 per cent of registered candidates for the general elections were women, mostly occupying the lowest positions in the lists. Neither the Constitution nor the election law establishes parity or alternation provisions for candidate lists. In addition, most political parties do not have internal gender quotas to ensure a meaningful political participation of women, thereby limiting their opportunities to access decision-making positions within parties. UN Women and different Guatemalan women's organisations have unsuccessfully advocated for the introduction of mandatory gender quotas for elected positions.

Among the 44 presidential and vice-presidential candidates, there were only four women: Sandra Torres and Zury Ríos running for presidency, while the female vice-presidential candidates were Karin Herrera (*Semilla*) and Mónica Enríquez (UNRG-*Maíz/Winaq*). The presidential run-off included two of them: Sandra Torres and Karin Herrera. While Torres announced during the campaign that her potential cabinet would be gender balanced, Arévalo remained silent on this aspect.

In the 2024-2028 Congress, there will be the same number of women deputies (32 out of 160 members, accounting for only 20 per cent of the total) as in the outgoing parliament, which, according to the Inter-Parliamentary Union (IPU), puts Guatemala on the 114th position out of 187 states, one of the lowest in the region, as average in Latin America is 34.9 per cent.⁷² The parties with the highest number of elected women were *Semilla* (10 women out of 23 deputies) and *Vamos* (6 women out of 39), followed by UNE (4 women among 28 deputies). At municipal level, women are even less represented: out of 340 municipalities, only 12 will have female mayors (3.5 per cent), one more than in the 2020-2024 period. There will be eight women (40 per cent) among Guatemala's 20 PARLACEN deputies.

The TSE adopted an explicit gender equality policy.⁷³ Two among its current eight magistrates are women (25 per cent). In the temporary electoral bodies, women constituted 39 per cent of the Department Electoral Boards and 40 per cent of the Municipal Electoral Boards members, but 58 per cent of the polling station staff.

Introduce measures aimed at increasing women's political participation such as a requirement in the law for gender parity and alternation in candidate lists, and encouraging women in top decision-making positions of political parties.

XIV. Participation of Underrepresented Groups

Indigenous Peoples

Indigenous peoples were scarcely represented and ill-informed of the electoral process.

The 1985 Constitution recognises the forms of social organisation of the diverse ethnic groups, but no normative framework exists to actively promote their political participation. Although indigenous peoples account for 44 per cent of Guatemala's population,⁷⁴ political representation of indigenous population in the higher strata of politics is scarce. Indigenous organisations and some political parties have reported to the EU EOM that their fragmentation into different ethnic groups, each with its own language, and their distribution across different electoral constituencies hinders a meaningful representation in the Congress. Actually, indigenous presence will shrink from 16 deputies (10 per cent) in the outgoing parliament to nine (5.6 per cent), among them two women, in the 2024-2028 Congress. Only one of the 44 presidential/vice-presidential candidates identified himself as indigenous, Amílcar Pop (UNRG-

⁷¹ Law of Dignification and Full Promotion of Women (Ley de Dignificación y Promoción Integral de la Mujer).

⁷² [Women in Politics: 2023](#). UN Women and IPU

⁷³ [TSE Gender Equality Policy](#) (in Spanish).

⁷⁴ According to the last census in 2018, 22 Mayan peoples, each one with its own language, make up 42 per cent of the population, Xinka two per cent, Garífuna and Afro descendants 0.3 per cent.

Maíz/Winaq), who obtained 1.58 per cent of the vote. Among 20 elected PARLACEN deputies, only one was indigenous (UNRG-*Maíz/Winaq*).

None of the presidential run-off contenders stressed indigenous rights as a priority during their campaign. However, both focused on the indigenous population as a source of potential votes: Sandra Torres tried to gather support in impoverished indigenous rural areas by promising regular food distribution and monthly bonus for women and families, as well as an official Ministry of Indigenous Affairs. Bernardo Arévalo chose emblematic places for his meetings: Santa María de Jesús (Sacatepéquez), one of the country's few municipalities with a female indigenous mayor, and Jocotán (Chiquimula). Only one presidential candidate used indigenous languages in her run-off campaign messages: Sandra Torres published messages via 13 online paid ads in five of the country's 22 Mayan languages.

Indigenous communities and organisations were among the most relevant actors in supporting the integrity of the elections. Traditional authorities like Totonicapán's 48 cantons and the indigenous mayors of Palín (Escuintla), Sololá, Santa Cruz del Quiché, among others, called for respecting the Constitution and requested the resignation of the public prosecutor and the judge in charge of the *Semilla* case.

The indigenous women's organisation *Molaj* conducted voter education workshops for indigenous voters in cooperation with the TSE in the capitals of the Alta Verapaz, Huehuetenango and Quiché departments. Indigenous organisations pointed out that the lack of voter education and electoral information in indigenous languages hindered the access of monolingual voters (among them mainly women) to essential information. Positively, voter education materials in just a few of the indigenous languages were published by the TSE only days before the elections. According to the 2018 census, with the four most-spoken Mayan languages alone (K'iché, Q'eqchí, Kakchiquel and Mam) five million persons could be reached.⁷⁵

The TSE to increase production and dissemination of voter education and election information materials in the most widely-spoken indigenous languages to provide voters, including rural monolingual population, with relevant information.

Persons with Disabilities

Despite TSE's efforts few persons with disabilities went to the polls.

Guatemala has ratified the UN Convention on the Rights of Persons with Disabilities, which establishes the State's duty to take effective measures to ensure their inclusion. Guatemala does not have an official register of persons with disabilities, and the few statistical data on population with some form of disability vary considerably and reportedly lack accuracy.⁷⁶

The TSE cooperated with the National Council for the Attention of Persons with Disability (CONADI) and other organisations to increase the participation of persons with disabilities. Measures included the reduction of physical barriers in voting centres for voters with reduced mobility and the deployment of volunteers to assist them. Information and awareness training sessions were provided to polling staff on how to handle disability on election day, including on the use of Guatemalan sign language and Braille ballots in voting centres. Equally as in the 2019 elections, each polling station was equipped with three Braille envelopes, which allowed the few Braille literate blind or visually impaired citizens to exercise their right to vote in an inclusive manner, in equal conditions as the rest of voters.

EU EOM interlocutors deplored the lack of political participation of persons with disabilities: most potential voters live in poverty in rural areas, thus for lack of transport facilities are structurally hindered to exercise their franchise (*see section voter registration*). The few candidates with disabilities for

⁷⁵ 1,681,000 K'iché speakers, 1,370,000 Q'eqchí, 1,068,000 Kakchiquel and 842,000 speakers of Mam.

⁷⁶ Based on the 2018 census, most organisations considered 10 per cent of the population to have some kind of disability.

Congress and municipal councils were listed in the party lists' lower positions, and none of them was elected, which relevant organisations considered a step backwards in their political representation.

LGBTIQ Community

LGBTIQ issues became one of the central topics in the presidential run-off campaign.

Exclusion and intolerance towards the LGBTIQ community prevail in Guatemala: 29 members of the community have been killed in 2022 and 22 in the first eight months of 2023.⁷⁷ Furthermore, the UN Committee on Economic, Social and Cultural Rights has expressed its concern regarding the draft bill 5940 under discussion in Congress that “reinforces stigmas against LGBTIQ persons”.⁷⁸ Willingness, Opportunity and Solidarity (VOS) was the only political party which included sexual diversity issues in its party platform, while other parties did not take into consideration the LGBTIQ community and their demands.

While changes of name are possible, although subject to a final decision of the National Person Register (RENAP), citizens cannot change their sex on the ID card. LGBTIQ associations reported that this has led to confusion and embarrassing situations at the polling stations. In response, an “Observatory for the Promotion of the Vote of Guatemala’s Trans Women” was launched. Positively, the TSE in cooperation with transgender organisations organised pre-electoral workshops and developed a protocol how to deal with trans voters on Election Day to overcome past problems with identification at the polling stations. Due to these efforts, trans person organisations reported to the EU EOM that on both election days no reports on harassment or embarrassing situations concerning trans voters were received.

Prior to the run-off, LGBTIQ rights became a central campaign topic: an interview with Bernardo Arévalo triggered both sympathy testimonials from the LGBTIQ community and a homophobic anti-*Semilla* campaign from far-right “netcenters”. Consequently, according to LGBTIQ groups, they refrained from actively engaging in the run-off electoral process, in part due to the elevated risk of violence they are exposed to.

Smear campaigning against *Semilla*’s alleged intentions to legalise equal marriage and to destroy traditional family models were widespread online and echoed by Sandra Torres, although *Semilla* stated repeatedly that the party will not change current legislation on the matter. Although Sandra Torres explicitly advocated for equal marriage in her 2015 presidential campaign, strong opposition and homophobic narratives against the LGBTIQ community were among her key messages prior to the run-off, may be punishable under the law and is contrary to international and regional standards.⁷⁹

XV. Civil Society and International Observation

Civil society organisations played an active role during the electoral process by criticising the judicialization of the process and by providing recommendations to the TSE.

The election law does not provide for election observation, except in the regulation of the law introduced in 2016 for the out-of-country voting.⁸⁰ As in the previous processes, the TSE issued specific procedures to regulate for the deployment of observers, including with the right to observe all steps of the process.⁸¹

⁷⁷ According to the CSO Lambda.

⁷⁸ [Communication of GTM 10/2021](#).

⁷⁹ On 5 August, Sandra Torres publicly stated in a campaign meeting: “Los de Semilla todos son una partida de huecos” – “Those from *Semilla* are all a bunch of faggots”: <https://twitter.com/noficciongt/status/1688894849754292224>. Article 202Bis, Penal Code. Articles 20 and 26, ICCPR. Article 9, Inter-American Democratic Charter.

⁸⁰ Article 20 of the Regulation of the election law.

⁸¹ Source: agreements 582-2023 and 583-2023 issued on 26 April 2023 respectively for the national and international observations.

After facing technical problems with its accreditation web interface, the TSE indicated late July that they accredited 6,421 observers, including 5,804 national observers for the 25 June elections. For the second round, the TSE accredited about 6,000 observers in total. The largest domestic observer groups for both rounds included the MOE-Gt with around 1,800 observers among its seven entities, the Global Alliance of Young Politicians (AGLOJOVEN) with about 1,500 observers, the University of San Carlos with nearly 1,100 observers, and the Coordinating Committee of Agricultural, Commercial, Industrial and Finance Associations (CACIF), Guatemala's largest business association, with about 250 observers.

For both elections, there were around 500 accredited international election observers on election day, comprising among others the Organisation of the American States (OAS), the US Embassy Diplomatic Election Watch, the Interamerican Union of Electoral Management Bodies (UNIORE), the International Republican Institute (IRI), the National Democratic Institute (NDI), the Association of Electoral Magistrates of the Americas the Association of World Election Bodies (A-WEB), and members of accredited embassies. In addition to the TSE-accredited election observers, the Office of the Ombudsperson (PDH) and the *Mirador Electoral* deployed observers for both rounds respectively around 3,000 and 120, the latter primary focusing on vote-buying.⁸²

The MOE-Gt, supported by the National Democratic Institute (NDI), conducted quick counts for both rounds of the the presidential election covering all departments and the out-of-country voting. The Electoral Watch (*Mirador Electoral*) and the MOE GT, among others, engaged in long term observation activities and published specific reports and press releases during the campaign period. More specifically, the MOE-Gt formulated recommendations during the course of the elections and published the outcome of its quick count exercises, which supported the TREP's results.

After 25 June, the main civil society organisations and citizen observers have advocated for the importance of respecting the choice of citizens and the constitutional order, anticipating the need for reforms after the elections. Such actions helped to raise citizens' awareness of the development of the electoral process. This included MOE-Gt, *Accion Ciudadana* and Forum Guatemala, among others.

XVI. Election Disputes

The elections have been subject to extensive judicialisation and abuse of the legal proceedings by the MP and several political parties, undermining legal certainty and separation of powers.

Post 25 June Elections Petitions

The period following the 25 June elections was marked by the meddling in the process of judicial institutions with questionable jurisdiction on electoral matters, as well as by the escalation and abuse of legal proceedings by several political parties. The selectiveness and timing of these interventions suggest that they were carried out with the intention to disrupt the process and undermine the will of the electorate.

The official tabulation of the results by the JEDs, scheduled within five days of the elections, took place between 26 and 30 June. During the hearings, party representatives were given the opportunity to confirm the challenges filed at the polling station level. The law only allows for the validation of challenges relating to votes cast on election day. The lack of provisions to address other irregularities (such as errors and inconsistencies in the tally sheets) combined with the absence of clear procedures for the conduct of the hearings, led to dissatisfaction and subsequent legal actions by several parties.

Based on a broad interpretation of its mandate, on 1 July the Constitutional Court granted a temporary writ for constitutional protection to nine parties.⁸³ The Court ordered the TSE to suspend the announcement of the official results and to reconvene all the departmental tabulations to verify the polling

⁸² For the second round, some of the observers falling under the *Mirador Electoral* umbrella were accredited by the TSE.

⁸³ Azul, Cabal, Cambio, CREO, Mi Familia, Podemos, Valor, Vamos, and UNE.

station tally sheets and potentially to recount the votes, even though such a repetition, verification and recount are not foreseen in the law. Parties alleged inconsistencies and errors in the results protocols nationwide in all five elections despite most of them were represented at the polling stations and signed the tally sheets.⁸⁴ The CC's decision to intervene was controversial as, according to several EU EOM interlocutors, it does not have first instance jurisdiction to adjudicate writs against the TSE. In addition, the TSE's failure to provide a uniform procedure for such reviews led the JEDs to adopt their own, further undermining the legal certainty of the process (*see subsection Post 25 June election developments*). Following the conclusion of all hearings on 6 July, the results, including those of the presidential election, underwent only minor modifications, confirming the outcome of the 25 June elections as announced by the TSE's TREP on the election evening.⁸⁵

The election law and its regulations could clearly define the grounds on which challenges to election results can be filed before the municipal and departmental electoral boards.

Judicial Persecution against the TSE and the *Semilla* Movement

On 13 July, the CC granted *Semilla* a temporary writ of constitutional protection against a first-instance criminal judge decision ordering the TSE to temporarily suspend the party's legal status within 24 hours, on the basis of the law against organised crime, disregarding provisions of the higher-ranking election law prohibiting the suspension of parties during election periods.⁸⁶ The order was announced a day earlier by the head of FECCI and minutes before the TSE certified the results of the presidential election. Both the judge and the prosecutor are in the US State Department list for corrupted and antidemocratic actors, known as Engel List. The implementation of the order would have left the *Semilla* presidential ticket out of the presidential race. The court order was based on alleged procedural irregularities committed by *Semilla*'s founders during the party's formation phase in 2018.⁸⁷ Such procedural irregularities, if existing, should entail legal consequences, but they should not restrict in any case the fundamental freedom of association enshrined in the international and regional commitments that Guatemala has ratified.⁸⁸

While the CC explicitly ruled that the judge should not interfere with *Semilla*'s participation in the second round, it authorised the MP to continue the criminal investigation. This resulted in more than forty actions against the TSE by FECCI, including two raids on the TSE's premises on 13 and 20 July, a raid on *Semilla*'s headquarters on 21 July, an arrest warrant against the Director of the TSE Citizen's Registry for not suspending *Semilla* and two other arrest warrants against *Semilla* members. On the days around the official announcement of the presidential run-off results by the TSE, the FECCI and the Special Prosecutor against Electoral Offences continued with prosecution actions against *Semilla* and the electoral authorities, requesting that the immunity of the five TSE magistrates and the director of the RC be lifted.

The assertiveness and rudeness of their actions reached the level of harassment and intimidation. These two MP units were responsible for initiating criminal proceedings to verify the authenticity of the signatures of supporters of the *Semilla* and other parties and for ordering the TSE to provide the names of the more than 5,000 data entry clerks in charge of processing the provisional election results on election day, as well as the names of some 28,000 employees of departmental and municipal authorities and polling stations in the department and city of Guatemala. The Office of the Comptroller General also requested

⁸⁴ Only 4,925 presidential ballots were challenged by party agents during the counting at the polling stations.

⁸⁵ For instance, the revision of all 2,023 polling station in Guatemala City tally sheets resulted in 605 more votes for Bernardo Arévalo in the presidential election and 441 vote difference between the *Valor* and CREO mayoral candidates.

⁸⁶ Article 82 of the Law against Organised Crime allows for the temporary suspension of the registration of legal entities if they have been used in any way to commit an illegal activity as defined by the law. In contrast, Article 92 of the Election and Political Parties Law, prohibits suspension of political parties during the electoral process.

⁸⁷ According to the MP, the party allegedly counterfeited around 5,000 signatures required for registration in 2018, including those of 12 deceased individuals, and paid around Q175,000 (approx. EUR 20,000) from unknown funds for this purpose.

⁸⁸ See [article 22.2](#), ICCPR and [article 16.2](#), ACHR.

information on the TREP tender process. On 22 August, just two days after the elections, the FECEI requested the names of all 150,000 members of the polling stations who worked on E-Day.

On 18 August, the Supreme Court of Justice granted a definitive constitutional protection to *Semilla*. The CSJ's decision was aimed at guaranteeing the second round of the elections and completing the electoral process in accordance with the TSE's Electoral Decree 1-2023, which established that the electoral process would end on 31 October 2023. Despite this decision, on 28 August the director of the RC issued a temporary suspension of *Semilla*'s legal status in order to comply with the 12 July order of the criminal judge of first instance. As a consequence, on 29 August, the Speaker of the Congress dissolved *Semilla* parliamentary group leaving the party without voice in the legislative discussions. *Semilla* appealed against the RC decision to the plenary of the TSE. On 3 September, the TSE revoked the temporary suspension of *Semilla*. Following a question of jurisdiction submitted by the TSE, the CC ruled on 5 October 2023 that a political organisation can be suspended through a criminal procedure provided that there is justification that is "reasonable, proportional, suitable, useful to the aim pursued, necessary and strictly indispensable, which must be taken into account by the criminal courts".⁸⁹

Petitions for Annulment and Electoral Offences

Following the 25 June elections, a total of 263 petitions for different annulments were submitted to the TSE. Of these, 136 petitions challenged fines or JED decisions, 30 petitions requested the annulment of votes at the polling station level, while 97 petitions requested the repetition of elections at the municipal level (*nulidad especial*), of which the TSE reviewed 11 cases leading to the re-run of local elections in five municipalities.⁹⁰ The decision to repeat the elections was due to acts of sabotage that either disrupted the voting process or rendered the votes uncountable. 60 percent of all petitions were submitted by five parties: *Vamos* (64), *Valor* (27), *Humanista* (26), *Cabal* (22) and *VIVA* (16).

After the presidential run-off, the TSE received only five requests for annulment. One of these petitions was filed by UNE, which challenged the certification of the results of the second round. They pointed out that one of the TSE magistrates did not have the competence to sign the agreement announcing the results.

The regulation of electoral offenses falls under the jurisdiction of the election law and the penal code. Administrative offenses related to elections are dealt by the TSE, whether they are based on a complaint or initiated ex-officio. Criminal offences, on the other hand, fall under the jurisdiction of the Public Prosecutor's Office. Administrative sanctions include actions such as issuing public notices, imposing fines, or ordering the temporary suspension or complete dissolution of a political entity for violations such as campaign finance violations or the unlawful creation and operation of political organizations. The TSE Inspectorate is obliged to report all cases of electoral malpractice to both the TSE magistrates and the MP. However, there are no fixed deadlines for completing investigations, which often take a considerable time to conclude. The MP issued one official statement providing a breakdown of the number of complaints and electoral violations documented during the first round only, with a total of 416 complaints related to electoral violations.

⁸⁹ Source: CC [file 5602-2023](#) and [tweet](#) of 5 October 2023 (*in Spanish*).

⁹⁰ In San Miguel Petapa (Guatemala), the TSE annulled the results of the mayoral election due to the omission of the CREO party logo from the ballot and ordered a new election to be held at the same time as the presidential run-off on 20 August. However, just weeks before the scheduled election, the CREO party candidates withdrew from the race, prompting the TSE to cancel the planned repetition. (TSE Resolution 292-2023).

XVII. Polling, Counting and Tabulation of Results

Polling was well-administered with isolated cases of violence on the first round; more experienced polling staff delivered better counting operations during the presidential run-off.

Election days were mainly peaceful and well organised by the TSE. Turnout in both election days were slightly higher than in previous elections, with voters, polling staff and party agents showing a democratic commitment to elections. Polling procedures were mostly adhered to in polling stations observed by the EU EOM. On election days, security forces guaranteed the safety of the events and maintained a professional conduct along the process without interference.

25 June Election Day

Some episodes of unrest broke out in several departments and the capital. In San José del Golfo (Guatemala), elections were cancelled due to attacks to polling station members and burning of ballot papers.

Opening and polling

The EU EOM observed the opening in 56 polling stations and assessed procedures as good or very good in all observations. Overall, most polling stations observed opened on time, and offered proper observation conditions in all locations. Voting procedures were observed in 497 polling stations, two-thirds located in urban areas and the remaining in a rural environment. In 97 per cent of them, the overall assessment was positive, although the design of the polling booths did not properly ensure the secrecy of the vote.

In about a third of the visited polling stations, EU EOM observers noted that the polling staff never verified the voter's finger for ink marks and never showed blank ballot papers to party representatives prior to handing them over to the voters. Positively, EU EOM observers reported only one case of a voter being denied the right to vote without a legitimate reason and only in four cases, observers noted voters being allowed to vote without their ID card. Instances of campaigning in the vicinity of the voting centres were observed in 10 cases. In the visited polling stations, women represented 66 per cent of staff and 55 per cent of the chairpersons. In all observed polling stations, the EU observers reported at least one party agent. UNE, *Valor-Unionista*, *Vamos* and *Cabal* were the main political organisations represented, all four by a majority of women, in 83 per cent of the polling stations observed.⁹¹

Counting

The EU EOM assessed counting positively in 42 of the 46 observed polling stations, and negatively in the remaining four. In 11 observations EU observers assessed that the polling staff experienced difficulties to fill in the tally sheets. Neither the EU EOM observers nor the party agents and domestic observers faced any restrictions to observe the counting procedures. While all counts observed were assessed as being well organised, EU EOM observers noted that some procedures were not implemented systematically such as the counting of the voters in the voter lists (five cases), the counting of the unused ballots (three cases) and the filling of the results protocols (three cases). In the four cases where discrepancies existed in the results, there was no recount as required by the procedures. UNE, *Vamos*, *Cabal*, and *Valor-Unionista* party agents were deployed in the 46 polling stations where the EU EOM observed the counting. EU EOM observers witnessed only two out of 40 situations where party representatives were not authorised to take a picture of the result protocols (*see Election Administration section*).

In the post-electoral phase, UNE, *Valor* and *Vamos* claimed during the stakeholders' meetings that polling staff did not follow procedures consistently, and complained about obstacles to systematically access result documents such as tally sheets and certifications. According to the JEDs, the reason why the agents

⁹¹ EU observers reported that UNE, *Vamos*, *Cabal*, and *Valor-Unionista* party agents were present respectively in 87.6, 83.4, 81.4 and 78.4 per cent of the 499 visited polling stations to observe the voting.

did not receive these documents was that they had left the polling stations by the time the documents were issued. *Semilla* was estimated to be present in five per cent of the observed polling stations.

Strengthen the training of polling station staff in counting procedures and the completion of the tally sheets, with a particular focus on legislative and municipal elections, and consider organise trainings to party agents.

Transmission and Tabulation of Results

The TREP system was available online from the closing of polling at 18:00 hours and the first results protocols appeared immediate after the TSE's public web portal. EU observers reported the transmission operations from polling centres ran smoothly. Publication rate was slow but constant. EU observers deployed in 42 tabulation processes at JEMs reported that procedures were conducted either very well or well in 16 cases and 22 cases respectively, and either badly or very badly organised in four cases.⁹² EU observers could witness a number of JEMs completing their tasks within JEDs facilities to either receive technical guidance and/or to be in a more security environment. EU observers noted that some JEMs were equipped with computerised tools to sum up the result protocols while other were preparing the consolidated documents manually. They also reported a strong commitment of JED members in the conduct of the tabulation and the presence of political parties agents. JEDs completed the tabulation between the 28 June and 30 June with unequal efficiency in fielding the department results' protocol.

Post 25 June election developments.

Following the Constitutional Court's decision on 1 July (*see section Election Disputes*), the TSE called all JEDs and political parties' representatives from the respective departments to conduct hearings from 4 to 6 July in Guatemala City. The TSE did not provide them for procedural guidelines, emphasising they were entitled to define their own rules at their tabulation hearings. This lack of TSE procedures prompted electoral boards to adopt their own, which further undermined the legal certainty of the process. Some JEDs opted to review only the challenged votes, following the procedure laid down in the electoral law and its regulations (Alta Verapaz, Quiché, Totonicapán). Other accepted additional challenges filed by the parties after the CC decision and carried out a full review of the tally sheets from all elections (Guatemala City, Izabal, Sololá). Positively, the TSE allowed for large coverage of the hearings through live-streamed sessions on Facebook and YouTube, offering an opportunity to follow the process. EU EOM observed JED members performing their tasks in a professional manner, despite the pressure put on the and in some cases, threats of intimidation by *Valor* and *Vamos* party agents.

20 August Election Day

Opening, Polling and Counting

EU observers assessed the opening procedures as very well conducted in 52 of the 53 locations where they observed this process, with one being assessed as well conducted. Strengthening the transparency of the process, all UNE and *Semilla* party agents signed the corresponding protocols. Voting was observed in 528 polling stations in all 22 departments and the capital city. Confirming the commitment of polling staff, EU observers reported 92.6 per cent of them worked on 25 June elections and that about two thirds were women. EU observers assessed polling procedures as very well or well conducted respectively in 83 per cent and 17 per cent of their observations. Adherence to procedures such as identification of voters, handover of ballots, signatures of voters in the voter list, and application of the indelible ink on voters' fingers were systemically observed in 98 per cent of the observed polling stations.⁹³ In the meantime,

⁹² Political agents were deployed in five out of the 42 JEMs observed.

⁹³ EU observers witnessed 20 cases of voters dully not allowed to vote for instance for not being included in the voter list.

cases of food distribution by UNE outside of polling centres were documented by the EU observers in 60 per cent of the departments.⁹⁴

EU observers reported a positive assessment of the closing and counting in the 51 observed polling stations, with very 39 very good and 12 good marks respectively. In the observed counting processes, both UNE and *Semilla* party agents took pictures of the tally sheet and received a copy of the results in the respectively 50 and 44 of the polling stations where they were present.

Transmission and Tabulation of Results

Within two hours of the closing of the polls, the TSE had already published over 99 per cent of the tally sheets corresponding to the preliminary results, ensuring certainty and confidence in the polling process and the election results. EU observers deployed in 40 JEMs assessed very well 31 tabulation processes, seven others well and only two badly conducted. *Semilla* and UNE agents were present in only seven and five cases respectively, and national observers were present in six JEMs. JEMs produced municipal tally sheets and the municipal results protocols to be delivered to the JEDs. From the 22 to 25 August, EU observers followed the tabulation hearings at the JEDs. All 23 audiences except one were assessed very well conducted, with *Semilla* and UNE party agents present in 20 and 12 JEDs respectively. In three hearings, only a few appeals changing a handful of voting qualifications were upheld.

XVIII. Results and Post-Election Environment

Unprecedented number of null and blank votes in the first round, a Congress dominated by Vamos and allies, and an unexpected president-elect denouncing a coup by State institutions.

Following a six-day period of verification of all tally sheets received from the JEDs, the TSE announced the final first-round presidential and congressional elections results on 12 July and 16 July respectively.⁹⁵ A review of the 263 petitions for annulment filed before the TSE in the aftermath of the 25 June elections (see *Election Disputes section*) resulted in the cancellation of all elections in five municipalities and the rescheduling for 20 August.

The final turnout for the first presidential round was estimated at 59.85 per cent.⁹⁶ The final results published by the TSE indicated final turnout per electoral race. JEDs started to certify municipal election results from 18 July, a process which was completed in early September. The long duration of this process may be an indication of JEDs lack of proper training and results management tools to allocate municipal council seats. Unlike preliminary election results, the official ones were not broken down to polling station level, not guaranteeing citizens the traceability of their votes and not strengthening transparency and confidence of stakeholders in the elections regardless of the TREP outcome.

Remarkably, the null vote was the most voted option in the 25 June presidential and the congressional national constituency races, an indication of citizen's dissatisfaction with the political situation. In the presidential race, the null vote accounted for 17.33 per cent of the votes cast, and the blank ballots for 6.98 per cent. Both options combined reached 24.31 per cent (1,353,138 votes) ahead of any of the 22 contenders in the race. In the Congress national constituency, null votes reached 14.90 per cent and blank ballots 9.93 per cent. At the department constituencies of the Congress, null and blank votes were 11.09 per cent and 1.39 per cent, respectively. In the municipal races combined, the null and blank votes were

⁹⁴ Alta Verapaz, Chimaltenango, Chiquimula, Guatemala, Huehuetenango, Izabal, Jalapa, Petén, Quiché, Retalhuleu, Sololá, Totonicapán and Zacapa.

⁹⁵ TSE agreement [1328-2023](#) (Presidential election), and TSE agreements 1361-2023 to 1385-2023 plus 1387-2023 and 1505-2023 (Congressional and PARLACEN elections).

⁹⁶ Official valid votes cast (5,565,598) compared to the real voter register (9,299,662 once the 61,406 voters from the five municipalities where elections did not take place have been deducted from the final voter register (9,361,068).

significantly lower: 6.04 per cent and 0.80 per cent, respectively.⁹⁷ Null and blank votes decreased significantly in the runoff, representing respectively 3.50 per cent and 1.25 per cent each, similar to previous run-offs.⁹⁸

Congressional and first presidential round

In the first round of the presidential elections, no candidate was able to obtain a majority of the valid votes. The two candidates with the highest number of votes were Sandra Torres (UNE), with 15.86 per cent, and Bernardo Arévalo (*Semilla*), with 11.77 per cent, defying all expectations and opinion polls reflecting voting preferences three weeks before the first round. Run-off candidates were followed by Manuel Conde (*Vamos*), Armando Castillo (VIVA), Edmond Mulet (*Cabal*), and Zury Ríos (*Valor-Unionista*). Torres won in 17 out of Guatemala's 22 departments. Arévalo was the most voted candidate in the departments of Chimaltenango, Guatemala, Quetzaltenango, Sacatepéquez and Guatemala City, all with a large percentage of urban vote. Conde won in the department of Sololá (*see Annex 5*). Two main presidential contestants, Ríos and Mulet, conceded soon after the first round. The legislative election votes gave a fragmented result, with 17 parties to be represented in the incoming 160-member Congress (*see Annex 5*). *Vamos* will constitute the largest Congress group with 39 deputies, followed by UNE (28), *Semilla* (23), *Cabal* (18) and VIVA (11). Remaining parties obtained 41 seats.⁹⁹

Presidential run-off

On 28 August, eight days after the presidential run-off, the TSE announced that Bernardo Arévalo (*Semilla*) won the presidential election, with 60.91 per cent of the valid votes against Sandra Torres (UNE), with 39.09 per cent. Arévalo obtained a total of 2,442,718 votes, while Torres got 1,567,664, a difference of 875,054 votes in favour of the *Semilla* candidate¹⁰⁰. Shortly after the announcement of the final results, President Giammattei reiterated his invitation to Arévalo to initiate the transitional period and the transmission of power, a process to be monitored by the OAS. Despite the clear result, Sandra Torres did not concede, while her party insisted on irregularities during both electoral rounds that it did not substantiate.

Post-Election Developments

The post-electoral environment was however tarnished by the MP's constant attacks on *Semilla* and the electoral administration, including severe threats to the physical integrity of the president-elect, leading to precautionary measures in favour of the presidential ticket by the Inter-American Commission on Human Rights (IACHR). Sandra Torres, who obtained 39.09 per cent of the vote, did not appear in public after the election and has not accepted the election results. Her party introduced a series of legal challenges against the TREP and the election process. On 28 August the MP raided the homes of the former FECI head, Juan Francisco Sandoval, currently in exile, the former FECI prosecutor Eva Siomara Sosa, also in exile, and arrested the former representative of the International Commission against Impunity in Guatemala (CICIG), Claudia González.

On 1 September, the president-elect denounced an "ongoing coup d'état" by the Executive Board of the Congress and State institutions headed by the Public Prosecutor and invited the population to accompany the presidential ticket during the four months transition to defend the votes expressed on 20 August. On several occasions in September, hundreds of citizens turned up to protest against the measures of the MP

⁹⁷ Source: TSE.

⁹⁸ Source: [TSE](#): Null votes and blank votes accounted respectively as followed: 2007 (3.71 per cent and 1.48 per cent), 2011 (2.92 per cent and 1.36 per cent), 2015 (2.59 per cent and 1.42 per cent), 2019 (4.69 per cent and 1.03).

⁹⁹ These are: *Valor-Unionista* (7), *Valor* (5), *Todos* (6); VOS (4), *Bien* (4), *Nosotros* (3), CREO (3), *Victoria* (3), *Azul* (2), *Elefante* (2), *Cambio* (1) and URNG/*Maíz/Winaq* (1).

¹⁰⁰ Source: TSE [decision 1659-2023](#).

and to demand the respect of the popular vote. On 3 September, the TSE revoked the temporary suspension of *Semilla*. The relentless intimidation by the FECI continued during the post electoral period, with raids against TSE facilities, prosecution of its magistrates, tampering with sensitive election materials and seizure of the tally sheets of all five elections. Such actions were not condemned by the Government.

This final report of the European Union Election Observation Mission (EU EOM) to Guatemala assesses the electoral process as observed by the mission during its assignment in the country until the official announcement of the final election results, in line with its mandate and methodology. Post-election related developments are reflected in the report to the extent they may influence the assessment of the observed electoral process.

XIX. Annexes

Annex 1. Matrix of Recommendations

N°	CONTEXT (Including reference to the FR)	RECOMMENDATION (priority in bold)	CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL AND REGIONAL OBLIGATIONS/ GOOD PRACTICE
POLITICAL CONTEXT					
1	The large number of congressional and municipal candidates seeking re-election with a different organisation than in the 2019 elections, contributed to a fragmented party system and revealed the lack of solid ties of candidates to parties, which were used essentially as electoral vehicles. <i>(Final Report, III. Political Context, page 6)</i>	Consider mechanisms to strengthening internal political party democracy to improve representativity, direct links between the candidates and the party, as well as synergy with party values and programmes.	Art. 26 of the Law on Elections and Political Parties Art. 212 of the Law on Elections and Political Parties	Congress Constitutional Court	RULE OF LAW AND THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS CCPR, GC 25, p. 26: States should ensure that, in their internal management, political parties respect the applicable provisions of Article 25 [of the ICCPR] in order to enable citizens to exercise their rights thereunder.
LEGAL FRAMEWORK					
2	The 2023 general elections in Guatemala took place in an overall calm yet tense environment (...) despite a limited of separation of powers, severe restrictions on the freedoms of expression and of the press, misuse of politically captured institutions for electoral purposes and constant attacks on the rule of law. A sense of a deep democratic crisis set in following attempts by the Office of the Public Prosecutor (MP) and other members of the Judiciary to overturn the choice of voters and the implementation of genuine elections results, as well as to intimidate and criminalise the Supreme Electoral Tribunal (TSE) down to the level of polling officials, and the <i>Semilla</i> Movement (...) <i>Final Report, I Executive Summary, page 1</i>	Strengthen the rule of law and the separation of powers by promoting a culture of legality and the protection of human and political rights among members of the Judiciary.	No change in the legislation required	Judiciary TSE	RULE OF LAW / GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF VOTERS UN CAC, article 11.1: (...) each State Party shall (...) 1. take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary (...). 2. Measures to the same effect (...) may be introduced and applied within the prosecution service (...) ICCPR GC 25, para. 19: (...) The results of genuine elections should be respected and implemented. UN Human Rights Council, Resolution 19/36 of 2012 (A/HRC/RES/19/36), paragraph 16: Calls upon States to make continuous effort to strengthen the rule of law and promote democracy by c) ensuring that a sufficient degree of legal certainty and predictability is provided in the

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					application of the law, in order to avoid any arbitrariness. UN, OAS, OSCE and the ACHPR Joint Declaration on Media Freedom and Democracy (2023). <u>Recommendations for States (f)</u> : Take measures to protect journalists and media outlets from strategic lawsuits against public participation and the misuse of criminal law and the judicial system to attack and silence the media.
3	The [legal] framework does not provide clear and final jurisdiction over electoral matters to the TSE, leading to meddling of judicial institutions with questionable use of their competence to intervene (...). This was the case when a first instance criminal judge decided to provisionally suspend <i>Semilla</i> , few days after the 25 June elections, based on the law against organised crime. (Final Report, IV Legal Framework, page 8)	Envisage a procedure to enforce existing provisions on malfeasance in order to repeal politically-motivated court decisions, including on the temporary and permanent suspension of political parties.	Law on Elections and Political Parties. Penal Code	Congress Judiciary Constitutional Court	<p style="text-align: center;">RULE OF LAW</p> ICCPR GC 34, para. 25: A norm, to be characterized as a law, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. UN CAC, article 19: Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, by a public official in the discharge of his or her functions (...). UN Human Rights Council, Resolution 19/36 of 2012 (A/HRC/RES/19/36), paragraph 16: (...) States to make continuous effort to strengthen the rule of law and promote democracy by c) ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law.
4	The law allows five days to file writs of constitutional protection (<i>amparo</i>) in electoral matters, but this deadline is rarely respected.	Enforce compliance with deadlines for filing writs for constitutional protection on		Judiciary	<p style="text-align: center;">RULE OF LAW</p> ICCPR GC 34, para. 25: A norm, to be characterised as a law, must be formulated

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	<p>This instrument (...) has been used in the 2023 elections to challenge candidacies and the final election results (...) often with the purpose to obstruct and discredit the process. This abuse generated uncertainty and confusion. <i>(Final Report, IV. Legal Framework, page 8)</i></p>	<p>electoral matters, accompanied by the effective implementation of existing sanctions to discourage the filing and resolution of frivolous or manifestly unfounded petitions.</p>	<p>No change in the law required.</p>		<p>with sufficient precision to enable an individual to regulate his or her conduct accordingly (...)- UN Human Rights Council, Resolution 19/36 of 2012 (A/HRC/RES/19/36), paragraph 16: Calls upon States to make continuous effort to strengthen the rule of law and promote democracy by c) ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness.</p>
ELECTION ADMINISTRATION					
5	<p>All its magistrates were new to elections following their appointment in March 2020 for a six-year term with a possibility of re-election. The TSE magistrates are elected by qualified majority of two thirds of Congress deputies from a list of 20 candidates proposed by an ad-hoc nomination commission appointed by the legislative and composed of five professionals from the University sector and the Bar Association. <i>(Final Report, V. Election Administration, page 9)</i></p>	<p>Consider a staggered appointment of the magistrates of the Supreme Electoral Tribunal to ensure continuity of institutional knowledge.</p>	<p>Amend art.123 of the Law on Elections and Political Parties</p>	<p>Congress Constitutional Court</p>	<p>GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF VOTERS / GOOD PRACTICE ICCPR, article 25(c): Every citizen shall have the right and the opportunity: (...) to have access, on general terms of equality, to public service in his country. ACHR, article 23(c): Every citizen shall enjoy the following rights and opportunities: (...): to have access, under general conditions of equality, to the public service of his country. ICCPR GC 25, Para. 20: An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws (...). UN CAC, article 7.1.b: Each State party shall endeavor to adopt, maintain and strengthen systems for the recruitment (...) of civil servants (...) that include the</p>

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					rotation, where appropriate, of such individuals to other positions; OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section C.1, para. 5: It is important for electoral bodies to be independent as regards their ability to decide and act, without their performance being subject to any governmental, political, or other influence. OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section C.1, para. 7: If membership of those bodies is renewed on rotating or staggered basis, they tend to be more stable, professional, and accountable.
6	(...) the TSE had to conduct significant changes to the initial composition of the boards, following resignations of around 20 per cent of the JEDs and 6.5 per cent of JEM members, reportedly due to concerns over security, workload or suspected political affiliation concerns. This unusually high replacement rate generated mistrust amongst stakeholders. (<i>Final Report, V. Election Administration, page 9</i>)	Ensure the independence and impartiality of departmental and municipal election boards by reviewing the qualifications and requirements of their members.	No change in the law required. TSE Operational Planning/ Administrative measure.	TSE	GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF VOTERS / GOOD PRACTICE ICCPR, article 25 (c): (...) to have access, on general terms of equality, to public service in his country. ACHR, article 23(c): (...): to have access, under general conditions of equality, to the public service of his country. ICCPR GC 25, Para. 20: An independent electoral authority should be established (...). UN CAC, article 7.1.b: Each State party shall endeavor to adopt, maintain and strengthen systems for the recruitment (...) of civil servants. OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section C.1, para. 5: It is important for electoral bodies to be independent as regards their ability to decide and act, without their

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					performance being subject to any governmental, political, or other influence.
ELECTION TECHNOLOGY					
7	<p>Finally, in December 2022, the TSE used a direct procurement procedure to contract the TREP solution, inviting two suppliers to participate in the tender. This type of urgent procedure is in line with provisions in the law and does not necessarily affect the quality and reliability of the selected system, although it reduces the transparency of the procurement process, as the tender documents, the evaluation criteria and the results of the evaluation process were not published. <i>(Final Report, VI. Election Technology, page 11)</i></p>	<p>Improve the transparency of the procurement process of the system for transmission and announcement of preliminary election results, including the details of the tender, the selection criteria and the outcome of the evaluation process.</p>	<p>No change in the law required.</p>	<p>TSE</p>	<p>TRANSPARENCY AND ACCESS TO INFORMATION</p> <p>ICCPR, GC 34, Para. 19 States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.</p> <p>UN CAC, article 9.1.c: Each State Party shall (...) take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, (...). Such systems shall address, (c) The use of objective and predetermined criteria for public procurement decisions (...).</p> <p>OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section C.1, para 4: [Electoral bodies] should have effective mechanisms to ensure transparency and accountability vis-à-vis the population as whole and all political actors involved in the election.</p> <p>Conference of the States Parties to the United Nations Convention against Corruption. Resolution 5/4, Para. 22 States parties to put effective processes in place to promote transparency, competition and objective decision-making in public procurement systems, in line with article 9 of the Convention.</p>

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8	<p>No additional technology or standard approach was put in place to ease and speed up the official tabulation of results by the JEDs and JEMs resulting in an inefficient use of public resources. By the time the TSE attempted to contract a technological solution to support the official tabulation it was too late for the political parties to accept it (<i>Final Report, VI. Election Technology, page 11</i>)</p>	<p>Implement a standardised and more effective and verifiable system to facilitate JEMs and JEDs' aggregation of results at municipal and departmental levels and the allocation of municipal and congressional seats.</p>	<p>No change in the law required.</p>	<p>TSE</p>	<p>GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF VOTERS / GOOD PRACTICE</p> <p>OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section C.3, subsection Official Results, page 50: Tallying systems and the transmission and dissemination of results need to be technically sound, auditable, verifiable and transparent.</p>
RIGHT TO VOTE AND VOTER REGISTRATION					
9	<p>Some 40,000 persons serving as members of the Army and Police have no right to vote, which is not in line with international and regional commitments. Prisoners in pre-trial detention or serving short sentences can vote, although there are no provisions to facilitate their effective exercise of the right. Similarly, persons whose physical or health conditions do not allow for an in-person voting at the polling stations are disenfranchised, as are citizens reaching the voting age after the voter register cut-off date. (<i>Final Report, VII. Voter Registration, page 13</i>)</p>	<p>Remove restrictions to the right to vote for members of the Army and Police and adopt specific measures to ensuring the opportunity to vote for citizens in prison, hospitals and with other special conditions.</p>	<p>Art. 248 of the Constitution Art. 15 of the Law on Elections and Political Parties.</p>	<p>Congress TSE</p>	<p>UNIVERSAL SUFFRAGE / RIGHT AND OPPORTUNITY TO VOTE / STATE MUST TAKE THE NECESSARY STEPS TO GIVE EFFECT TO RIGHTS</p> <p>ICCPR, article 25(b) Every citizen shall have the right and the opportunity (...) to vote and to be elected at genuine periodic elections (...).</p> <p>ACHR, ART. 23.1.b: Every citizen shall enjoy the following rights and opportunities (...) to vote and to be elected in genuine periodic elections</p> <p>UN CRPD, article 29: States Parties shall guarantee (...) that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others.</p> <p>ICCPR GC 21, para. 3: Persons deprived of their liberty enjoy all the rights set forth in the Covenant, subject to the restrictions that are unavoidable in a closed environment.</p> <p>ICCPR GC 25. para. 14: Persons who are deprived of liberty but who have not been</p>

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					convicted should not be excluded from exercising the right to vote. OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section B, para 6: The laws of each country may regulate the exercise of voting or being elected solely on grounds of age, nationality, residence, language, level of education, civil capacity, or conviction by a competent judge in legal proceedings.
10	The voter register comprised 9,361,068 voters, an increase of 14.9 per cent compared to the 2019 elections, although the TSE had announced a target of 9,8 million voters until early 2023. This is equivalent to 79 per cent of the total voting age population. (...) Of the 4.03 million citizens between 18 and 25 who hold an ID card, only 1.45 million registered to vote, accounting for only 35 per cent of this age segment. <i>(Final Report, VII. Voter Registration, page 13)</i>	Facilitate voter registration procedures through an automatic system whereby citizens are registered in the electoral roll at the coming of age, in order to avoid the high under-registration of young voters.	Art. 224 of the Law on Election and Political Parties	Congress Constitutional Court	UNIVERSAL SUFFRAGE / RIGHT AND OPPORTUNITY TO VOTE/ STATES MUST TAKE NECESSARY STEPS TO GIVE EFFECT TO RIGHTS / GOOD PRACTICE ICCPR, article 25 (b): Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (...) To vote and to be elected at genuine periodic (...). ICCPR GC 25, para 11. States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section C.2, subsection Electoral Rolls and Registration: The register of persons eligible to vote and elect their authorities must reflect the actual size of the population.
REGISTRATION OF PARTIES AND CANDIDATES					
11	The sanctions [for early campaigning] are the ineligibility to stand as a candidate in the subsequent electoral process (...). Furthermore,	Redefine provisions and sanctions on early campaigning to ensure that they do not limit	Art. 94bis of Law on Elections and Political Parties	Congress	RIGHT AND OPPORTUNITY TO BE ELECTED / FREEDOM OF OPINION AND EXPRESSION

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	<p>the law is unclear on the period during which the offence can be committed. (...) Warnings against early campaigning were aimed at silencing critical political voices, undermining freedom of expression and the right to stand for election. During the election process, one of the candidates was disqualified for repeated cases of early campaigning. (<i>Final Report, VIII. Registration of Candidates, page 14</i>)</p>	<p>the right to stand and the freedom of expression of would-be candidates.</p>	<p>Article 407.Ñ Penal Code</p>	<p>Constitutional Court</p>	<p>ICCPR, article 19.2: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds (...)</p> <p>ICCPR, article 25(b): Every citizen shall have the right and the opportunity (...) to vote and to be elected (...).</p> <p>ICCPR, GC 34, para. 11: (...) States parties to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds (...).</p>
<p>12</p>	<p>The EU EOM considers that the eligibility criteria of ability, suitability and honesty provided for in the constitution lacked clarity and objectivity and were applied inconsistently. The restrictions imposed on candidates based on grounds other than a final court judgment in criminal proceedings are unreasonable and do not meet Guatemala’s commitments on the right to stand for election. (<i>Final Report, VIII. Registration of Candidates, page 15</i>)</p>	<p>Define the criteria established in Article 113 of the Constitution in order to avoid arbitrary interpretations and to bring it in line with the country’s international commitment on the right to stand for elections.</p>	<p>Art. 214 of the Law on Elections and Political Parties</p> <p>Art. 16 (b) of the Probity Law</p> <p>Art. 53 of the Regulation of the Law on Elections and Political Parties</p>	<p>Congress Constitutional Court</p>	<p>RIGHT AND OPPORTUNITY TO BE ELECTED / RIGHT AND OPPORTUNITY TO PARTICIPATE IN PUBLIC AFFAIRS AND HOLD OFFICE / GOOD PRACTICE</p> <p>ICCPR, Article 25(b): Every citizen shall have the right and the opportunity (...): b) To vote and to be elected at genuine periodic elections.</p> <p>ACHR, Article 23.2: The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.</p> <p>ICCPR, General Comment No. 25.4: Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria.</p> <p>OAS Electoral Good Practices Guide for Strengthening Electoral Processes, section B, para 6: The laws of each country may regulate the exercise of voting or being</p>

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					elected solely on grounds of age, nationality, residence, language, level of education, civil capacity, or conviction by a competent judge in legal proceedings.
13	The TSE generally respected the deadlines for deciding on complaints, but the CSJ and the CC. were prone to significant delays, with decisions being taken very close to the election day. (<i>Final Report, VIII. Registration of Candidates, page 15</i>)	Set clear, reasonable and binding deadlines for challenging candidates' eligibility and for their resolution by the competent authorities, respecting the principle of timely and effective remedy.	Articles. 196 and 246 of the Law on Elections and Political Parties Arts. 20, 33, 35, 37, 38, 39, 40, 61, 62, 65 and 66 of the Law on Protection of Constitutional Rights.	Congress Constitutional Court	<p>RIGHT AND OPPORTUNITY TO PARTICIPATE IN PUBLIC AFFAIRS AND HOLD OFFICE / RIGHT TO EFFECTIVE REMEDY</p> <p>ICCPR, Article 2.3 (a): To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy (...).</p> <p>ACHR, Article 25.1: Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognised by the constitution or laws of the state concerned or by this Convention (...).</p> <p>ICCPR, GC 32, para 27: An important aspect of the fairness of a hearing is its expeditiousness (...).</p>
14	The law also provides for the possibility of challenging candidacies by means of a writ of constitutional protection (<i>amparo</i>) (...). The writs are lodged with the Supreme Court against the decisions of the TSE, or with any of the 45 courts of appeal against the decisions of the TSE's Citizens' Registry. The fact that they can be filed at any time, regardless the preclusive nature of electoral legislation, has led to petitions being filed with the alleged aim of pushing a rival party or candidate out of the electoral race. (<i>Final Report, VIII. Registration of Candidates, page 16</i>)	Give the Supreme Court exclusive jurisdiction on writs of constitutional protection against the TSE, including against decisions of the Director of the Citizen's Registry.	Art. 4 (f) of the Self-Agreement (<i>auto acordado</i>) 1-2013 of the Constitutional Court.	Constitutional Court	<p>RIGHT TO AN EFFECTIVE REMEDY</p> <p>ICCPR, Article 2.3 (a): To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.</p> <p>ICCPR, GC 32, para 27: (...) delays in civil proceedings that cannot be justified by the complexity of the case, or the behaviour of the parties detract from the principle of a fair hearing enshrined in paragraph 1 of this provision.</p>

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					ACHR, Article 25.1: Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection (...)
CAMPAIGN ENVIRONMENT					
15	Abuse of incumbency was evident throughout the campaign. The use of government programmes in a manner that benefitted <i>Vamos</i> was either observed or reported in 17 departments, contributing to the lack of equitable access to state resources. (...) Irregular UNE and <i>Vamos</i> campaign practices and vote-buying were observed (...). UNE was observed signing citizens up to receive benefits from potential UNE government social schemes. (<i>Final Report, IX. Campaign Environment, page 17</i>)	Enforce existing provisions in the Penal Code and the Election Law on vote buying and transportation of voters for political purposes, and ensure public commitment from political parties not to resort to such practices.	No change in the law required.	Office of the Public Prosecutor TSE Political parties	EQUAL ACCESS TO ELECTION CAMPAIGN / TRANSPARENCY / RIGHT TO INFORMATION UN CAC, Article 5.1: Each State Party shall (...) develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs, integrity, transparency and accountability. ICCPR, GC 25, para. 19: Voters should be able to form opinions independently, free of (...), inducement or manipulative interference of any kind.
16	Over 150 files were examined and sent for sanctions to the RC during the electoral process. Due to the lack of timely, effective and fair sanctions, as well as of an independent justice system, current reporting obligations do not ensure the prevention of unreported and illicit campaign funding. Occasional and disproportionate sanctions issued for reporting failures or non-compliance with the electoral law suggested political bias. (<i>Final Report, IX. Campaign Environment, page 18</i>)	Strengthen internal processes and human capacities to make financial reporting more efficient in order to prevent infringements to the campaign finance regulations. Sanctions should be clearly defined and commensurate with the gravity of the violation committed.	No change in the law required.	TSE	PREVENTION OF CORRUPTION/FAIRNESS IN THE ELECTION CAMPAIGN UN CAC, Article 5.1: Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

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17	<p>Examples of such billboards expose the legal vacuum existing on third-party campaigning, offering vast opportunities for well-funded political actors to influence campaigns. (<i>Final Report, IX. Campaign Environment, page 17</i>;</p> <p>Apart from the general campaign spending cap applicable for all parties, the TSE set no limit to campaign spending for online paid ads, leaving room for unequal opportunities for parties to promote themselves on social media. Additionally, a legal vacuum on third-party campaigning online offered an opportunity for further financial support to well-funded contenders. (<i>Final Report, XI. Digital Communication and Social Media, page 23</i>)</p>	<p>Establish equal conditions for online and offline paid political advertisement, including on third-party campaigning, with a view to guaranteeing a level playing field among contenders.</p>	<p>Law on Elections and Political Parties Amend the UEMCEO regulation (Agreement 23-2023)</p>	<p>Congress Constitutional Court TSE</p>	<p>PREVENTION OF CORRUPTION/FAIRNESS IN THE ELECTION CAMPAIGN</p> <p>UN CAC, article 7.3: Each State Party shall also consider taking appropriate legislative and administrative measures (...) to enhance transparency in the funding of candidatures.</p> <p>IADC, art. 5: Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.</p> <p>ICCPR GC 25, para. 19: Reasonable limitations on campaign expenditure may be justified (...) to ensure that the free choice of voters is not undermined (...) by the disproportionate expenditure on behalf of any candidate or party.</p>
MEDIA					
18	<p>Moreover, a significant number of media professionals reported the EU EOM the difficulties they have encountered during the electoral period in accessing information from the TSE and other public bodies. Guatemala has a Secretariat for Access to Public Information (SECAI) under the Office of the Ombudsperson (PDH) to promote the right of access to public information (...). The SECAI appeared to be understaffed, with only seven officials for around 1,200 bodies required to provide public information. (<i>Final Report, X. Media, page 20</i>)</p>	<p>Strengthen human and material resources of the Secretariat for Access to Public Information in order facilitate the work of journalists and benefit citizens and their right to access public information, including during elections.</p>	<p>No change in the law required.</p>	<p>Office of the Ombudsperson (PDH) TSE</p>	<p>TRANSPARENCY AND ACCESS TO INFORMATION</p> <p>ICCPR, article 19.2: Everyone shall have the right to (...) seek, receive and impart information and ideas of all kinds (...)</p> <p>ICCPR GC 34 para. 19: States parties should proactively put in the public domain Government information of public interest [and] should make every effort to ensure easy, prompt, effective and practical access to such information.</p> <p>UN CAC, art. 10(a): Adopting procedures or regulations allowing members of the general public to obtain (...) information on the organization, functioning and decision-making processes of its public administration (...).</p>

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19	Guatemala committed itself to promote the reform of the Telecommunications Law so that indigenous peoples would have access to frequencies and be able to operate their community radio stations. However, the Mayan communities denounced before the Inter-American Court of Human Rights (IACHR) the lack of political will, the high price of frequencies and the seizure of some radios stations. (<i>Final Report, X Media, page 20</i>)	Congress to adopt the Community Media Law currently under discussion to guarantee community radios legal access to frequencies.	Adopt the Community Media Law Amend the 1996 Telecommunications Law	Congress	<p>FREEDOM OF OPINION AND EXPRESSION</p> <p>ICCPR, article 19.2: Everyone shall have the right to (...) seek, receive and impart information and ideas of all kinds, regardless of frontiers.</p> <p>UNDRIP, article 16: Indigenous peoples have the right to establish their own media in their own languages (...).</p> <p>IADC, article 4: Transparency in government activities (...) and freedom of expression and of the press are essential components of the exercise of democracy.</p>
DIGITAL COMMUNICATION AND SOCIAL MEDIA					
20	Guatemala lacks a comprehensive data protection framework, necessary to properly regulate consent and safeguard the collection and processing of personal information. The EU EOM noticed scarce consideration for data protection matters (...). (<i>Final Report, XI. Digital Communication and Social Media, pages 22 and 23</i>)	Adopt a data protection law that establishes principles, definitions, rights, obligations of those responsible for the processing of personal data, including election stakeholders for the processing of election-related data; create a supervisory authority to ensuring its implementation with a view to robustly protect citizens' right to privacy both online and offline.	Introduce a data protection law	Congress	<p>RIGHT TO PRIVACY</p> <p>ICCPR, article 17: No one shall be subjected to arbitrary or unlawful interference with his privacy [...] Everyone has the right to the protection of the law against such interference or attacks.</p> <p>ICCPR, GC 16, para. 10: The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law.</p>
21	Netcenters spread narratives about lack of impartiality of the TSE magistrates, possible irregularities in the vote counting, as well as the alleged unreliability of the technological solution in place for the transmission of preliminary results, contributing to create a climate of uncertainty and discontent around the elections, reinforcing a widespread perception of an organised nationwide fraud between the two rounds of the presidential elections (<i>Final Report,</i>	Develop programs promoting the digital literacy of voters and fact-checking initiatives to support voters' ability to recognise election-related disinformation online and offline, thus increasing their ability to make an informed decision.	No change in the law required.	Government, TSE, Media, tech companies, and civil society	<p>GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF THE VOTER</p> <p>ICCPR, GC 25, para. 19: Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.</p> <p>UN, OAS, OSCE Joint Declaration on Freedom of Expression and elections In the Digital Age, 1.C.i: States should</p>

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	<p><i>XI. Digital Communication and Social Media, page 24)</i></p>				<p>consider supporting positive measures to address online disinformation, such as the promotion of independent fact checking mechanisms and public education campaigns, while avoiding adopting rules criminalizing disinformation.</p> <p>UN, OAS, OSCE and the ACHPR Joint Declaration on Freedom of Expression and Fake News, Disinformation and Propaganda, art. 3.e: States should take measures to promote media and digital literacy. Art. 3.f: States should consider other measures to promote equality (...), including with a view to addressing the negative effects of disinformation and propaganda. Art. 4.e: Intermediaries should support the research and development of appropriate technological solutions to disinformation and propaganda (...) They should cooperate with initiatives that offer fact-checking services to users [...] Art. 6: All stakeholders (...) should be supported in developing participatory and transparent initiatives for creating a better understanding of the impact of disinformation and propaganda.</p>
22	<p>Following the TSE’s Specialised Unit on Media and Opinion Polls identification more than 160 cases of suspected violations, most of them on possible infringements of the regulatory framework for paid campaign online, arbitrary sanctions were established by the TSE during the campaign. This questioned the effectiveness of the mechanism in place to ensure a level playing field. <i>(Final Report, XI. Digital Communication and Social Media, page 24)</i></p>	<p>In order to guarantee the implementation of the electoral campaign regulation and allow an appropriate and timely legal response, the TSE could strengthen internal processes and capacities to conduct systematic social media monitoring. Sanctions could be clearly redefined and commensurate with the gravity of the violation committed.</p>	<p>Law on Elections and Political Parties TSE regulation on Media and Opinion Polls</p>	<p>Congress TSE</p>	<p>RULE OF LAW / RIGHT TO EFFECTIVE REMEDY</p> <p>ICCPR, article 2(3)(a). To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.</p> <p>UN CAC, article 7.1.b: Each State Party shall endeavour to adopt, maintain and strengthen systems for the recruitment,</p>

N°	CONTEXT (Including reference to the FR)	RECOMMENDATION (priority in bold)	CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL AND REGIONAL OBLIGATIONS/ GOOD PRACTICE
					hiring, retention, promotion and retirement of civil servants: That include adequate procedures for the selection and training of individuals for public positions (...). UN CAC, article 26.4: Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.
PARTICIPATION OF WOMEN					
23	54 per cent of the registered voters are women. Regrettably, this has not led into substantial representation of women in politics: only 22.9 per cent of registered candidates for the general elections were women, mostly occupying the lowest positions in the lists. Neither the Constitution nor the election law establish any parity or alternation provisions for candidate lists. In addition, most political parties do not have internal gender quotas to ensure a meaningful political participation of women, thereby limiting their opportunities to access decision-making positions within parties. (...) In the 2024-2028 Congress, there will be the same number of women deputies (32 out of 160 members, accounting for only 20 per cent of the total) as in the outgoing parliament. (<i>Final Report, XII. Participation of Women, page 25</i>)	Introduce measures aimed at increasing women’s political participation such as a requirement in the law for gender parity and alternation in candidate lists, and encouraging women in top decision-making positions of political parties.	Law on Elections and Political Parties Internal regulations of political parties	Congress Political parties	WOMEN’S PARTICIPATION IN PUBLIC AFFAIRS/ EQUALITY BETWEEN MEN AND WOMEN ICCPR, article 3: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant. CEDAW, article 2(c): States parties to establish legal protection of the rights of women on an equal basis with men CEDAW, article 7 (a): States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, article 5: Every woman is entitled to the free and full exercise of her civil, political, economic, social and cultural rights (...) Santiago Commitment (ECLAC, 2020): Encourage continued efforts to increase the representation of women, including women with disabilities, in the decision-making

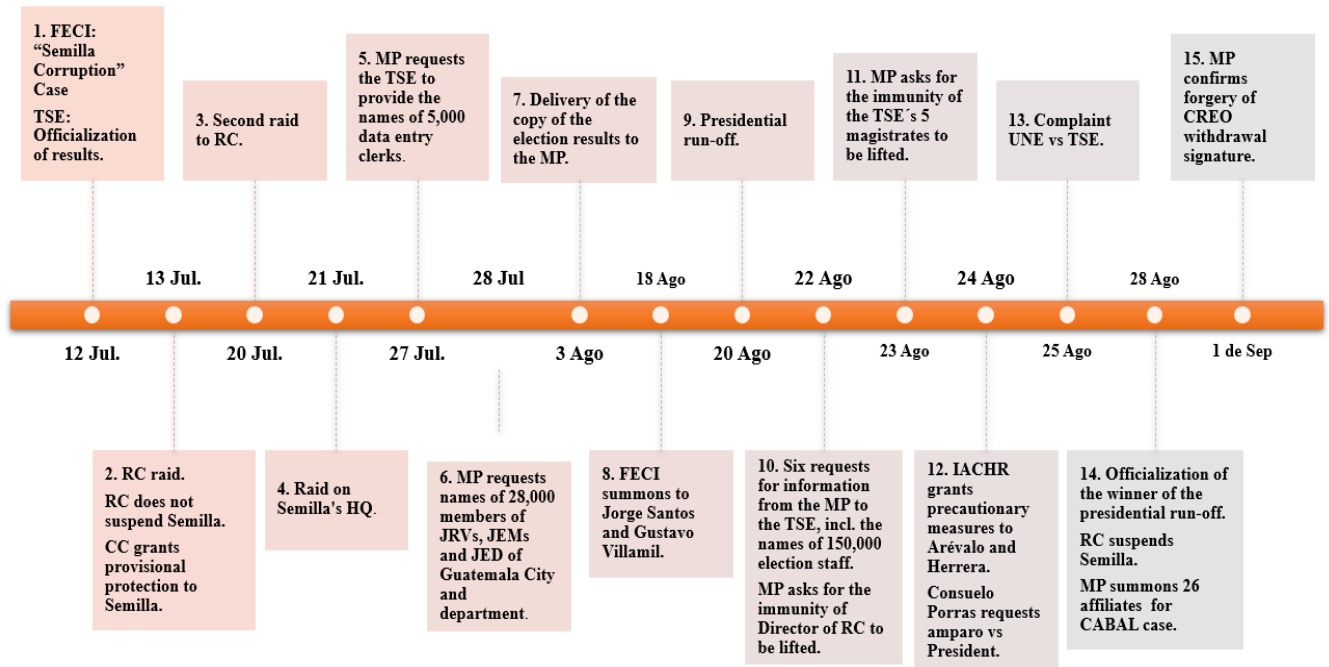
N°	CONTEXT (Including reference to the FR)	RECOMMENDATION (priority in bold)	CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL AND REGIONAL OBLIGATIONS/ GOOD PRACTICE
					<p>process to achieve parity democracy, with an intercultural and ethno-racial approach, strengthening the presence of women in all branches, levels and spheres of government (...).</p> <p>Montevideo Strategy (ECLAC, 2016): Parity democracy — as a quantitative and qualitative criterion — is thus central to the process of generating the conditions for women’s full exercise of human rights and citizenship.</p>
PARTICIPATION OF INDIGENOUS PEOPLES					
24	<p>Indigenous organisations pointed out that the lack of voter education and electoral information in indigenous languages hindered the access of monolingual voters (among them mainly women) to essential information. Positively, voter education materials in just a few of the indigenous languages were published by the TSE only few days before the elections. According to the 2018 census, with the four most-spoken Mayan languages alone (K’iché, Q’eqchí, Kakchiquel and Mam) five million persons could be reached (<i>Final Report, XIII. Participation of Underrepresented groups, page 26</i>)</p>	<p>The TSE to increase production and dissemination of voter education and election information materials in the most widely-spoken indigenous languages to provide voters, including rural monolingual population, with relevant information.</p>	<p>No change in the law required</p>	<p>TSE</p>	<p>FREEDOM FROM DISCRIMINATION / STATE MUST TAKE THE NECESSARY STEPS TO GIVE EFFECT TO RIGHTS</p> <p>ICCPR, article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture (...).</p> <p>ICCPR GC 25 para 12: Information and materials about voting should be available in minority languages.</p> <p>ILO 169, article 28 (3): Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.</p> <p>CERD/C/GTM/CO/16-17, para. 24: The Committee recommends that the State party take the necessary steps to protect and preserve the cultural identity of indigenous peoples, in particular the Xinka (...)</p>
ELECTION DISPUTES					

N°	CONTEXT (Including reference to the FR)	RECOMMENDATION (priority in bold)	CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL AND REGIONAL OBLIGATIONS/ GOOD PRACTICE
25	<p>The CC’s decision to intervene was controversial as, according to several EU EOM interlocutors, it does not have first instance jurisdiction to adjudicate writs against the TSE. In addition, the TSE’s failure to provide a uniform procedure for such reviews led the JEDs to adopt their own, further undermining the legal certainty of the process. <i>(Final Report, XV. Election Disputes, page 29)</i></p> <p>(...) Some JEDs opted to review only the challenged votes, following the procedure laid down in the electoral law and its regulations (Alta Verapaz, Quiché, Totonicapán). Other accepted additional challenges filed by the parties after the CC decision and carried out a full review of the tally sheets from all elections (Guatemala City, Izabal, Sololá). <i>(Final Report, XVI. Polling, Counting and Tabulation of Results, page 31)</i></p>	<p>The election law and its regulations could clearly define the grounds on which challenges to election results can be filed before the municipal and departmental electoral boards.</p>	<p>Articles. 238 and 239 Law on Election and Political Parties</p> <p>Articles. 110 and 111 of the Regulation of the Law on Election and Political Parties</p>	<p>Congress TSE</p>	<p>GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF VOTERS / RULE OF LAW</p> <p>ICCPR, Article 2.2: Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognised in the present Covenant.</p> <p>ICCPR GC 34, para. 25: A norm, to be characterised as a law, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public.</p> <p>UN Human Rights Council, Resolution 19/36 of 2012 (A/HRC/RES/19/36), paragraph 16: Calls upon States to make continuous effort to strengthen the rule of law and promote democracy by c) ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness.</p>
POLLING COUNTING AND TABULATION OF ELECTION RESULTS					
26	<p>EU EOM observers noted that some [counting] procedures were not implemented systematically such as the counting of the voters in the voter lists, the counting of the unused ballots, and the proper transcription of the results in the result protocol. In the four cases where discrepancies existed in the results, there was no recount as required by the procedures. <i>(Final Report, XVI</i></p>	<p>Strengthen the training of polling station staff in counting procedures and the completion of the tally sheets, with a particular focus on legislative and municipal elections, and consider organise trainings to party agents.</p>			<p>GENUINE ELECTIONS THAT REFLECT THE FREE EXPRESSION OF THE WILL OF VOTERS</p> <p>UN CAC, article 7.1.b: Each State party shall endeavor to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants: That include adequate</p>

N°	CONTEXT (Including reference to the FR)	RECOMMENDATION (priority in bold)	CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL AND REGIONAL OBLIGATIONS/ GOOD PRACTICE
	<p><i>Polling, Counting and Tabulation of Results, page 32)</i></p>		<p>No change in the law required. TSE Operational Planning/ Administrative measures.</p>	<p>TSE</p>	<p>procedures for the selection and training of individuals of public positions (...). OAS Electoral Good Practices Guide for Strengthening Electoral Processes, page 47: Election Day: It is suggested that the electoral authority take action to ensure the following: (...) (c) With respect to the electoral officials, training regarding electoral regulations, election day and voting procedures (...) and procedures for transmitting data and outcomes. OAS Electoral Good Practices Guide for Strengthening Electoral Processes, page 26: The principal functions of electoral bodies include, inter alia: iv) providing civic-electoral education and training for citizens and political organizations</p>

Annex 2. Summary of the Most Relevant MP Actions after the First Election Round

Chronology of MP's legal actions after 25 June



1. **July 12:** In a press conference, the TSE announces that Sandra Torres (UNE) and Bernardo Arévalo (Movimiento Semilla) will take part in the second round on 20 August. Almost simultaneously with the official announcement of the results, the director of the Special Prosecutor's Office against Impunity (FECI) announced that a first instance criminal judge had ordered the TSE Citizen's Registry (RC) to temporarily revoke the legal personality of the Semilla party within 24 hours, allegedly for: a) the falsification of some 5,000 signatures; b) the affiliation of 12 deceased people; c) the laundering of Q 175,000 (20,000€).
2. **July 13:** Semilla requests a temporary protection to the CC. The FECI raided the offices of the TSE and confiscated documents related to the formation of the Semilla party. On the same day, the director of the RC stated that he could not comply with the order of the criminal judge because "*it is not possible to suspend a political party after the call for an election and before it has been held*" (art. 92 LEPP). The CC granted Semilla the temporary protection but authorized the Office of the Public Prosecutor (MP) to continue the criminal investigation.
3. **July 20:** The MPs again raided the TSE headquarters to impound documents related to the RC's acting director.
4. **July 21:** The FECI raided the headquarters of the *Semilla*, seeking to obtain further evidence for the investigation.
5. **July 27:** As part of the "*Semilla case*", MP requested the TSE the names of more than 5,000 data entry clerks, to check political affiliation.
6. **July 28:** The FECI requests the TSE the names of more than 28,000 polling station members, and names of JEMs and JEDs officials of the Guatemala City and department.

7. **August 3:** The TSE delivers the 2023 paper copies of the presidential election tally sheets and digital copies of the 122,925 tally sheets from across the country.
8. **August 18:** The MP, through the FECCI, summons to testify the Director of Information Technology of the TSE, Jorge Santos, and the Colombian citizen and advisor of the TSE, Gustavo Villamil.
9. **August 20:** The second round takes place. The presidential candidate of the Semilla party is elected with 58 per cent of the vote.
10. **August 22:** The FECCI asks the TSE: 1) the names and positions of the members of the JEDs; 2) the names of the coordinators of the polling stations; 3) the names and positions of all the polling stations members; 4) the location of all the polling stations; 5) the names of all the reviewers; 6) the names of all the coordinators of the data entry clerks. The FECCI has given a deadline of 5 days to the TSE to submit the information. Additionally, the Prosecutor's Office for Electoral Crimes has requested the legal immunity of the Director of the Citizen's Registry be lifted for having registered as held the National Executive Committee of Citizen's Prosperity (PC), which the Constitutional Court found to have been marred by several irregularities.
11. **August 23:** The Public Prosecutor's Office for Administrative Crimes requested the five TSE magistrates legal immunity be lifted, accusing them of dereliction of duty, abuse of power and taking decisions against the Constitution in the case of the registration as candidate of Manuel Baldizón. The MP argues that he was linked to several criminal cases and that the judges committed a crime when they ordered his registration, as he did not meet the requirements set in article 113 of the Constitution.
12. **August 24:** The Inter-American Commission on Human Rights (IACHR) issued precautionary measures in favour of the president-elect. According to the IACHR's report, there are at least two assassination plots against President-elect Bernardo Arévalo, and it orders the Guatemalan government to take the necessary measures to ensure his safety. On the same day, Attorney General Consuelo Porrás filed a legal action (*amparo*), claiming that protests against the MP and calls for her resignation by several Twitter users were interfering with the MP's ability to effectively conduct criminal proceedings.
13. **August 25:** The UNE party filed a complaint against the TSE's five magistrates, accusing them of collaborating in the electoral fraud. The party points out the following irregularities that took place on 20 August: a) the duplication of the tally sheets; b) the number of tally sheets processed was higher than should have been; c) the transmission of preliminary election results (TREP) was carried out in a very short time; d) an alternative system to the TREP was used; e) the TSE plenary did not comply with the protection issued by the CSJ on 19 August.
14. **August 28:** The TSE Citizen's Registry ordered the provisional suspension of the legal status of the Semilla party, on the grounds that Art. 92 of the Electoral Law only prevents parties from being suspended from the electoral process until after the elections have taken place. The TSE officialised the presidential run-off, declaring Arévalo and Herrera the winners. Finally, it was announced that the Prosecutor's Office for Electoral Crimes had opened an investigation of CABAL party, on the grounds that the party's founding meeting had not taken place in the place indicated in the protocol documenting the act, in addition to irregularities in the signatures.

Annex 3. Legacy Media Monitoring Findings

GUATEMALA 2023 PRESIDENTIAL ELECTION

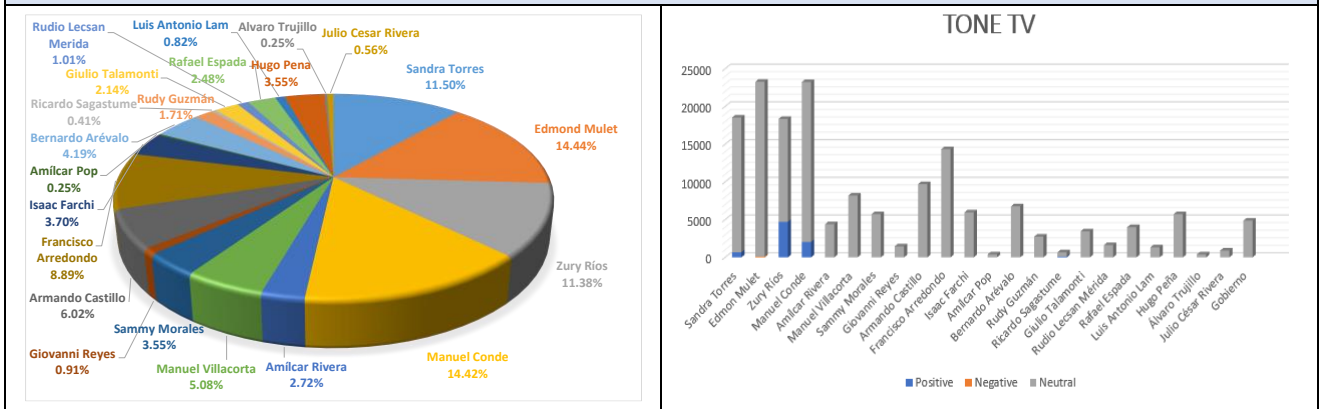
First Round

May 25 - June 25, 2023

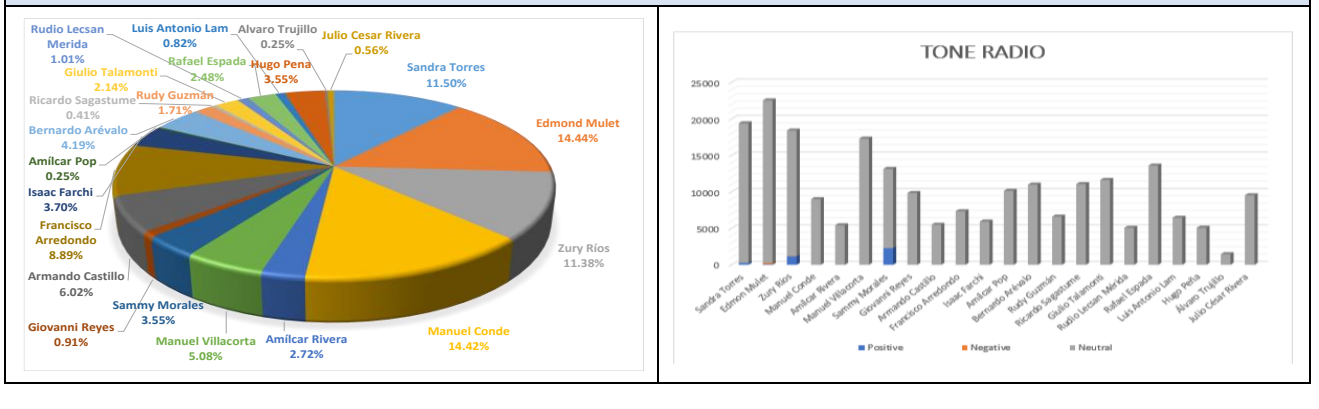
The EU MOE monitored all election-related information issued and published by 13 national media outlets to assess whether political parties and candidates had free and equal access to the media, and whether the information provided to citizens was presented in an impartial and balanced manner. The sample included the following media outlets: Canal 3, Canal 7, Guatevisión, TV Azteca, Canal Antigua, Emisoras Unidas, Radio Sonora, Radio Nuevo Mundo, Radio Punto, Prensa Libre, Nuestro Diario, Soy502, and Publinews. In the case of radio and television stations, the most popular news programs and main news bulletins aired monitored. The media analysis team consisted of six monitors who completed a total of 18,422 forms, approximately 4,000 forms per day and about 3,000 hours of work.

NEWS SPACES

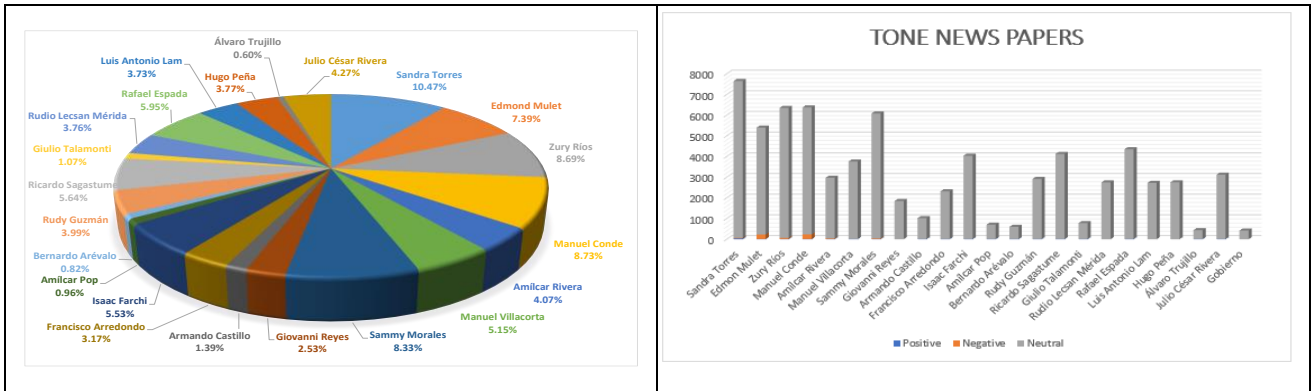
TOTAL COVERAGE OF PRESIDENTIAL CANDIDATES ON TV



TOTAL COVERAGE OF PRESIDENTIAL CANDIDATES ON RADIO

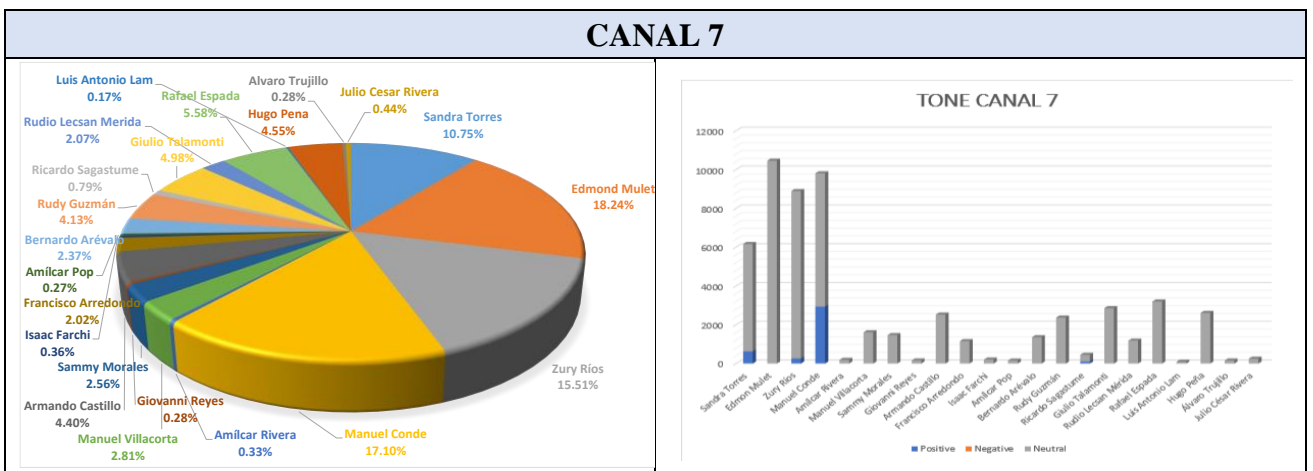
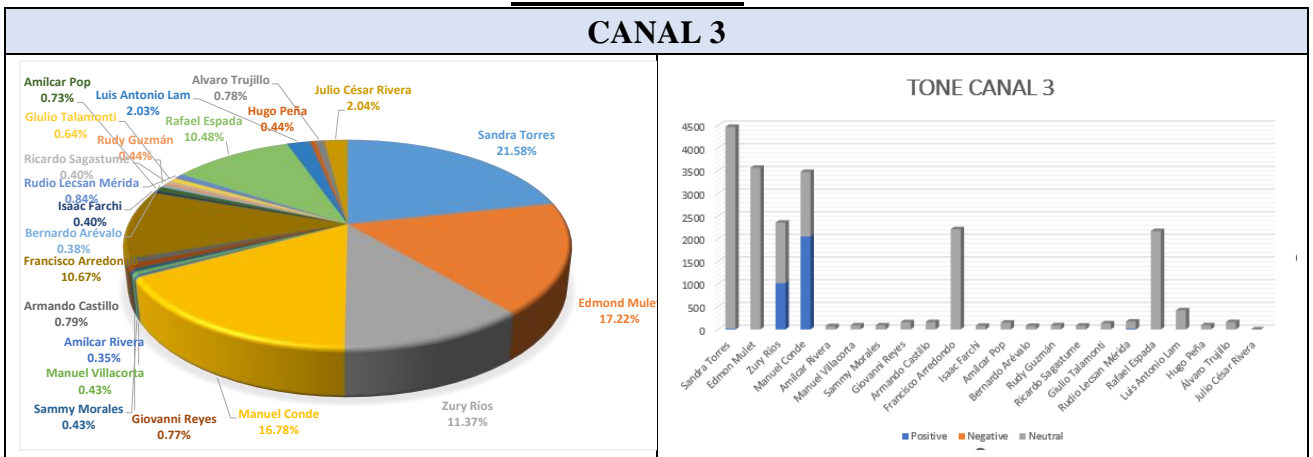


TOTAL COVERAGE TO PRESIDENTIAL CANDIDATES IN NEWSPAPERS

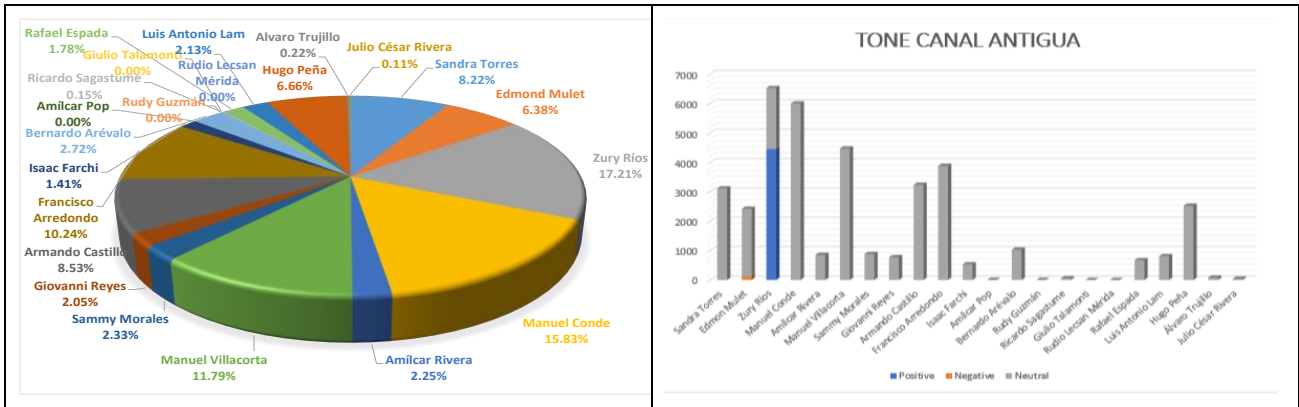


The media, in general, distributed their news coverage among the candidates who were deemed more likely to succeed according to opinion polls.

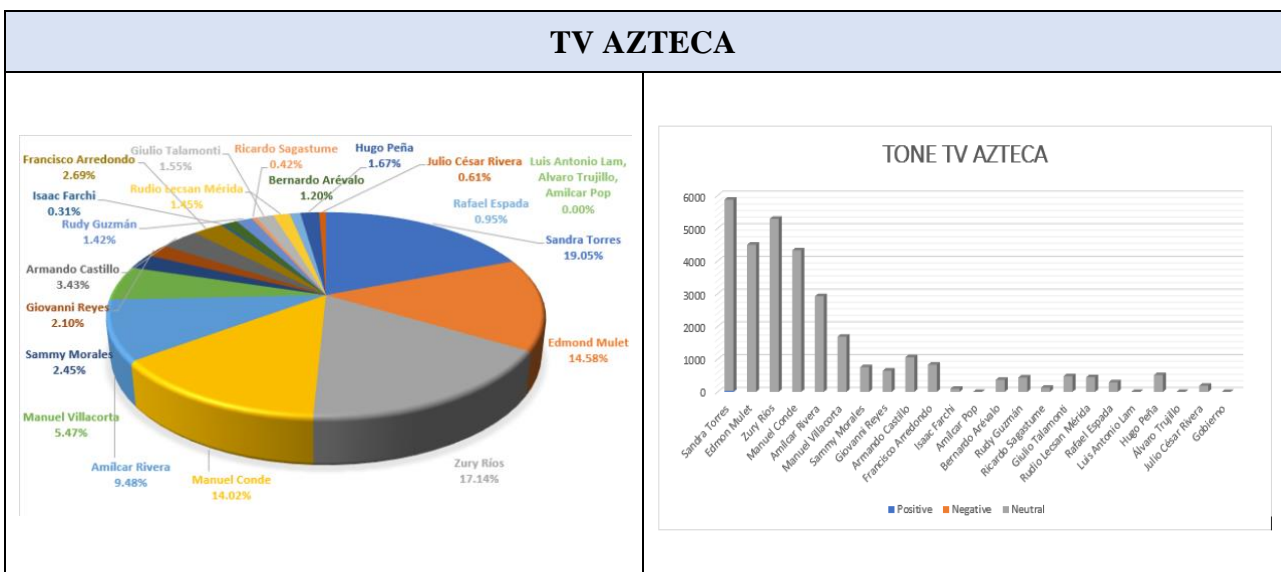
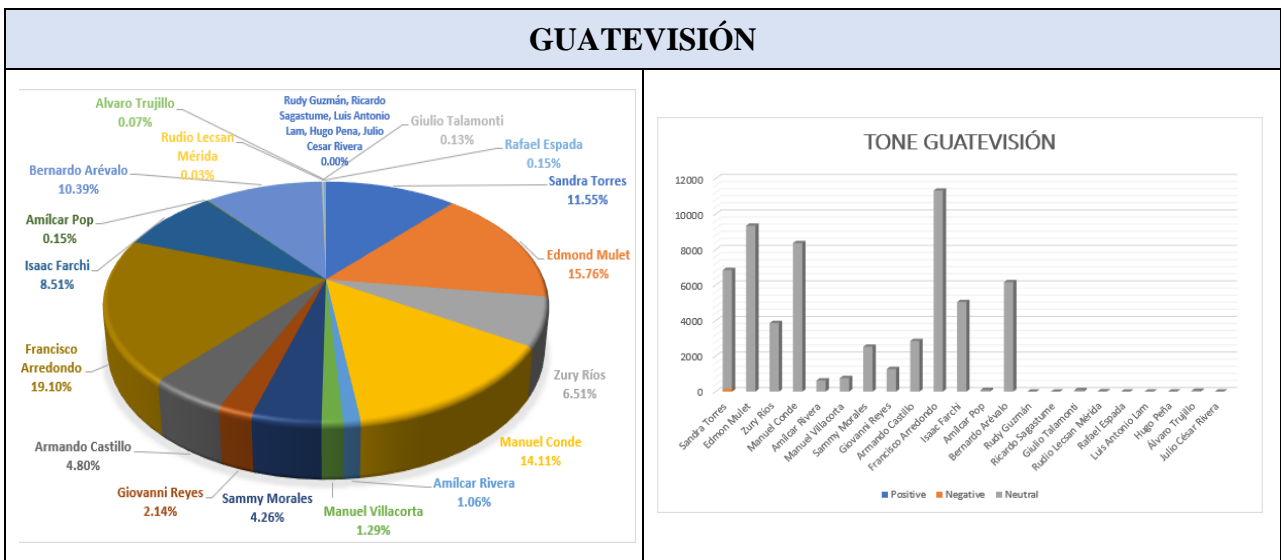
TELEVISION



CANAL ANTIGUA

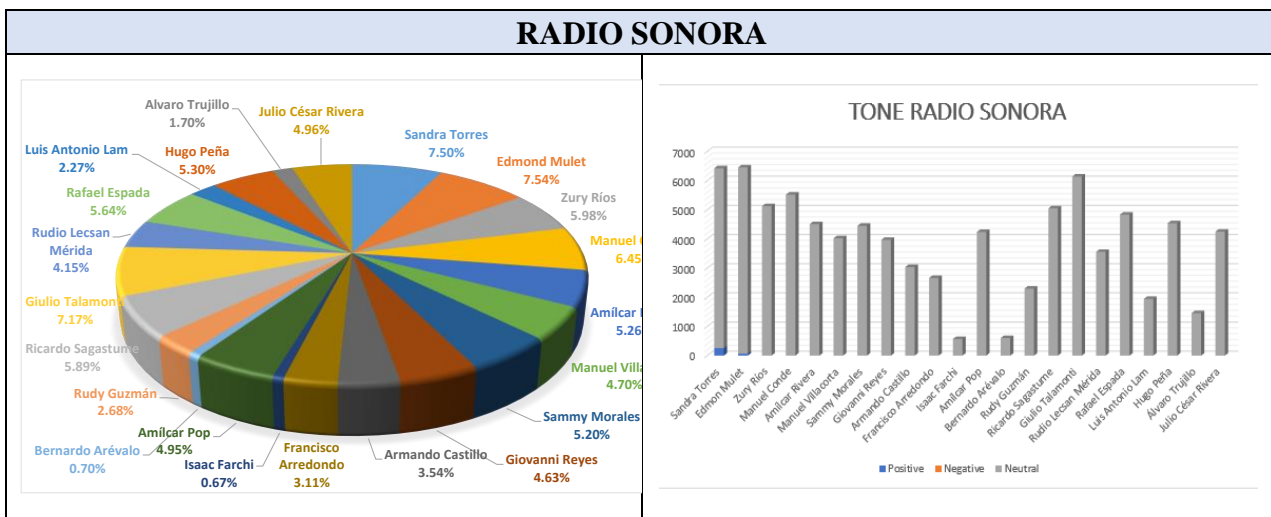
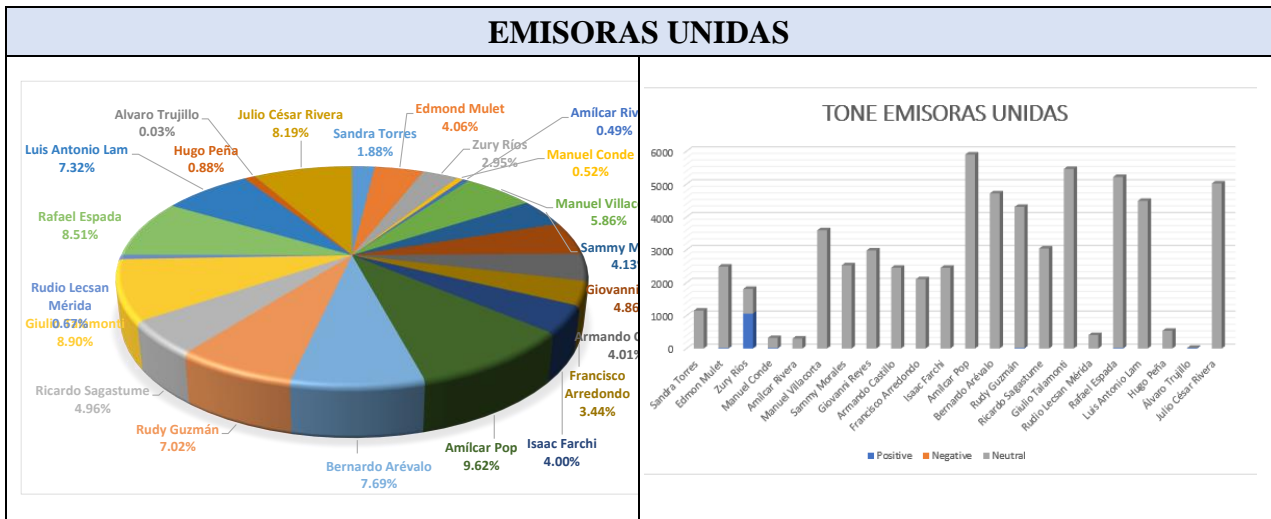


TV stations focused their coverage on the four leading candidates in the polls: Zury Ríos for Valor; Manuel Conde for VAMOS; Sandra Torres for UNE; and Edmond Mulet for CABAL. Canal Antigua gave certain prominence to Manuel Villacorta for VOS and Francisco Arredondo for CREO.

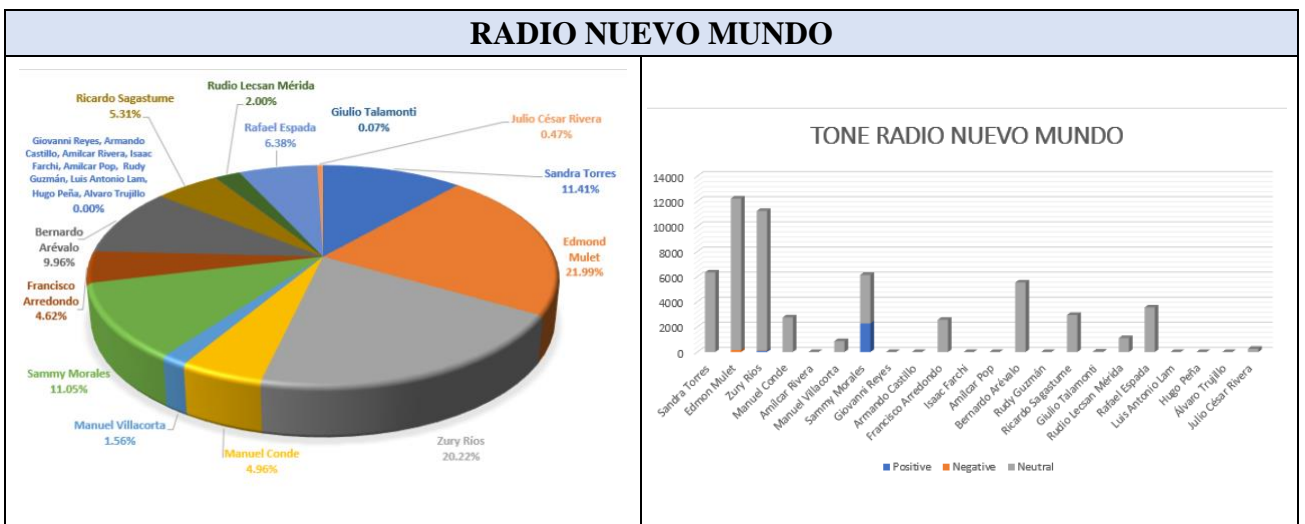
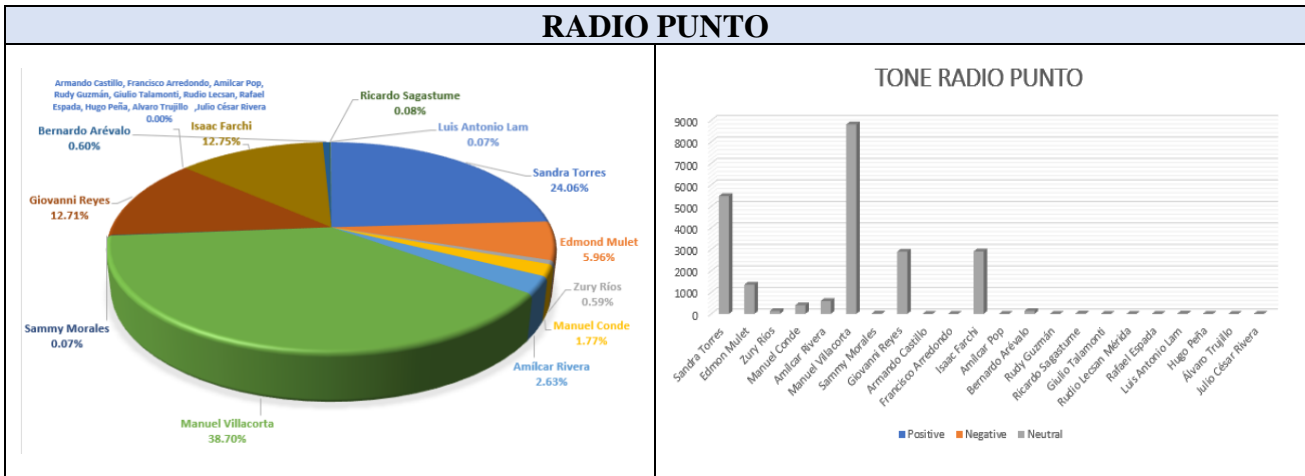


On Guatevisión, Francisco Arredondo received a significant percentage of coverage as he had a Sunday program, and this station gave the most airtime to Edmond Mulet in the first round.

RADIO

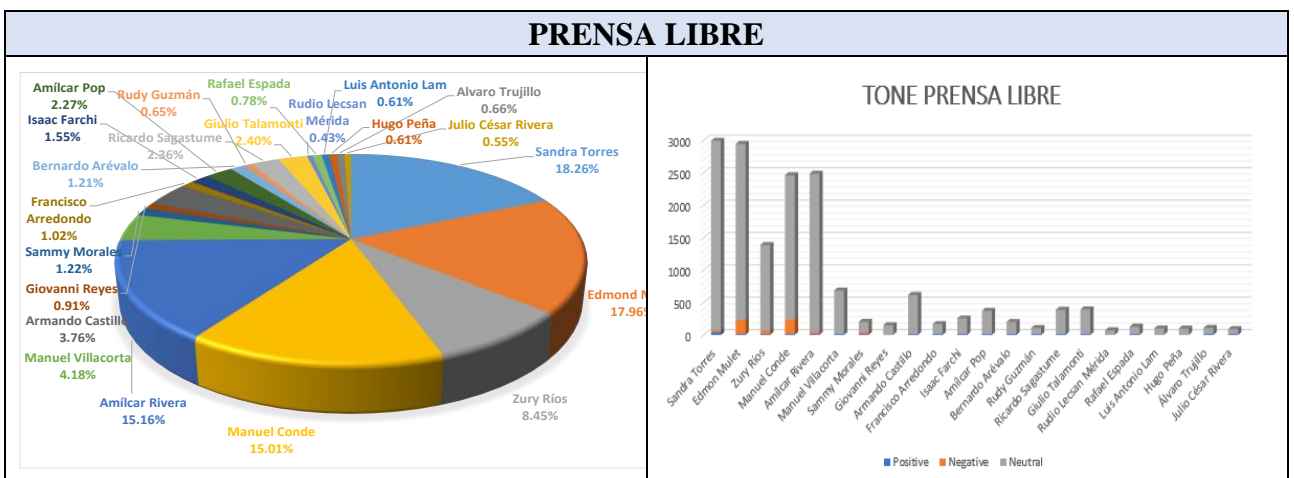


RADIO stations prioritized coverage of public events and forums and played an important role in amplifying messages from social media. Emisoras Unidas, with an informed and at times demanding audience, gave Bernardo Arévalo a similar space to the leading candidates in the polls. Radio Sonora, with a more popular and less educated audience, practically did not provide coverage of the *Semilla* candidate.

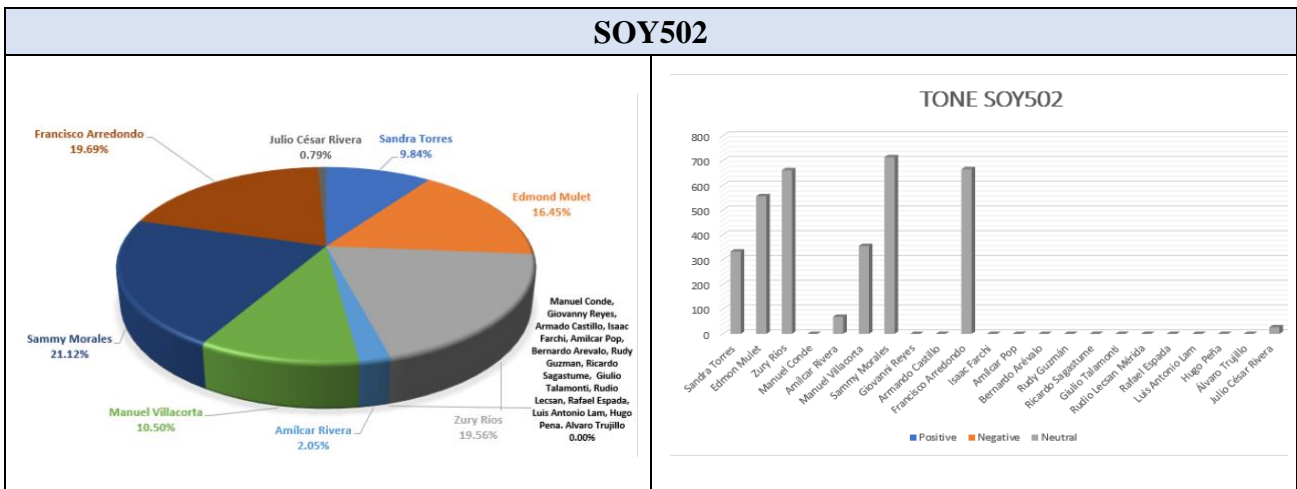
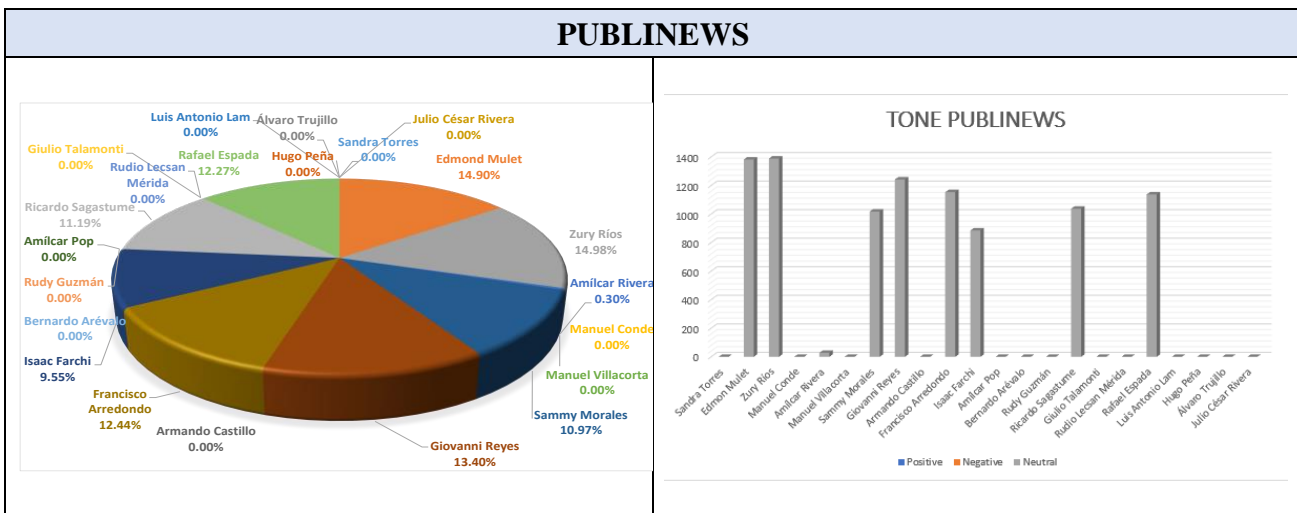
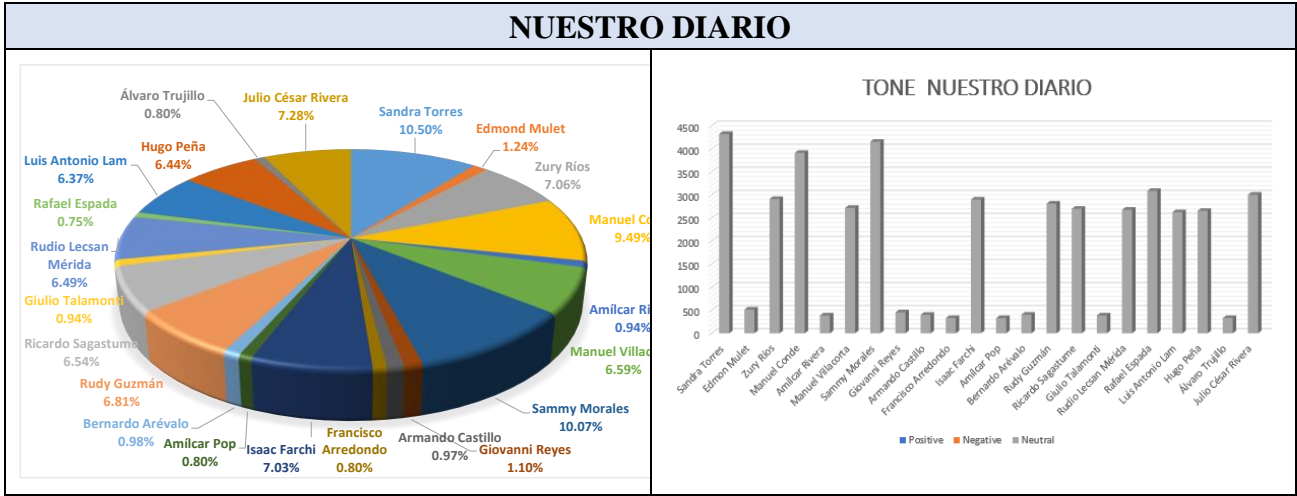


Radio Punto covered 12 candidates, led by Manuel Villacorta of VOS. Ten candidates were excluded from the news reports. Radio Nuevo Mundo covered 13 candidates, mainly Edmond Mulet of CABAL, 9 candidates were left out of the coverage.

NEWSPAPERS

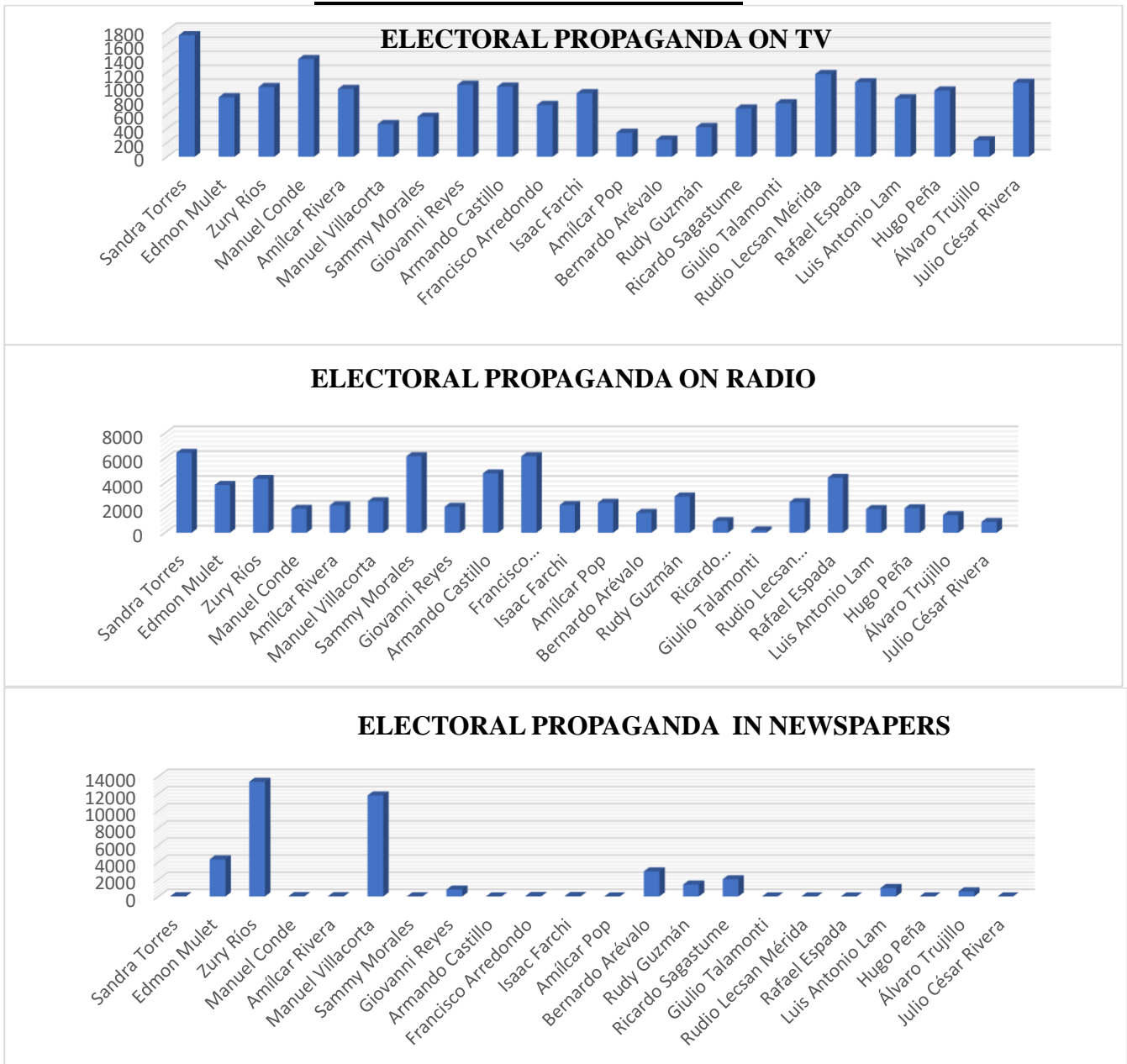


Prensa Libre and Nuestro Diario used their pages to cover the candidates who were leading in the polls they themselves published.



The newspaper Soy502 provided greater coverage to the more popular candidates, while Publinews focused on presenting candidates different from the institutional ones. Both publications are free and have irregular publication schedules.

ELECTORAL PROPAGANDA

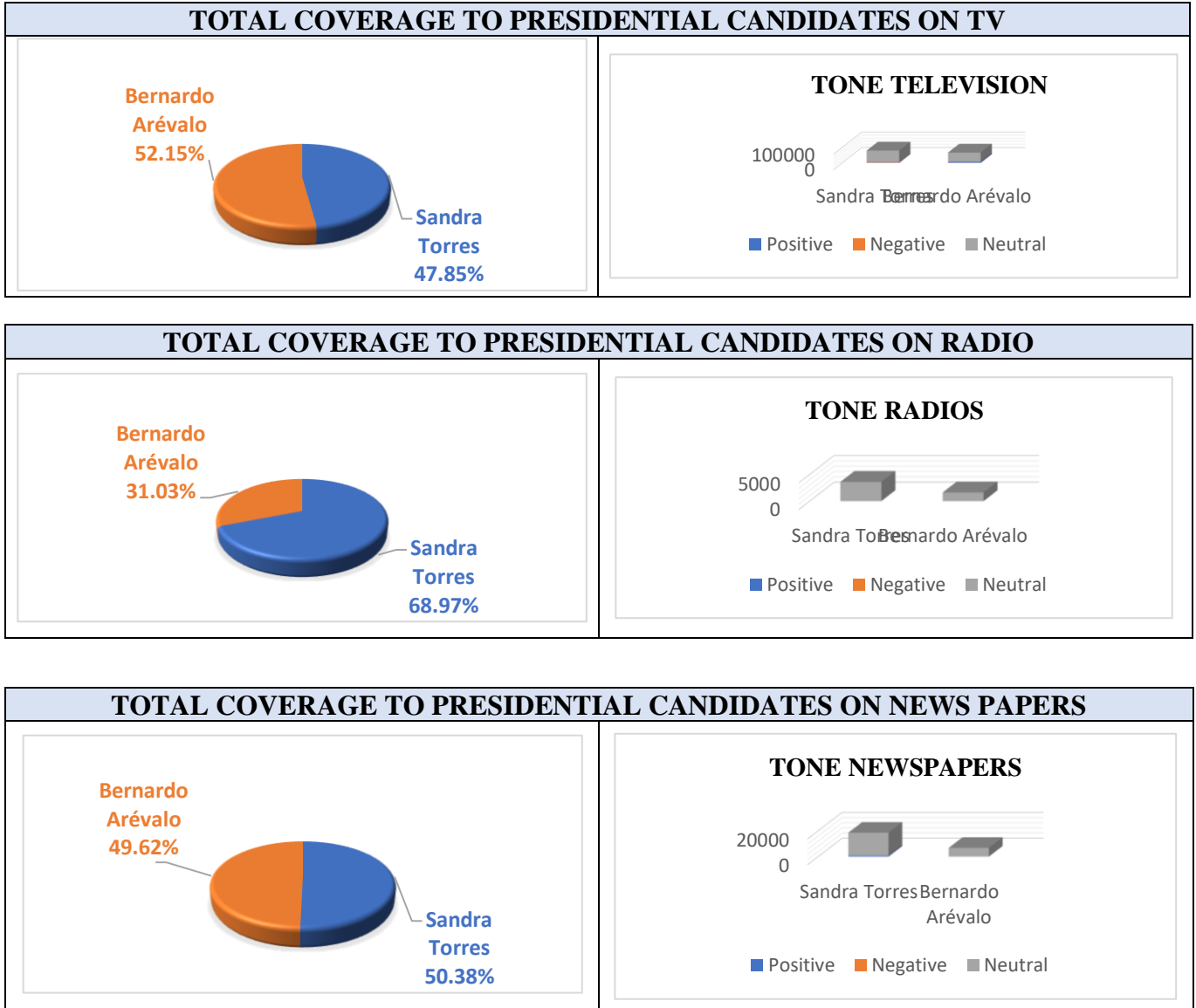


Bernardo Arévalo distributed his advertising evenly across the three traditional media outlets. On the other hand, Sandra Torres made a greater effort to place her advertisements in audiovisual media and did not use print media.

PRESIDENTIAL ELECTIONS GUATEMALA 2023

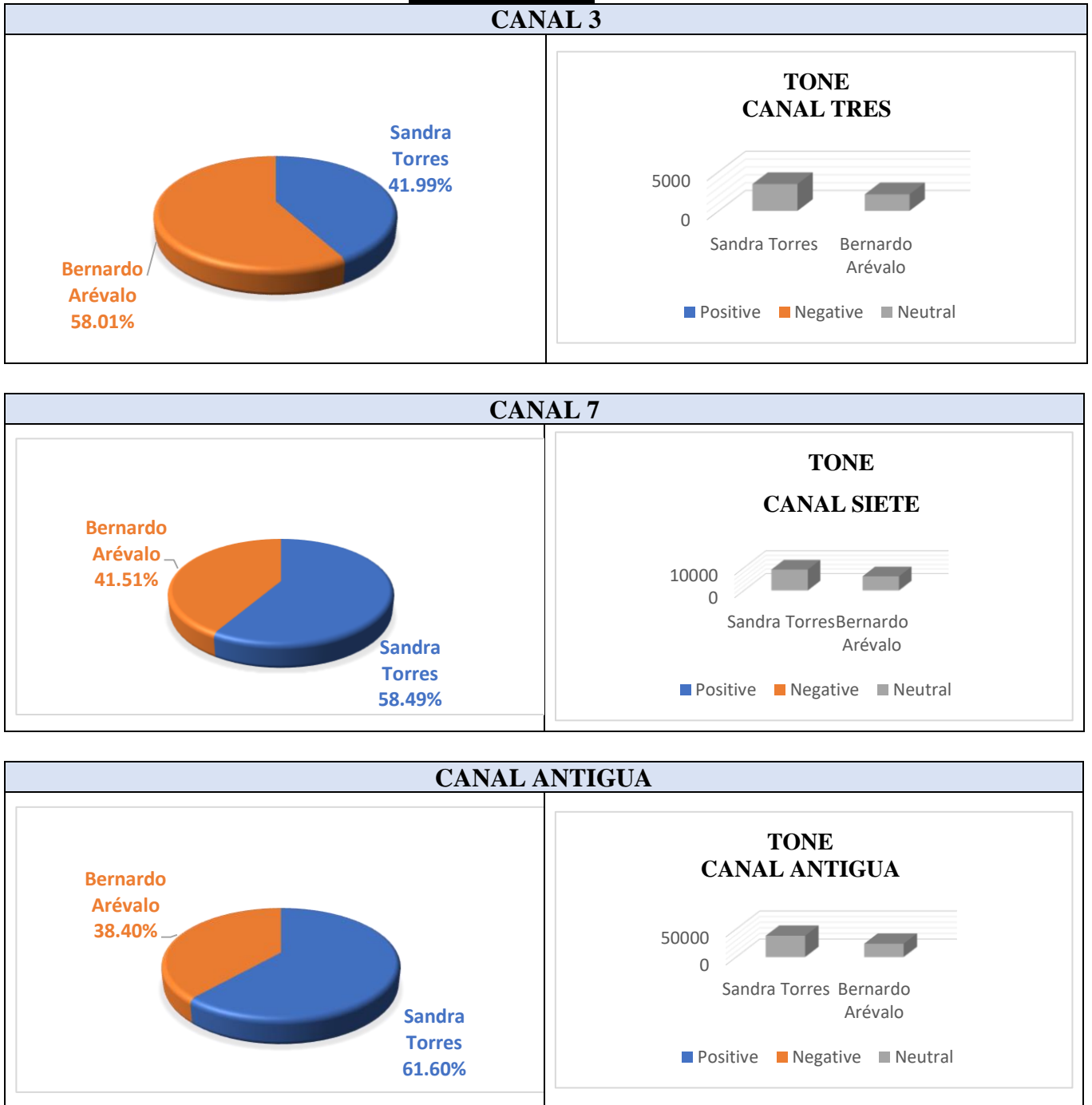
Second Round
 July 20 - August 18, 2023

NEWS SPACES

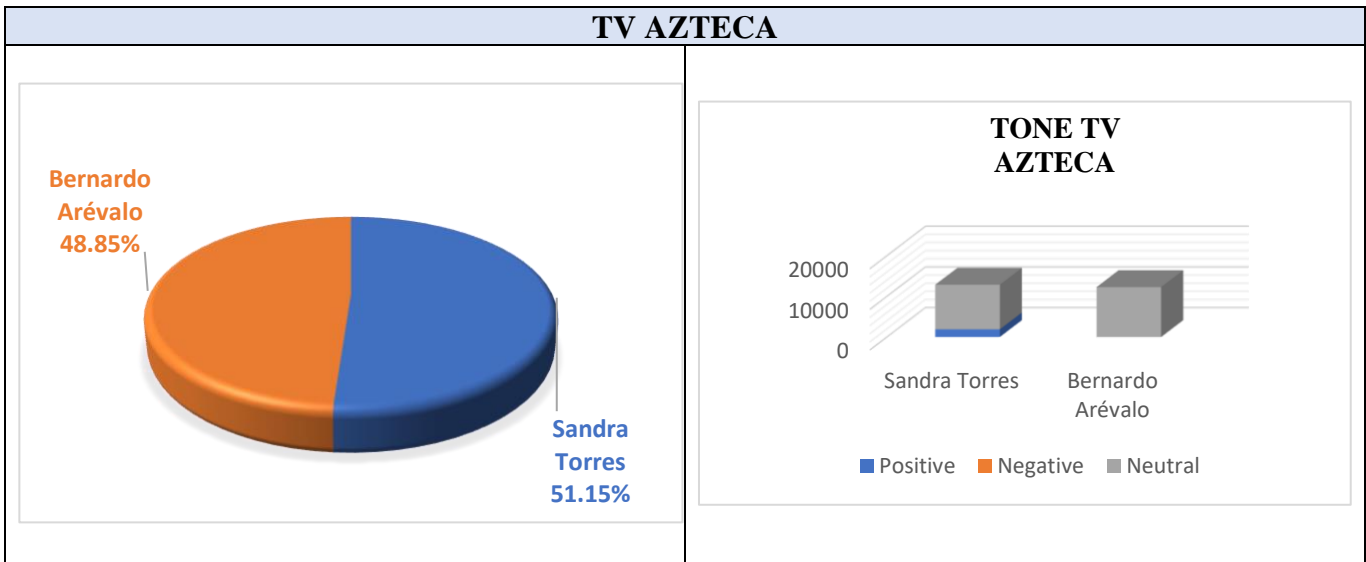
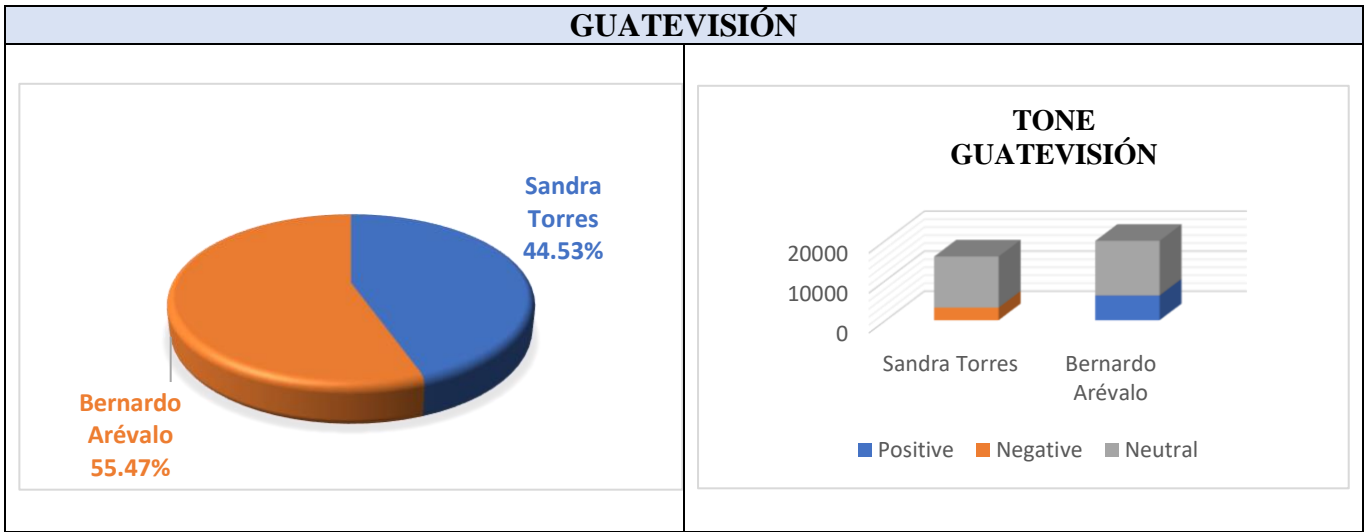


The distribution of informative times and spaces in traditional media can be considered balanced, although Sandra Torres received a little more attention in the media, mainly in audiovisuals. The tone of the coverage has been eminently neutral.

TELEVISION

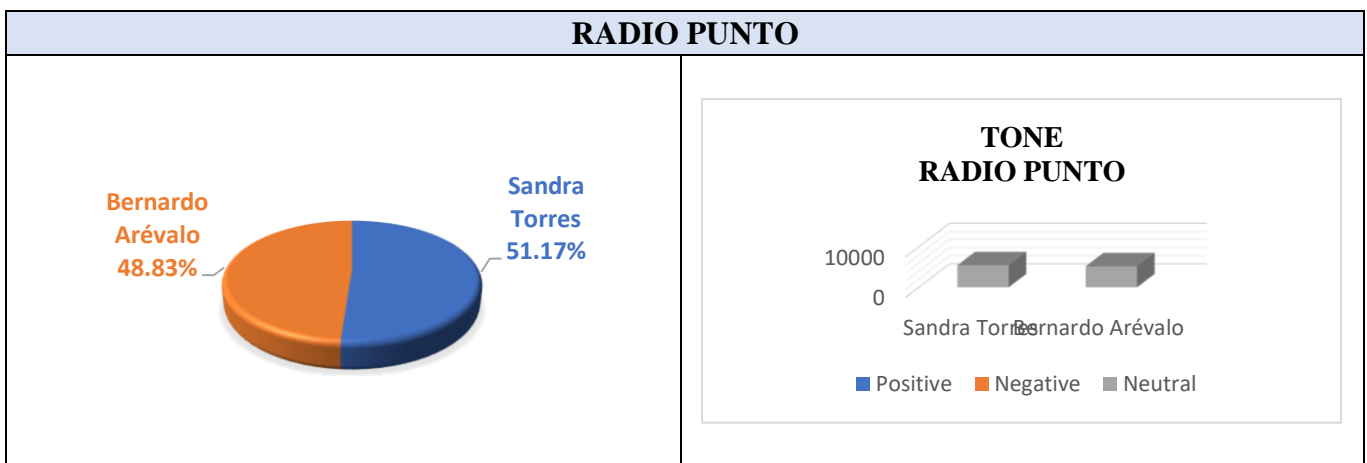
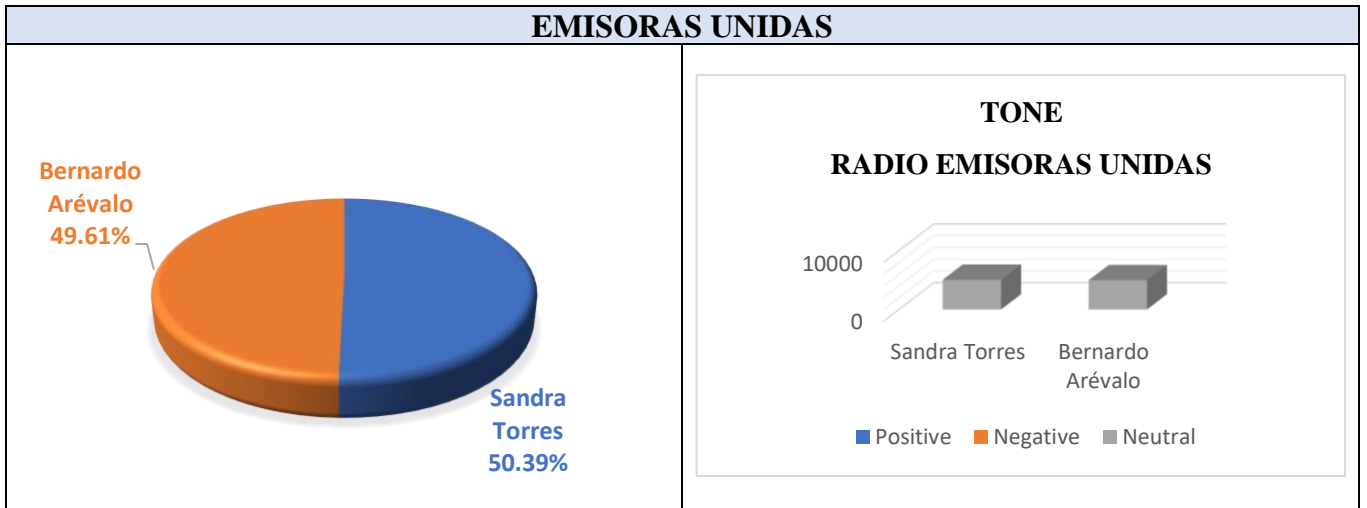


The informative TV programs monitored granted slightly more airtime to Sandra Torres than to Bernardo Arévalo. Canal 3 was the only one that allocated more time to the Semilla candidate. Canal 7 did not interview Arévalo, while an interview with Sandra Torres was broadcast in most of their informative programs, hence her higher appearance percentage.

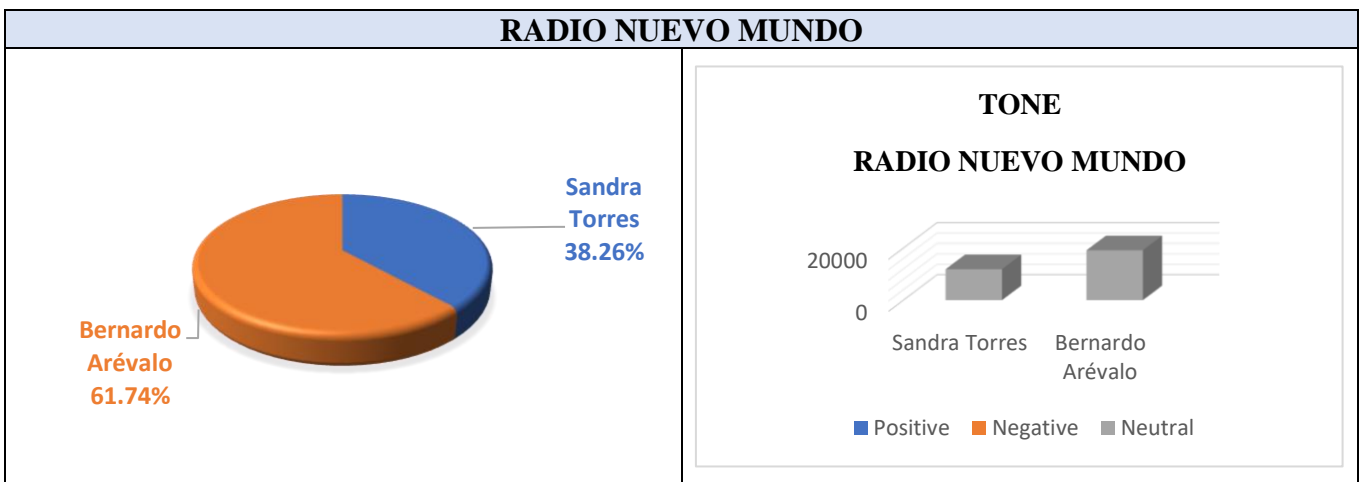
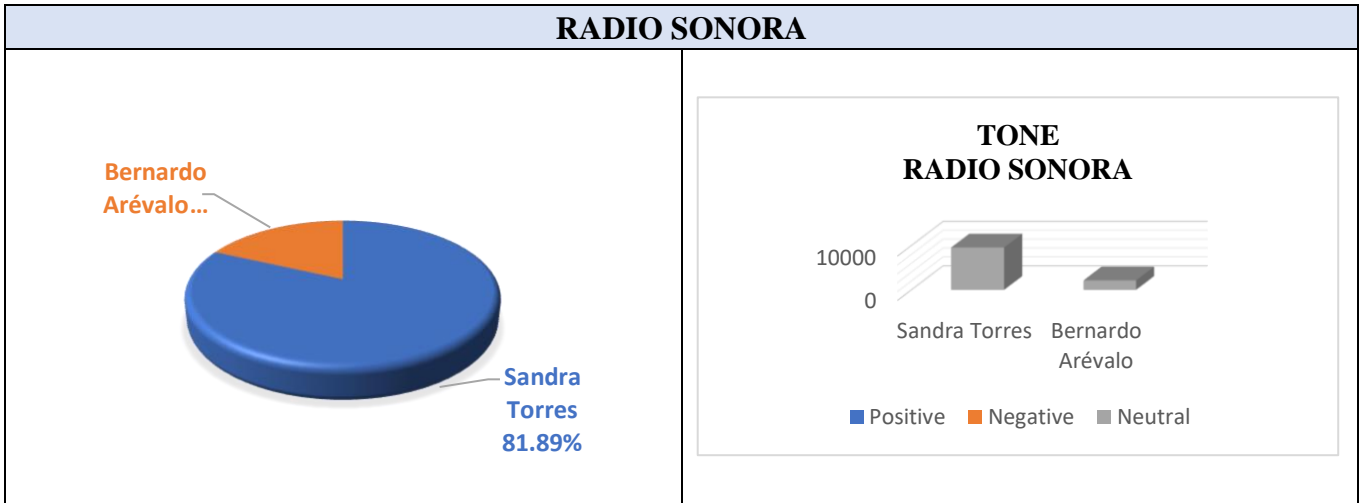


Guatevisión organized a debate between the two candidates, which Sandra Torres did not attend, providing more visibility to Arévalo. TV Azteca's coverage was similar for both candidates, although it's noteworthy that a more accommodating tone was used with Sandra Torres.

RADIOS

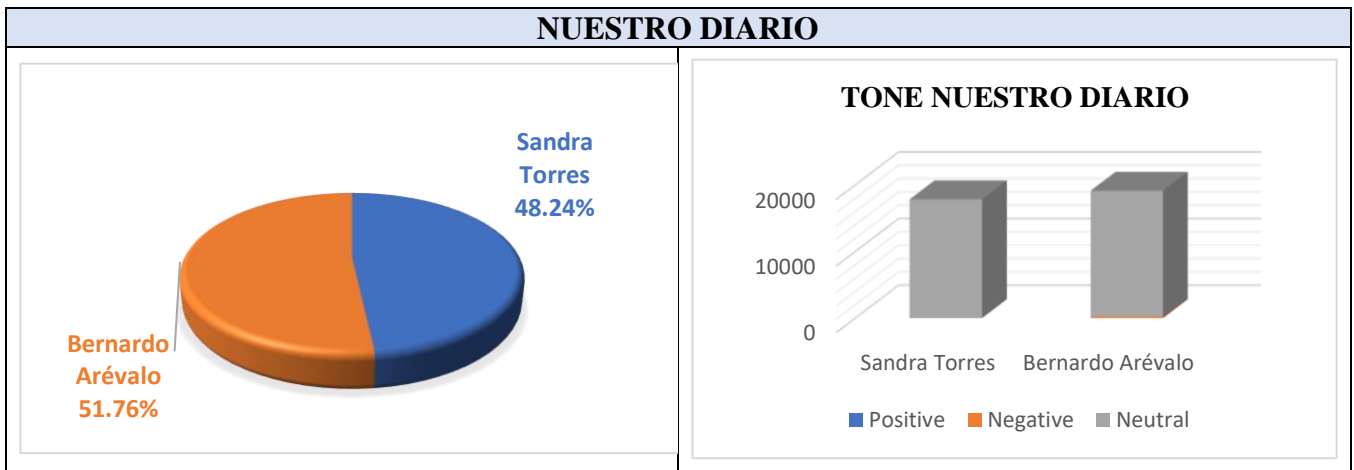
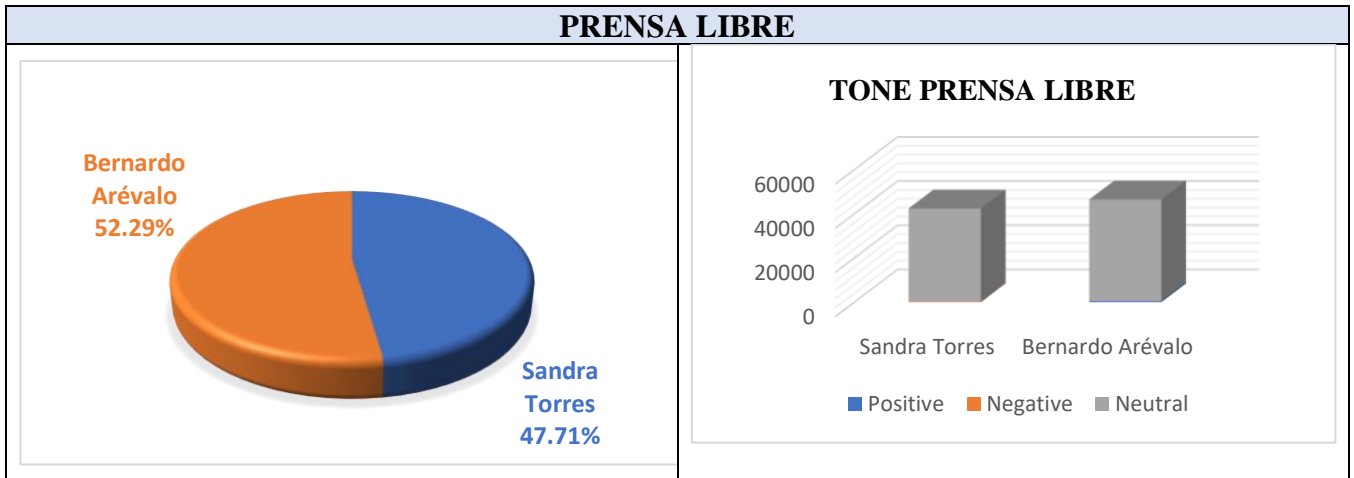


In general, radio has provided more coverage to Sandra Torres, primarily due to the wide dissemination of her informative segments. Emisoras Unidas and Radio Punto are the ones that distributed their airtime more equitably.

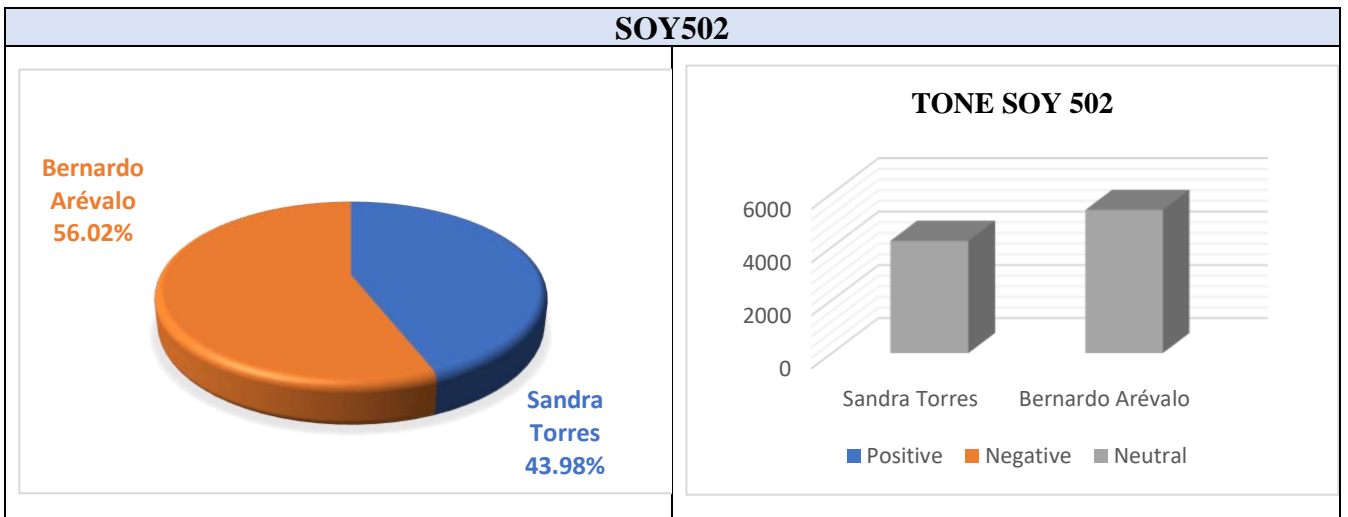
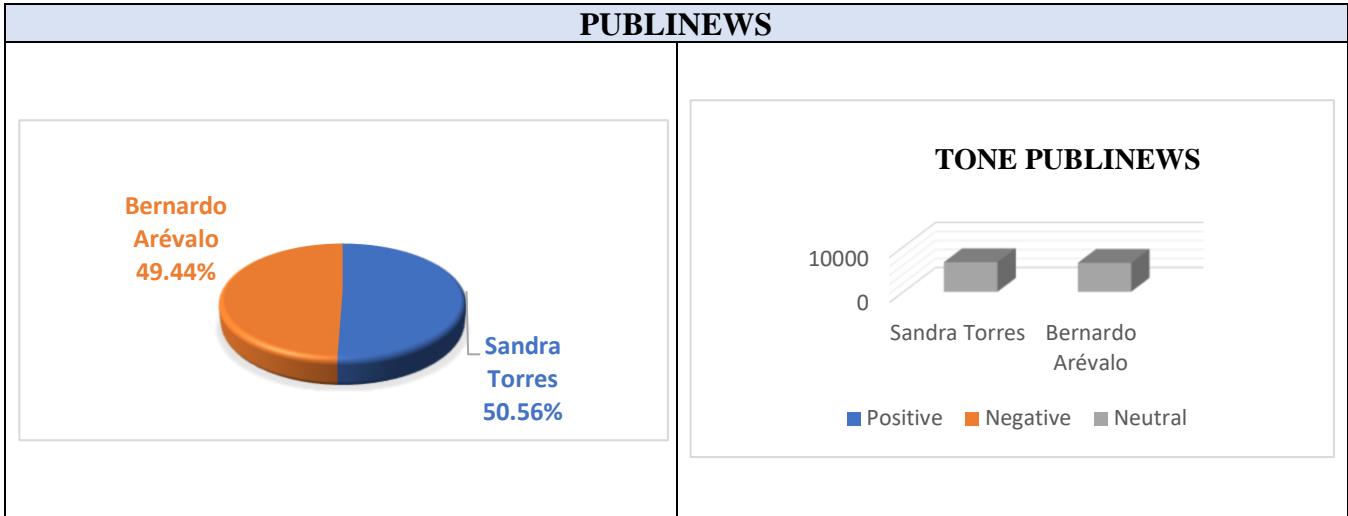


The difference in tone between the two candidates on Radio Sonora can be understood by the amount of airtime granted to *Semilla's* appeals; this station broadcast an interview with Sandra Torres in which the candidate threatened to sue the EU EOM. Radio Nuevo Mundo has been noticeably more favorable to Arévalo in the duration and focus of the news; their editorial spaces have clearly favored a change in government.

NEWSPAPERS

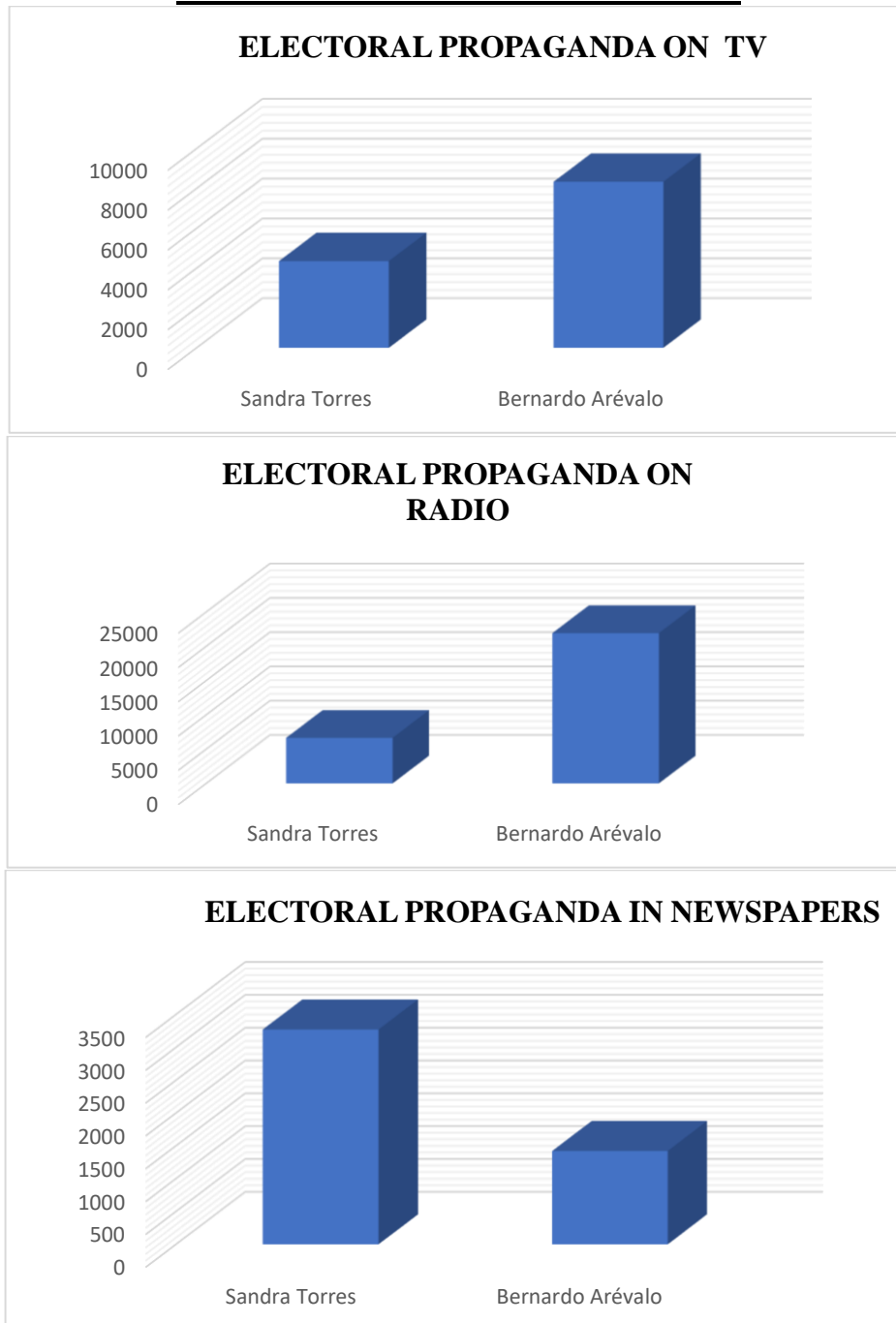


Newspapers showed the most balanced information coverage towards both candidates. Prensa Libre conducted its own voter education campaign and published its own survey in both the first and second rounds, not accepting any electoral propaganda, just like Nuestro Diario. The latter did publish some TSE advertisements. In general, the photos of Bernardo Arévalo published in this newspaper have been larger than those of Sandra Torres.



The two free newspapers, Publinews and Soy 502, have irregular publication schedules based on advertising. Both have published electoral propaganda.

ELECTORAL PROPAGANDA

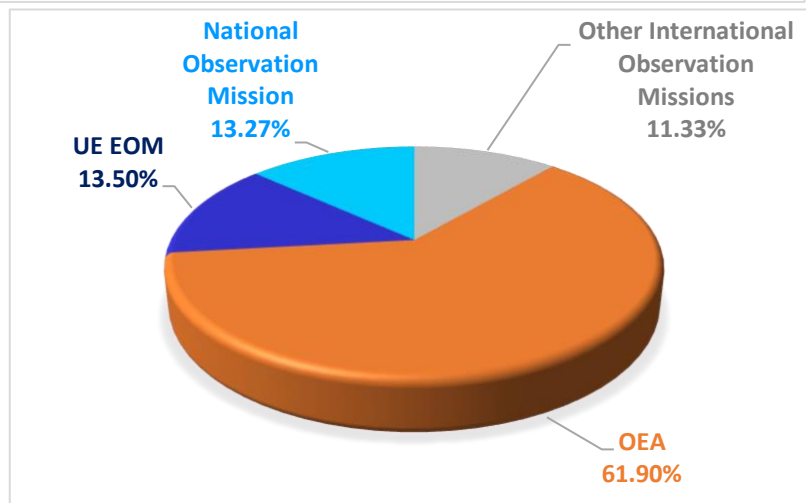
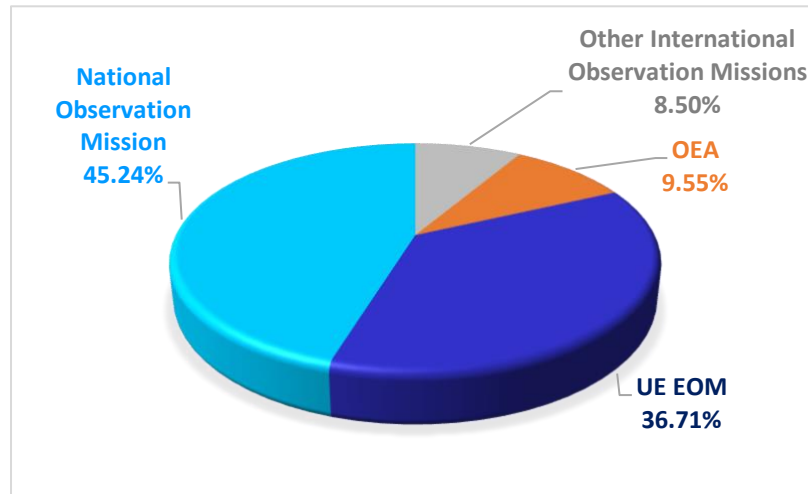


In the second round, Bernardo Arévalo's party made a greater effort to appear in audiovisual media, while Sandra Torres' formation prioritized print media.

Guatevisión aired Semilla's propaganda only on the subcontracted program "Con Criterio." Television Azteca only aired one propaganda from this party.

COVERAGE PROVIDED TO ELECTION OBSERVATION MISSIONS

First Electoral Round



The EU EOM had greater visibility in the media during the first electoral round, while in the second round it was the OEA that obtained a greater presence in the medi

Annex 4. Social Media Monitoring Findings

EU EOM METHODOLOGY

The EU EOM Guatemala 2023 applied different and complementary approaches and techniques to analyse online platforms and to gather information on online election-related content.¹⁰¹ These methods include quantitative and qualitative data analysis, legal analysis, meetings with relevant stakeholders, cooperation with different CT members and LTOs.

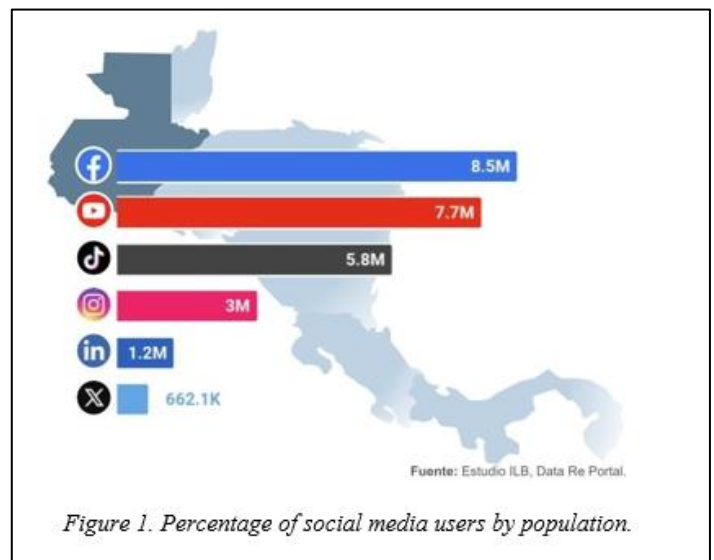
The EU EOM analysed an indicative set of accounts, profiles, groups, pages and topics with a nationwide relevance, to capture key campaign trends on the monitored platforms.

The sample was selected considering:

- The relevance (metrics of interactions on Facebook, reach on Twitter and relevance on YouTube; number of followers, interaction rate per post, etc) and the potential influence of the page/group on the political agenda and discourse (based on qualitative assessment)
- The content of the page (topics covering social, political, and electoral issues).
- Political affiliation of the account, page, or group.

1. SOCIAL MEDIA ENVIRONMENT

Internet penetration and social media use continue to increase in the country, however there is a lack of consensus as to the total number of Internet users, ranging from 8.70 to 9.55 million depending on the source. TikTok has played a key role as a campaign tool and source of information in the current electoral process. Instant-messaging apps are also quite popular, with WhatsApp leading in terms of use, followed by Telegram.



2. SCOPE OF THE EU EOM GUATEMALA 2023 SOCIAL MEDIA MONITORING

The EU EOM Social Media Monitoring Unit (SMMU) started its monitoring activity by mapping the digital landscape in order to assess the social media presence of presidential candidates, political parties and other prominent election stakeholders and clarify the relevance of each platform as a tool to campaign in the general elections. Different monitoring projects were designed based on priority subject matters identified through preliminary consultations with local stakeholders.

¹⁰¹ Monitoring messaging networks, such as WhatsApp, Telegram, Viber or Messenger are not included in the scope of the EU EOM methodology due to data protection and privacy matters. However, EOMs may include relevant information coming from national and international credible organisations that specialise in monitoring online platforms and networks.

The EU EOM analysed the online election-related content with a particular focus on the main campaign narratives, paid political advertisement, disinformation, content manipulation techniques, dissemination of inciteful content, the tone of the political discourse in the digital sphere and overall perception of the EU EOM’s presence in the country in collaboration with the Press Officer. The social media monitoring activity covered the political campaign, the election silence period, e-day and the post-election developments. The selection of the sample was made according to multiple analytical purposes, later reflected in different internal reports.

Social Media Monitoring Sample




























For Facebook – 319 Pages and 144 public groups.

LISTS	NUMBER OF ACCOUNTS
Parties	26
Presidential candidates	34
Women candudates	22
Institutional actors	11
Civil Society	28
Influencers/Content Creators	21
Third-Party Pages	44
Religious pages	32
Online media	92
Public groups	144

For Instagram – 144 Instagram accounts

LISTS	NUMBER OF ACCOUNTS
Parties	25
Presidential candidates	34
Women candidates	20
Influencers	21
Online media	44

Twitter and **TikTok** were monitored daily based on priority subject matters and trending topics, using a set of tools suitable to serve different analytical purposes.















Topic	Analytical approach	Monitoring period	Platforms	Tools
Actor mapping / multiple analysis	Qualitative	May / August	    	Excel
Campaign narratives Analysis (multiple)	Brainstorming Case-study Network Analysis	May / August	  	Excel / SentiOne / Onodo
Manipulation techniques (bot-driven amplification, trolls, deepfakes)	Case-study	May/August		Python / Excel / Botometer / TruthNest
Followers' growth	Quantitative	16 May / 31 August	   	CrowdTangle / Manual / Datawrapper
Paid Political Advertisement	Qualitative Quantitative	27 March / 20 August	 	Facebook Ad Library
Smear Campaign	Qualitative Quantitative	June / August	   	Facebook Ad Library / Excel
Election Day Developments	Qualitative	25 June 20 August	   	CrowdTangle Live Displays / Excel
EU EOM's visibility	Case-study	16 May / 31 August	   	Google Alerts / Manual





The methodology used for producing the insights in the reports relies on data sources that include:

- *CrowdTangle* for Facebook and Instagram data scraping;
- *SentiOne* for X/Twitter data scraping and punctual analysis of trending topics or key-words;
- *Phyton* for X/Twitter data analysis;
- *Botometer* and *TruthNest* for bot-driven amplification analysis on X/Twitter;
- Meta public transparency tool *Ad Library* for paid for content;
- *Excel* tailor-made datasets for content analysis for all platforms.

3. CANDIDATES FOLLOWERS' GROWTH

The EU EOM monitored the growth of the presidential candidates' communities on the four platforms mainly used as campaign tools in these elections, namely TikTok, Facebook, Instagram and X/Twitter. The tables below show the number of followers of the top seven candidates of the first-round presidential elections and the two presidential competitors for the second round since the beginning of this social media monitoring exercise on 16 may, divided by election rounds.

First Round						
Candidate	Party	Online Platform	Followers			
			05/16	06/25	Total Growth	Growth Percentage
 Sandra Torres		TikTok	227300	296050	68750	30%
		Facebook	188906	216834	27928	15%
		Instagram	58058	117795	59737	103%
		X/Twitter	41800	55600	13800	33%
 Bernardo Arévalo		TikTok	38900	142000	103100	265%
		Facebook	6121	14706	8585	140%
		Instagram	3688	10864	7176	195%
		X/Twitter	16900	27900	11000	65%
 Manuel Conde		TikTok	17700	23500	5800	33%
		Facebook	6900	7932	1032	15%
		Instagram	17293	16448	-845	-5%
		X/Twitter	3268	3371	103	3%
 Armando Castillo		TikTok	25900	57800	31900	123%
		Facebook	30349	36630	6281	21%
		Instagram	7528	9179	1651	22%
		X/Twitter	809	884	75	9%
 Edmond Mulet		TikTok	83500	275000	191500	229%
		Facebook	133704	150751	17047	13%
		Instagram	24495	24765	270	1%
		X/Twitter	19800	20400	600	3%
 Zury Rios		TikTok	50500	170100	119600	237%
		Facebook	269866	273046	3180	1%
		Instagram	25352	27971	2619	10%
		X/Twitter	63000	67300	4300	7%
 Manuel Villacorta		TikTok	54100	93300	39200	72%
		Facebook	92427	100554	8127	9%
		Instagram	7808	10466	2658	34%
		X/Twitter	34600	37000	2400	7%

Second Round						
Candidate	Party	Online Platform	Followers			
			26/06/2023	20/08/2023	Total Growth	Percentage Growth
 Bernardo Arévalo	 MOVIMIENTO SEMILLA	TikTok	181,600	508,400	326,800	180%
		Facebook	39,575	119,752	80,177	203%
		Instagram	13,513	77,851	64,338	476%
		X/Twitter	32,700	96,800	64,100	196%
 Sandra Torres	 UNE	TikTok	308,800	433,800	125,000	40%
		Facebook	220,632	248,660	28,028	13%
		Instagram	117,831	113,408	-4423	-4%
		X/Twitter	54,700	53,900	-800	-1%

Given the key role played by Carlos Pineda’s political campaign in the digital sphere until the TSE’s decision to exclude him from the electoral competition on 26 May, an overview of his followers’ growth was also included.

Candidate	Party	Online Platform	Followers			
			05/16	06/25	Total Growth	Growth Percentage
 Carlos Pineda	 PROSPERIDAD CIUDADANA	TikTok	966600	1100000	133400	14%
		Facebook	845904	958489	112585	13%
		Instagram	107862	126393	18531	17%
		X/Twitter	13400	16900	3500	26%

TikTok

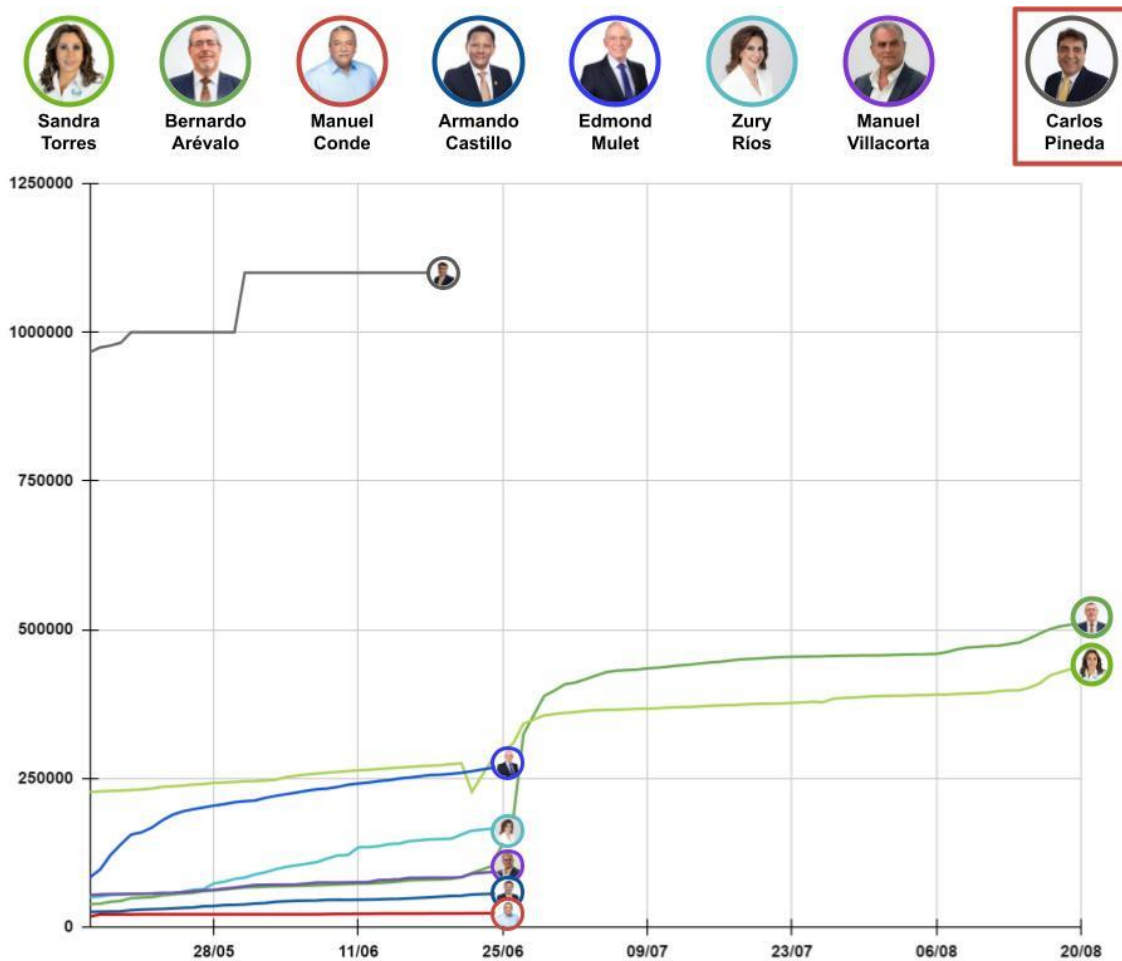


Figure 2. Number of followers on TikTok of the top seven candidates of the first-round elections, plus Pineda.

TikTok emerged as a main campaign tool in this election process. Carlos Pineda was the leading candidate in terms of followers during the first round, with 950,500 when the EU EOM was deployed, and a constant rising trend until he was excluded from the electoral competition on May 26. After that, while his popularity on TikTok continued to increase, other candidates also strengthened their presence on this platform, including in an artificial manner. Edmond Mulet benefitted from a frequent interaction with Pineda’s account and hashtags, Sandra Torres and Zury Rios’s growth curve showed peaks and troughs reflecting some abrupt and unusual losses of followers. During the first-round campaign Bernardo Arevalo and Manuel Villacorta’s community experienced a constant growth until Villacorta decided not to attend some debates, to express support for a less popular candidate and to reject some content creators’ invitations to attend TikTok lives. Bernardo Arevalo’s popularity registered a remarkable increase during the last week previous to election. After the announcement of the preliminary results, Bernardo Arévalo overtook Ríos, Mulet and Torres, who could no longer catch him in the entire run-off campaign. From 20 August, both winners of the first round registered a significant increase of followers’ growth.

Facebook

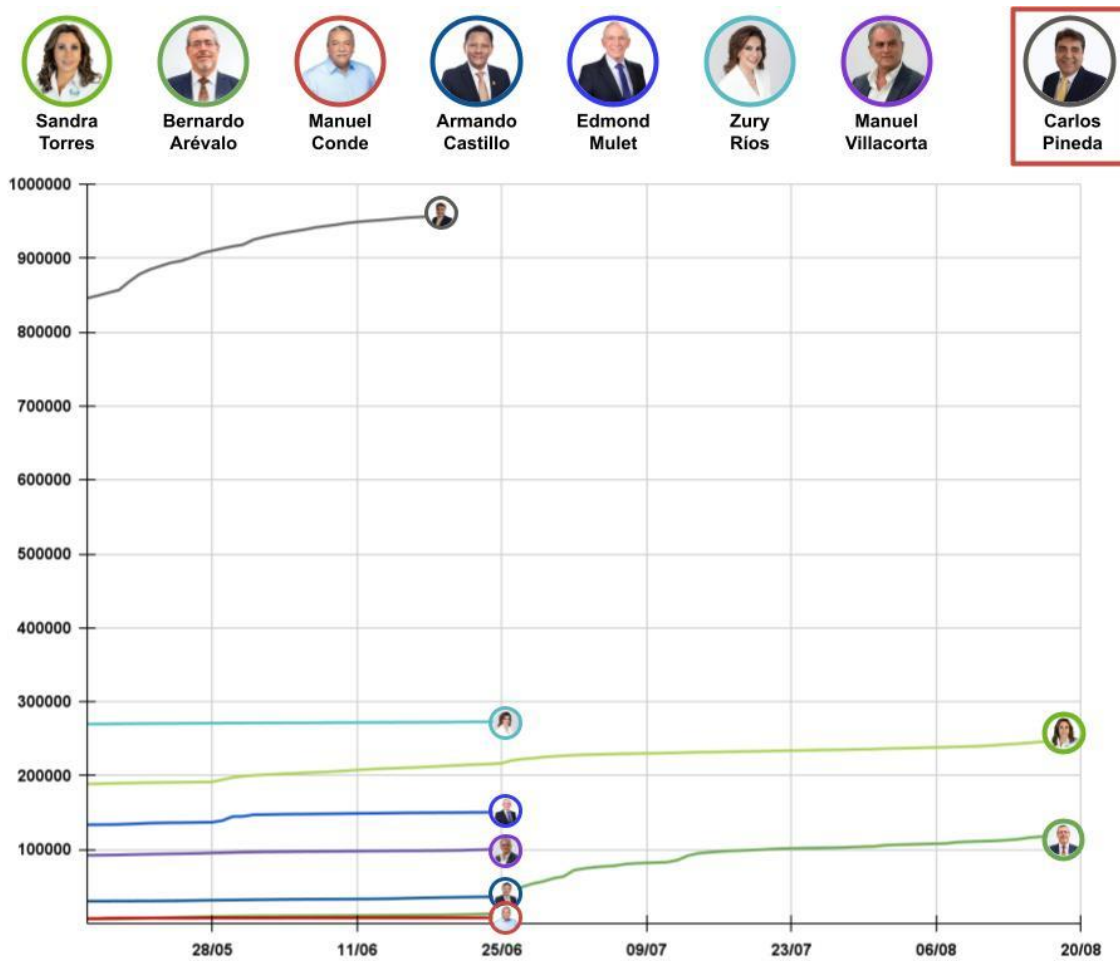


Figure 3. Number of followers on Facebook of the top seven candidates of the first-round elections, plus Pineda.

Carlos Pineda also led in terms of popularity on Facebook, with 850,000 when this monitoring exercise started on 16 May and a constant growth curve throughout the campaign despite being excluded from the election race on 26 May. Despite not performing as successfully as Pineda, the candidates behind him in terms of followers’ growth maintained a solid community until the elections. Candidate Zury Ríos with 269,866 followers, Sandra Torres with 188,906, followed by candidates Edmond Mulet, Manuel Villacorta and, far behind, Armando Castillo, Bernardo Arévalo and Manuel Conde. After the announcement of the preliminary results, candidate Sandra Torres maintained a steady growth rate. However, the EU EOM noticed that, in comparison, Bernardo Arévalo community grew faster, gaining 107,557 followers between 25 June and 20 August, as opposed to Torres with 33,823.

Instagram

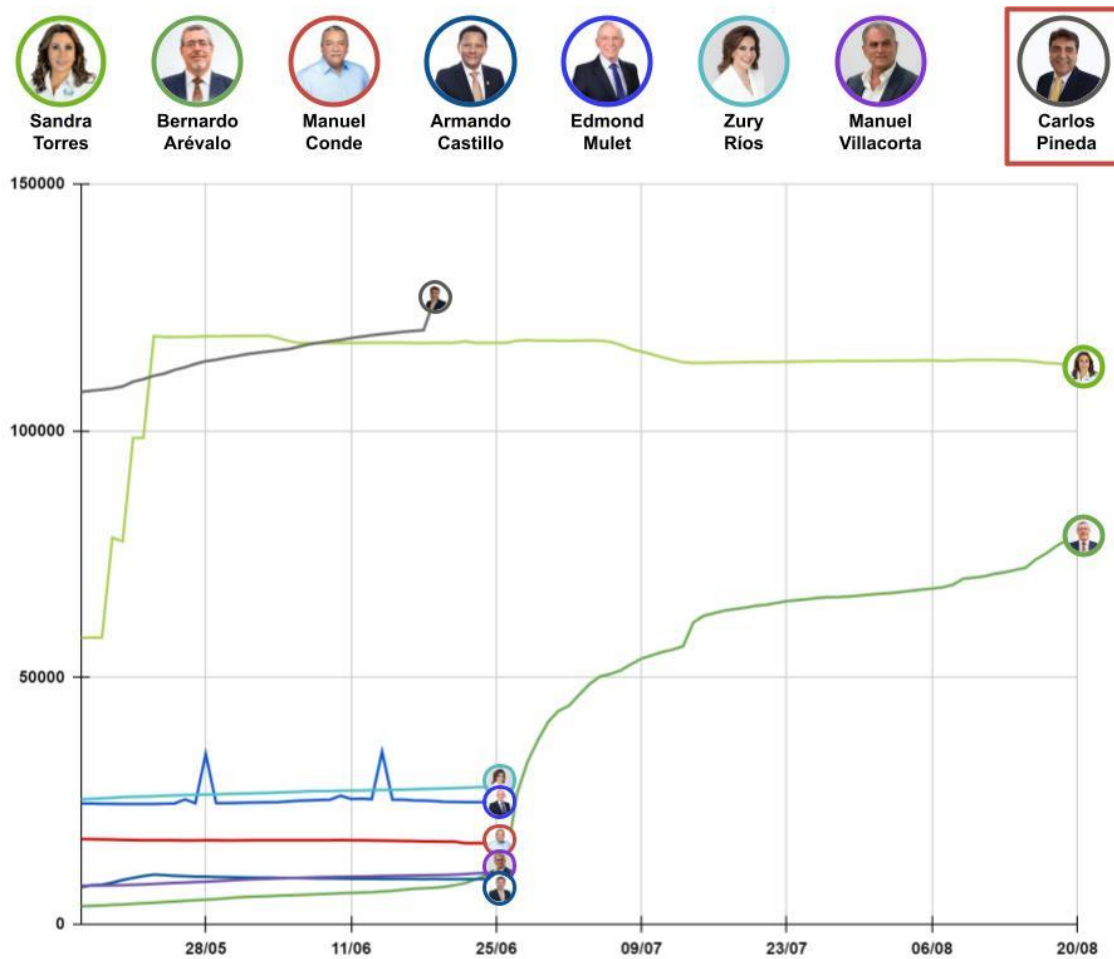


Figure 4. Number of followers on Instagram of the top seven candidates of the first-round elections, plus Pineda.

Instagram proved to be the third most important online platform to campaign in these elections, with a younger target group more interested in current events than political content. When the EU EOM monitoring activity started, Carlos Pineda and Sandra Torres had the highest number of followers. The EU EOM noticed that Sandra Torres’ account registered an unusual increase of followers between 16 and 24 May, 60,000 more in less than a week. Mulet’s account also showed an odd behavior, with sudden peaks and troughs in the days leading up to the first round. These anomalous jumps in the growth curve suggest attempts to alter reality through artificial acquisition of followers. As observed in TikTok, Bernardo Arévalo’s popularity suddenly improved in the last few days before 25 June, approaching Manuel Villacorta. After the first round his popularity on Instagram continued to grow towards Sandra Torres, whom he only caught up with and surpassed after the results of the second round of the elections. The EU EOM observed that Bernardo Arévalo was the least followed candidate on this platform with less than 5 thousand followers when the monitoring exercise started, reached 85 thousand on the second-round election day and overtook Sandra Torres two days later, when Sandra Torres had 113,253 followers and the elected president 127,054.

X/Twitter

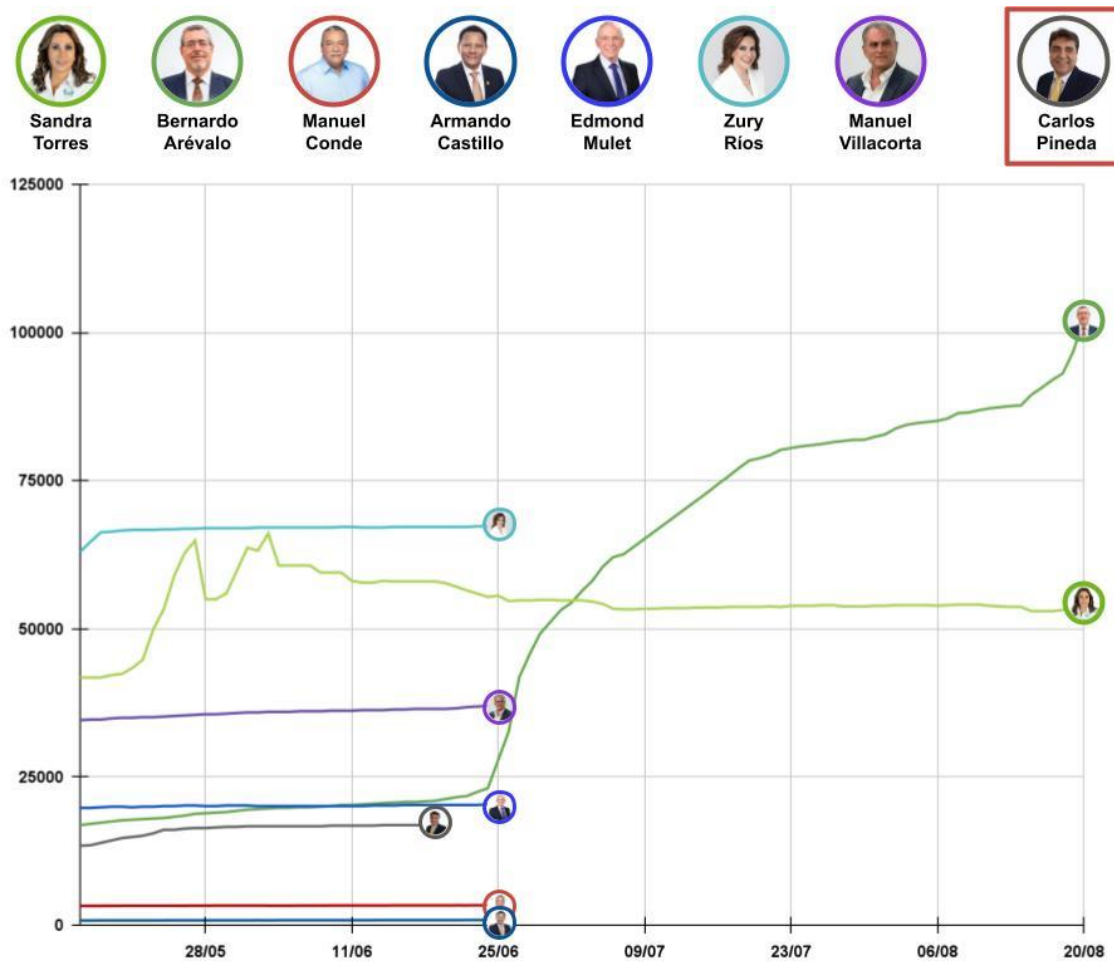


Figure 5. Number of followers on X/Twitter of the top seven candidates of the first-round elections, plus Pineda.

During the first-round campaign Zury Ríos was the most followed candidate on X/Twitter. Sandra Torres almost reached her in the second half of June, but her community’s growth curve shows unusual ups and downs that suggest an attempt to boost engagement through purchase of followers. Other candidates maintained a flat line in terms of followers’ growth, with the only exception of Bernardo Arévalo who, in the last week before 25 June surpassed Edmond Mulet and moved closer to Manuel Villacorta, same as seen in Instagram and TikTok. After the first round, Arévalo maintained a steady growth, overtaking Torres on 3 July and thereafter positioning himself as the most followed candidate on X/Twitter. He reached the second round with almost the double number of followers compared to his opponent (Arévalo 102,500; Torres 54,800). After 20 August Sandra Torres set a privacy filter on her account, which registered a constant decrease in the number of followers, while Bernardo Arévalo’s popularity continued to increase. Carlos Pineda did not use Twitter as a campaign tool.

4. ELECTION CONTESTANTS CAMPAIGN ONLINE



Sandra Torres’ campaign strategy in the digital sphere relied on organic and paid content, while Arévalo’s campaign appeared to be more organic, pushing trending hashtags, launching appeals for fundraising and to engage volunteer party agents, as well as encouraging a call to action to debunk disinformation against party members and their political program.



UNE stood in favour of private property and promoted a conservative nationalist, pro-life, pro-religious freedom and pro-traditional family discourse. It addressed indigenous communities through online paid ads in native languages, promising to implement social programs to improve their living conditions. *Semilla* placed greater emphasis on claiming the legitimacy of the elections results, promising to fight corruption and stressing the need for structural change for the future of Guatemala.

5. PAID FOR CONTENT

The EU EOM monitored the campaign spending for online political advertisement by the two candidates competing in the presidential run-off campaign.¹⁰² Both candidates respected the campaign prohibition to place paid political advertisement on individual Facebook accounts. During the first round, both parties maintained a constant investment in online political ads, with UNE spending 10 times more than the Movimiento *Semilla*. During the run-off campaign, *Semilla*'s efforts were concentrated in the last 10 days before elections. Overall, *Semilla* spread approximately one fifth paid ads throughout the campaign compared to UNE.

The tables below show the total amount spent for paid for content by UNE and *Semilla* on their official Facebook pages:

FISRT ROUND (27 March 2023 – 25 June 2023)					
PARTY	NUMBER OF ADS	TOTAL COST last 24h	TOTAL COST last 7 days	TOTAL COST last 30 days	TOTAL COST last 90 days
	990	Q10,188	Q198,479	Q518,068	Q1,067,439
	210	Q3,034	Q46,103	Q86,450	Q95,561

SECOND ROUND (13 July 2023 – 20 August 2023)				
PARTY	TOTAL NUMBER last 7 days	TOTAL COST last 7 days	TOTAL NUMBER last 30 days	TOTAL COST last 30 days
	12	Q60,105	360	Q407,286
	18	Q117,886	18	Q117,886

In the first round, *Semilla*'s paid for content was mostly aimed at promoting the Movement's political programme,

¹⁰² The TSE allowed paid political advertising online for the first time in these elections, establishing that contenders were only allowed to disseminate online ads on Meta platforms.

including the proposals by candidates for deputies (63) and mayoral candidates (18). UNE diversified its paid campaign into promotion of its government plan (926), promotion of its mayoral candidates' municipal government plan (61), criticism of other candidates' proposals (2), personal attacks (1) and polls (2).

During the second round, UNE focused its campaign on family welfare and traditional family (74), traffic and infrastructure (15), Mayan populations (15), private property (6) and religion (3), among others. *Semilla's* ads were considerably less, devoted to promoting its government plan (17) and gathering volunteer party agents in some departments (1).

6. ELECTION-RELATED INFORMATION SHARED BY NON-CONTESTANTS

A combination of background information and direct observation brought to the identification of a consolidated network of actors usually acting in a coordinated manner to push trending topics and drive targeted attacks against election stakeholder, including the EU EOM.¹⁰³

Since the early days of the EU EOM deployment, multiple stakeholders reported the extensive use of anonymous groups running fake accounts on X/Twitter (“netcenters”) to attack candidates and other election stakeholders. “Netcenters” comprise a “mother account”, that usually generates the messages, and “secondary accounts” disseminating such messages to influence the public opinion.



Figure 6. Mechanism of dissemination of a message through a netcentre. Source: Self-elaboration.

¡Yes Master! (@__vadergt) is a "mother account" formerly known as "lordvader55", which has been identified as a tool used by influential groups to manipulate public opinion. Over time, there have been allegations that this account has been managed by various individuals. For several years now, it has announced high-impact cases and information on cases under reserve, which shows closeness to authorities and/or officials of the national judicial system. It regularly anticipates judicial information

¹⁰³ As an example, a coordinated effort to request the recounting of votes, dissemination of the narrative of fraud, accusations against *Semilla* Movement of using fake signatures to register members to the party, attempts to spread the narrative of foreign interference by international election observers and a coordinated expression of support to the Attorney General Consuelo Porrás and prosecutor Rafael Corruichiche against the post-election widespread demand for their resignation.

before it is made public, and its publications are amplified through the “netcenter system”. *¡Yes Master!* stands out as a central actor in the analysis of the political discourse online in Guatemala, largely due to its access to confidential information and its ability to launch targeted attacks against individuals, revealing personal data and detailed information about their family members.¹⁰⁴

The table below provides a list of X/Twitter accounts that have repeatedly contributed to amplify the information tweeted or retweeted by *¡Yes Master!*

USER	Account
NetCenterLaBendición	<u>Twitter</u>
GuaNet	<u>Twitter</u>
Roxana Orantes	<u>Twitter</u>
Eriol	<u>Twitter</u>
ArmadaEsma	<u>Twitter</u>
AmandaSantiz *	<u>@AmandaSantiz</u>
Amanda Santizo	<u>@SantizoReloaded</u>
VueloLibreGt	<u>Twitter</u>
El Puerto Informa *	<u>Twitter</u>
<u>@JosePuertoGT</u>	<u>Twitter</u>
Guatemala Inmortal	<u>Twitter</u>
Tales de Mileto	<u>Twitter</u>
Paola Vega CM	<u>Twitter</u>
Chairo Hater 502	<u>Twitter</u>
Elinsecto_gt	<u>Twitter</u>
R’evoluZion	<u>Twitter</u>

* Account suspended by X/Twitter

¹⁰⁴ [Periodistas acusan a Magistrada de la CSJ de filtrar imágenes a Netcenter](#), lahora.gt, 17 May 2021; [Cómo mutaron los netcenters anti-justicia y derechos humanos en Guatemala](#), Agencia Ocote, 30 November 2022; [Netcenter avisa de nuevo: orden de captura contra Registradora de Ciudadanos en funciones](#), 20 de July 2023.

The graph below shows the amplification of disinformation narratives through coordinated behavior on X/Twitter. The spheres of accounts linked to the netcentre system in red are subdivided into two groups: those that generate the narrative in larger size and those that participate in the dissemination of the message in smaller size.¹⁰⁵



Figure 7. Mechanism of dissemination of a narrative through a netcenter on X/Twitter. Source: Self-elaboration.

¹⁰⁵ The pictures visible in the circles correspond to the public profile photo used on X/Twitter by the owners of the accounts.

The EU EOM observed that most of these actors contributed to push a narrative of foreign interference through repeated accusations against international election observers and organizations throughout the election campaign. The chart below shows a timeline of some of such attacks covering the run-off pre-campaign, campaign and post-campaign periods.

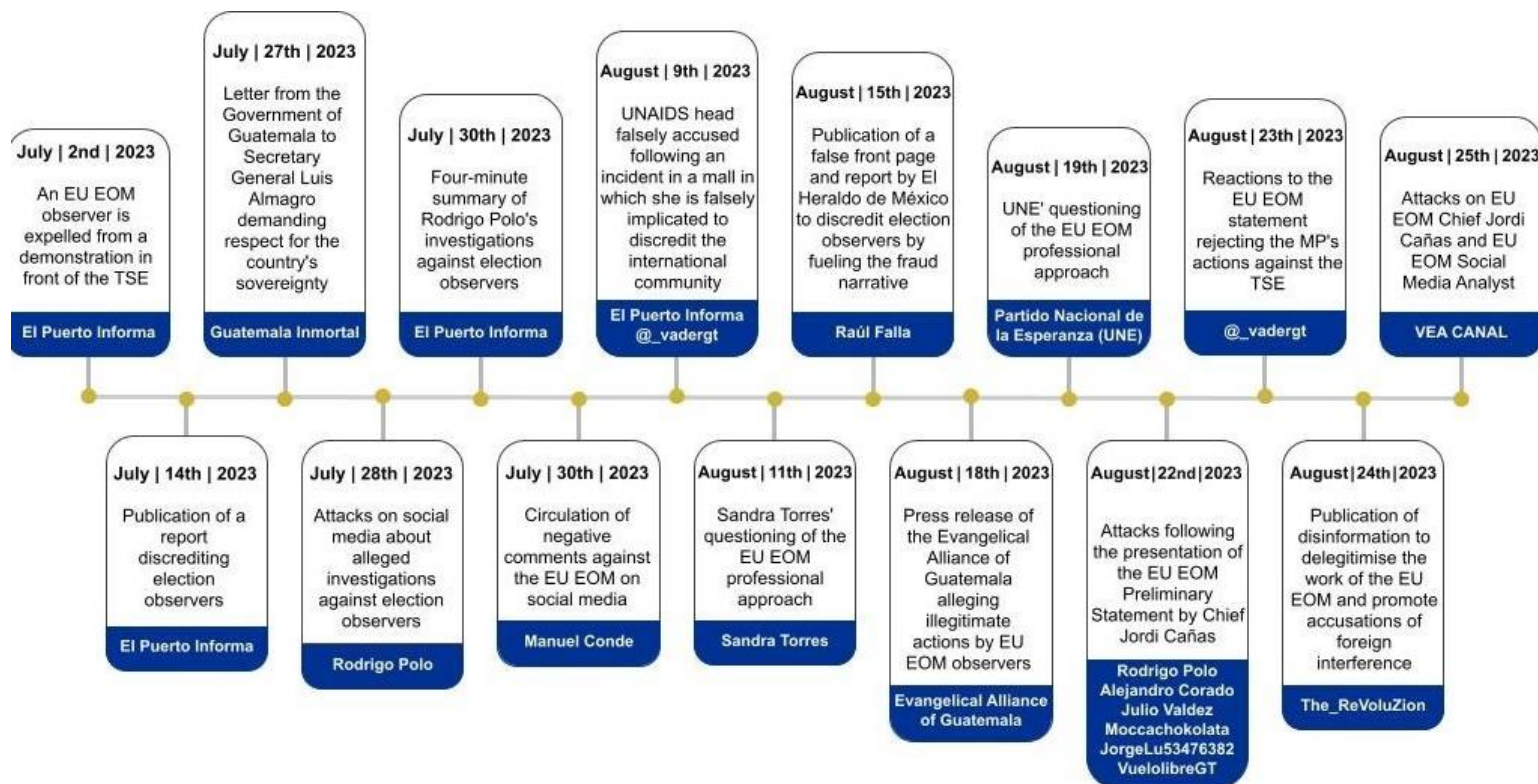


Figure 8. Timeline of targeted accusations against international election observers. Source: Self-elaboration.

7. INFORMATION MANIPULATION

Bot-driven amplification

Following the identification of an unusual behavior in the comments to a tweet published on 25 May by the user @RosanaDelgado_, a punctual analysis brought to the isolation of 55 comments repeated multiple times, including one repeated nine times, one repeated eight times, one repeated seven times, two repeated six times, three repeated five times and four repeated four times.



Figure 9. Bot-driven amplification - repetition of identical messages among comments. Source: Self-elaboration.

A deeper review showed that 36 accounts out of a total of 101 which had commented on the original tweet had no followers (zero) and 72 out of 101 had an alpha-numerical nickname. The analysis of their handles with the bot detectors Botometer classified 50 of them with a probability equal or greater than 80 per cent of being bots. Of these, 20 were created in January 2023, 38 in February 13 in March and 3 in May.

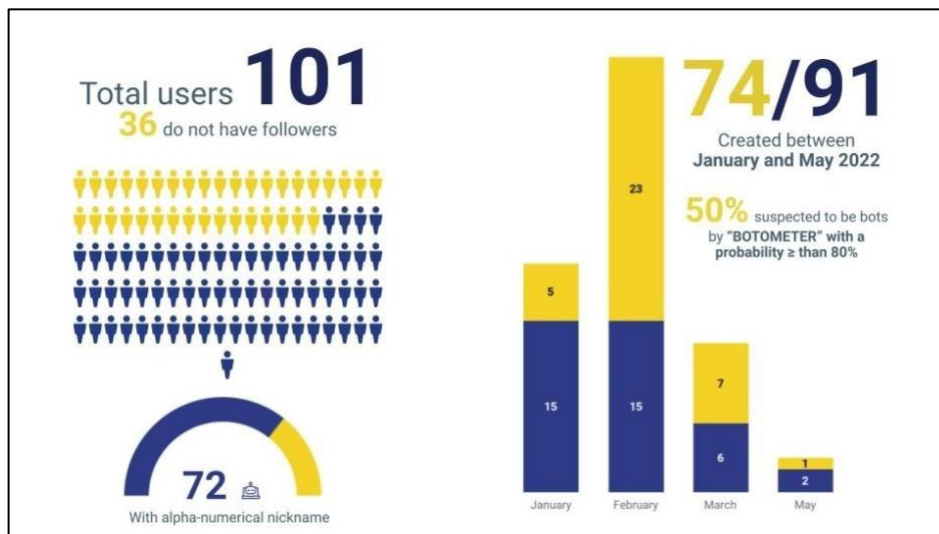


Figure 10. Bot-driven amplification – account analysis. Source: Self-elaboration.

On the day after their publication, 91 accounts out of 101 were temporarily blocked by X/Twitter, which confirmed the EU EOM’s conclusion that they were behaving in an artificial manner.



Figure 11. Bot-driven amplification – account analysis. Source: Self-elaboration.

Suspicious Facebook Pages disseminated smear campaigns through paid for content

The EU EOM identified a total number of 57 opaque Facebook pages, 15 of which claimed to be news sources without providing accurate details to verify their authenticity. Forty-three were created between January and July 2023.

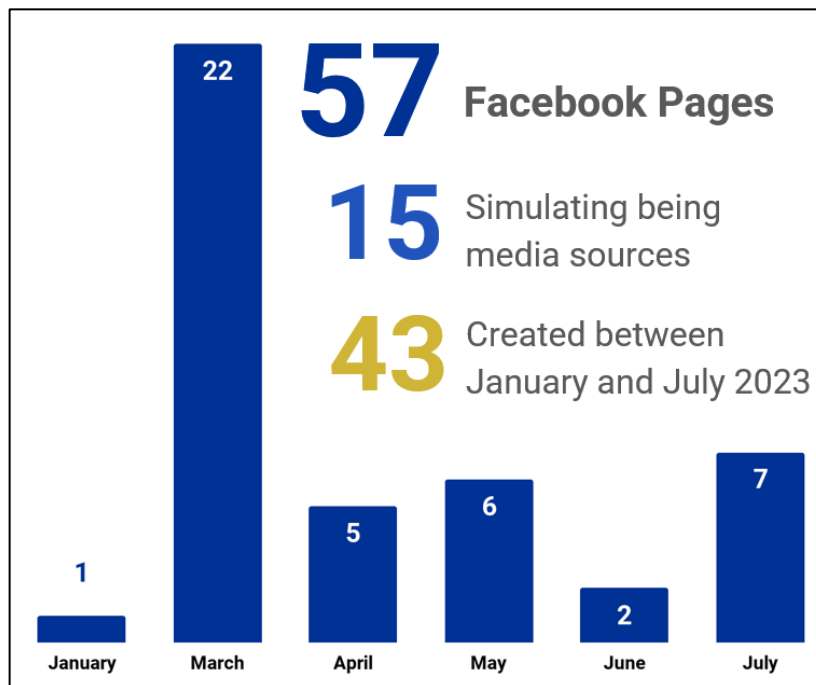


Figure 12. Bot-driven amplification – account analysis. Source: Self-elaboration.

These pages boosted at least 51 deceptive political ads conveying smear campaigns and personal attacks. Many had administrators based abroad (México 79, Peru 8, Honduras 5, Pakistan 1). The

EU EOM observed that five pages with administrators based in Peru stopped being active on the day after the first-round elections.

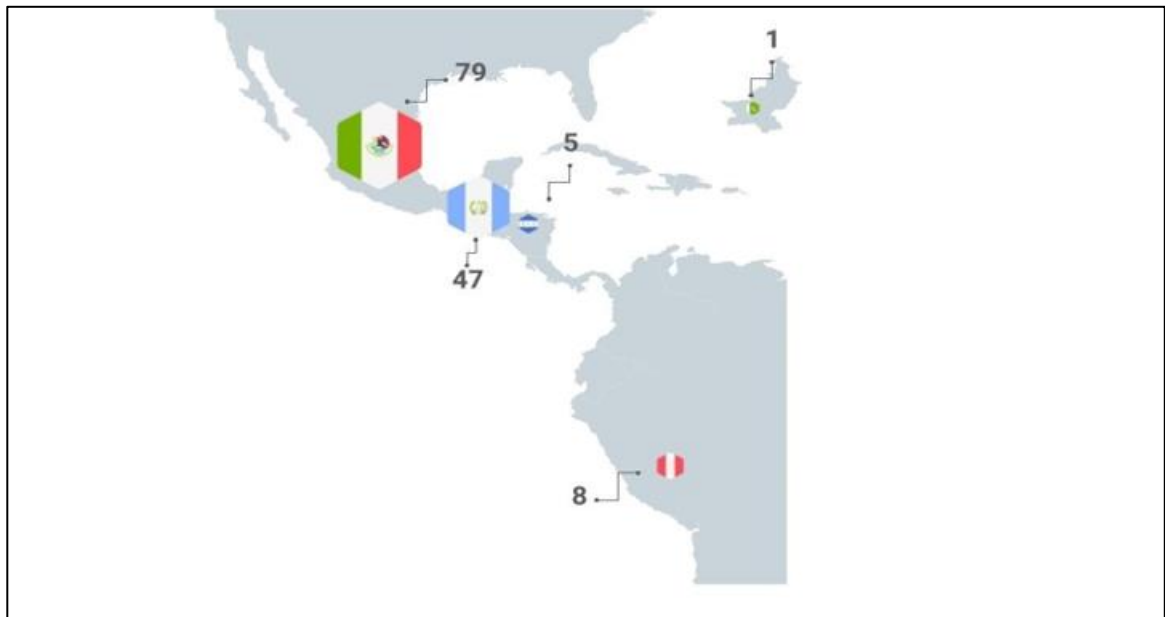


Figure 13. Facebook page administrators by country. Source: Self-elaboration.

A sample of paid for content spreading smear campaign is provided below:

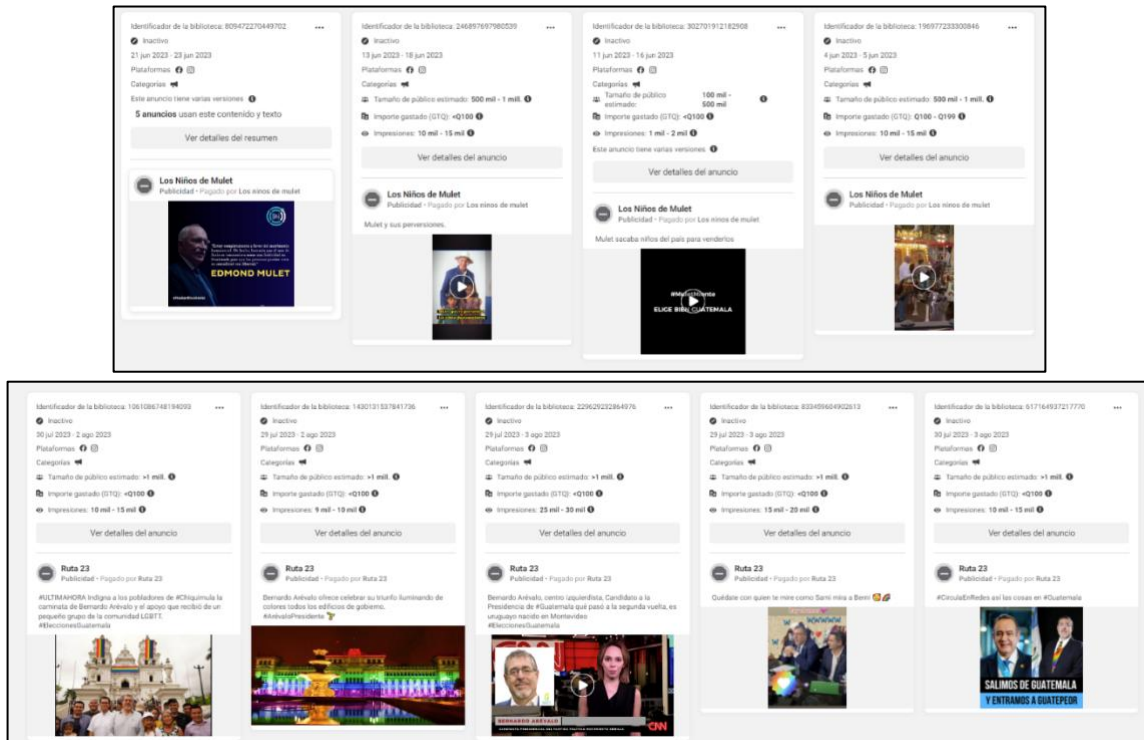


Figure 14. Smear campaign against Edmond Mulet and Bernardo Arévalo. Source: Facebook Ad Library.

Disinformation campaigns

The EU EOM observed that several disinformation campaigns were disseminated through multiple platforms throughout the election period, at times through interconnected accounts posting the same malicious content across X/Twitter, Facebook, Instagram and TikTok to reach a wider audience. As an example, it was noticed that the Facebook page originally created on 19 March with the name “*El Herald*” and renamed “*Con Mis Hijos No Te Metas*” on 3 August was interconnected with a webpage named “*Con Mis Hijos No Te Metas*”, created a day after, on 4 August. A content analysis of such webpage showed that it was spreading gender-ideology disinformation against *Semilla* Movement through contents that were also boosted on Facebook and Instagram between 4 and 8 August by the Facebook page mentioned above, targeting the stronghold of the progressive vote in this election, the department of Guatemala. In the past, this same campaign was used to disseminate similar and identical misleading visual contents and messages in other political campaigns in Latin America.¹⁰⁶

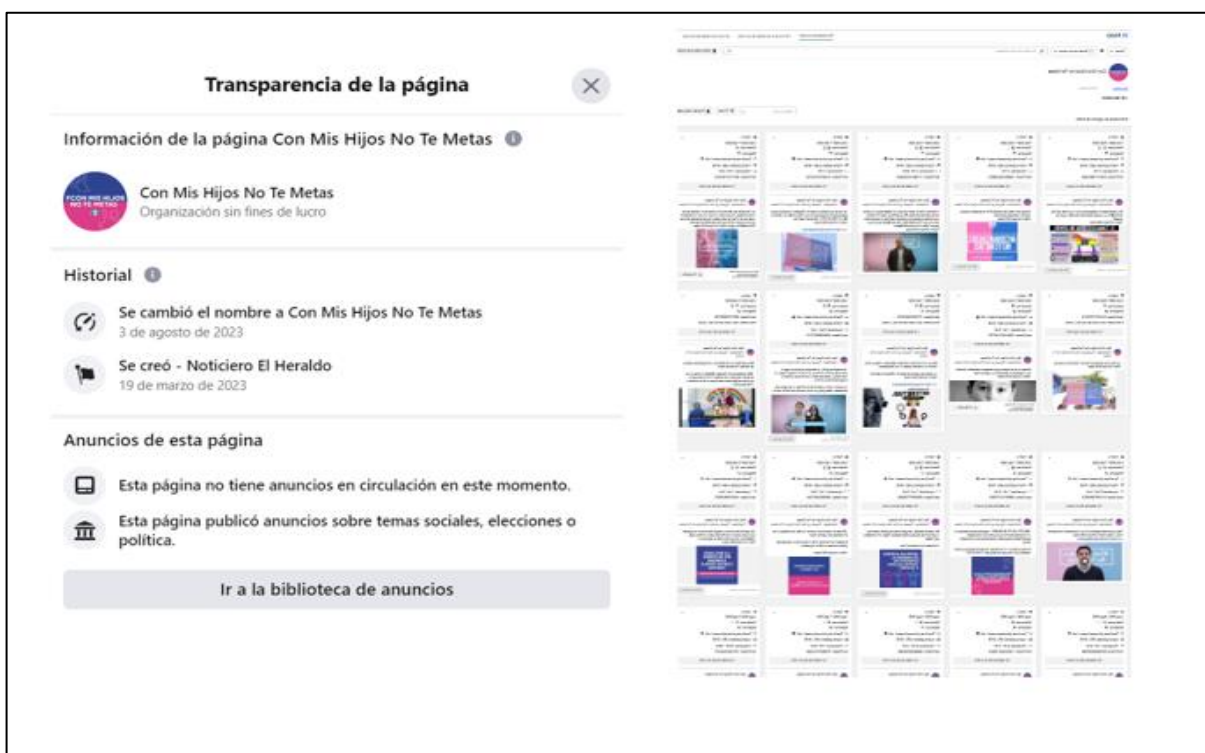


Figure 15. “Con Mis Hijos No Te Metas” campaign: FB page and webpages “Guatemala 2023” & “Peru 2019”.

¹⁰⁶ For instance in Peru: [YouTube](#), [Facebook](#), [Twitter](#), [Instagram](#) and [webpage](#).

Annex 5. Final Election Results

Table 1. Final results, first presidential election round (TSE- Decision 1328-2023)

Political party	Presidential candidate	Votes	%
Unidad Nacional de la Esperanza (UNE)	Sandra Torres	888,924	15.97
Movimiento Semilla (SEMILLA)	César Bernardo Arévalo	653,486	11.74
Vamos por una Guatemala Diferente (VAMOS)	Manuel Conde	436,918	7.85
Visión con Valores (VIVA)	Armando Castillo	397,469	7.14
Cabal (CABAL)	Edmond Mulet	369,903	6.65
Coalición Valor-Unionista	Zury Ríos	366,574	6.59
Voluntad, Oportunidad y Solidaridad (VOS)	Manuel Villacorta Orantes	236,886	4.26
Bienestar Nacional (BIEN)	Giovanni Reyes	142,129	2.55
Victoria (VICTORIA)	Amílcar Rivera	137,793	2.48
URNG-MAIZ-WINAQ)	Amílcar Pop	88,211	1.58
Todos (TODOS)	Ricardo Sagastume	78,503	1.41
Partido Político Nosotros (PPN)	Rudy Guzmán	66,962	1.20
Azul (AZUL)	Isaac Farchi	61,544	1.11
Partido Político Mi Familia (Mi Familia)	Julio Rivera Clavería	46,365	0.83
Compromiso, Renovación y Orden (CREO)	Francisco Arredondo	43,786	0.79
Unión Republicana (UR)	Giulio Talamonti	40,363	0.73
Comunidad Elefante (ELEFANTE)	Hugo Peña	39,658	0.71
Partido Humanista de Guatemala (PHG)	Rudio Lecsán Mérida	35,423	0.64
Partido Republicano (PR)	Rafael Espada	32,497	0.58
Frente de Convergencia Nacional (FCN)	Samuel Morales	22,816	0.41
Cambio (CAMBIO)	Álvaro Trujillo	18,306	0.33
Partido de Integración Nacional (PIN)	Luis Lam	7,944	0.14

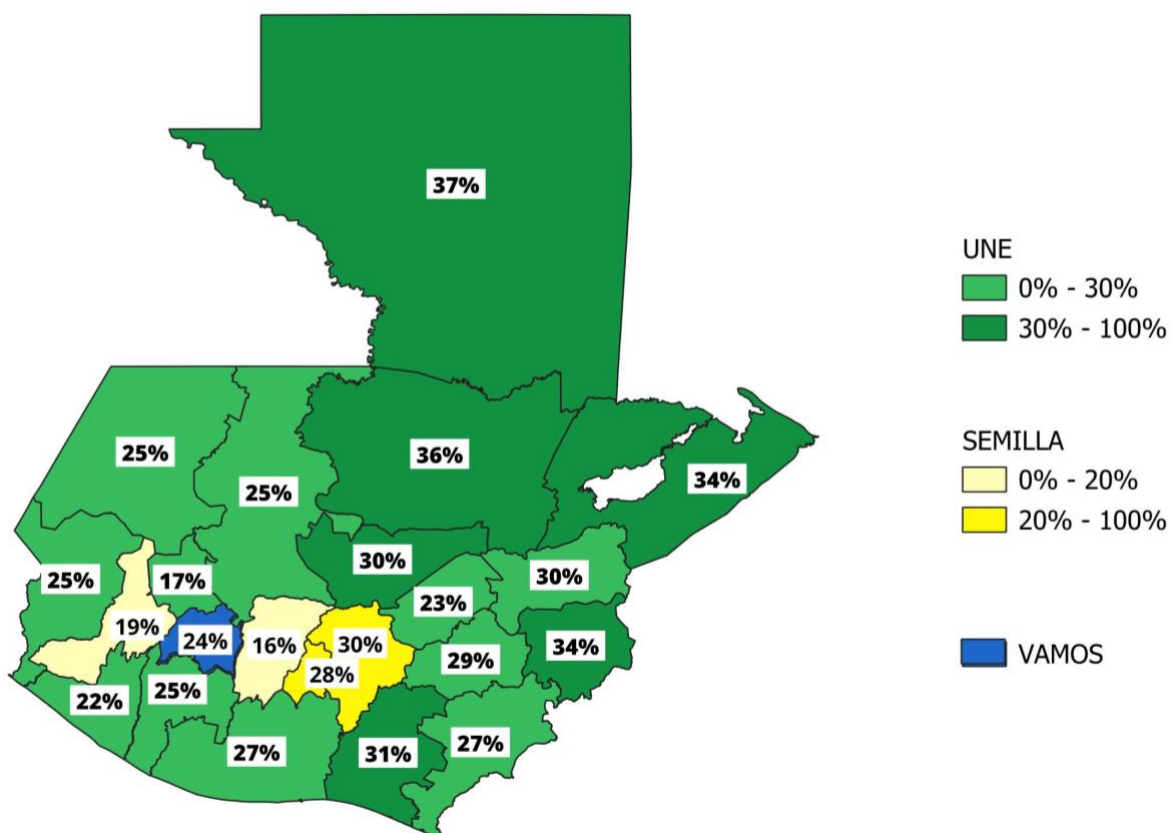
Valid Votes	4,212,460	75.69
Null votes	964,775	17.33
Blank votes	388,363	6.98
Invalid votes ¹⁰⁷	56,832	1.01
Total votes cast	5,565,598	100
Turn out		59.85

¹⁰⁷ Not considered in the calculation of the 100 per cent votes cast.

Table 2, Final Results, second presidential election round

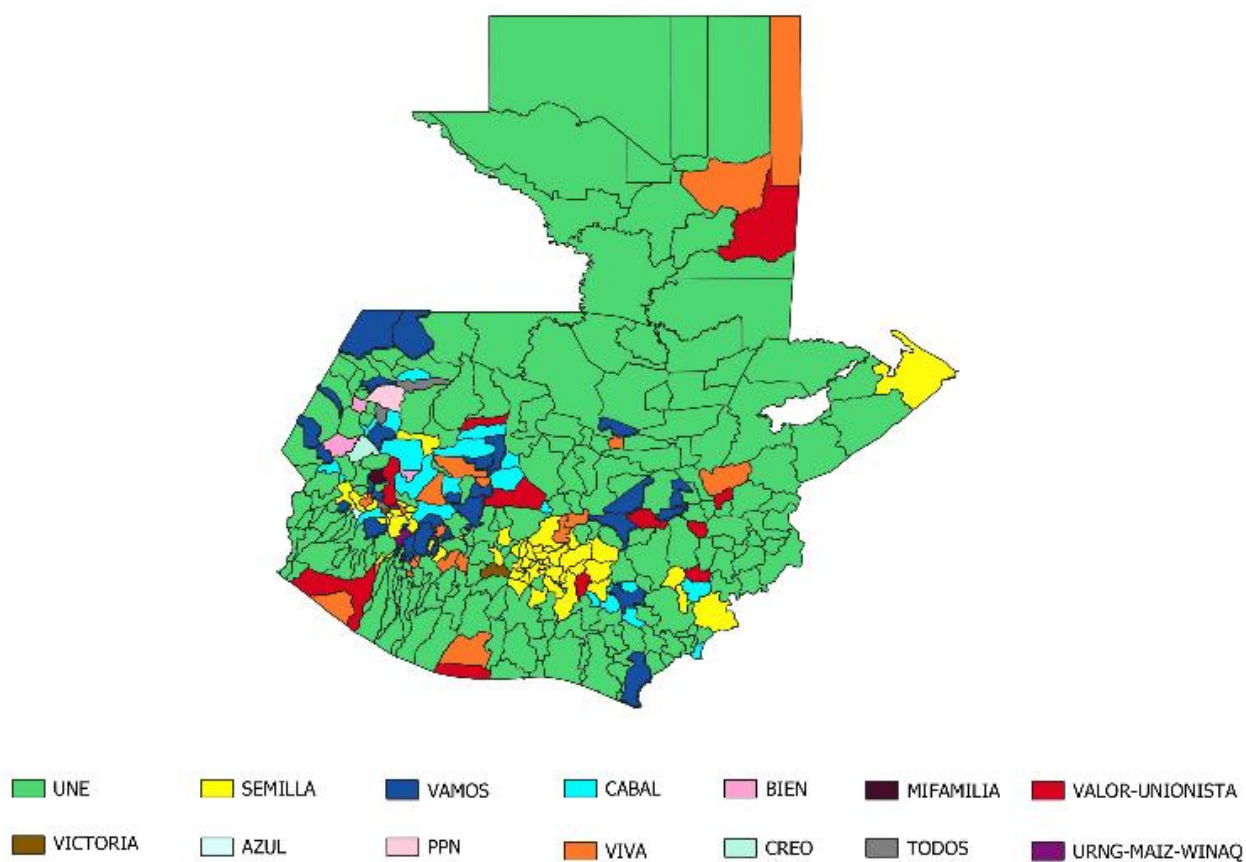
Parties	Presidential candidates	Votes	%
Unidad Nacional de la Esperanza (UNE)	Sandra Torres	1,567,664	39.09
Movimiento Semilla (SEMILLA)	César Bernardo Arévalo	2,442,718	60.91
Valid Votes		4,010,382	95.25
Null votes*		147,165	3.50
Blank votes*		52,687	1.25
Invalid votes*		24,166	0.6
Turnout*			44.96

Maps 1 and 2: Results of first round of presidential elections (departmental and municipal level)
 1.- By departments



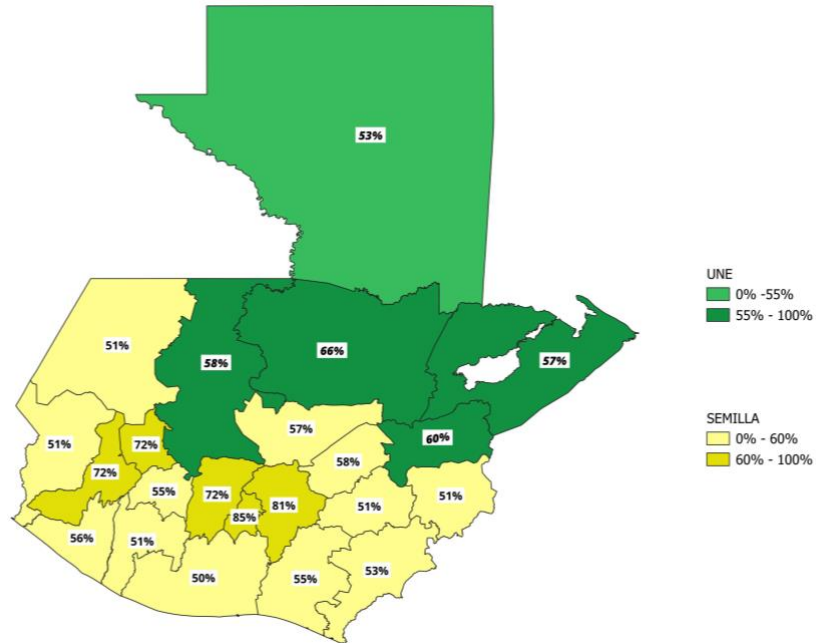
* Source: TSE preliminary results (TREP)

2.- By municipalitie



Maps 3 and 4: Results of second round of presidential elections (departmental and municipal level)

3.- By departments



4.- By municipalities

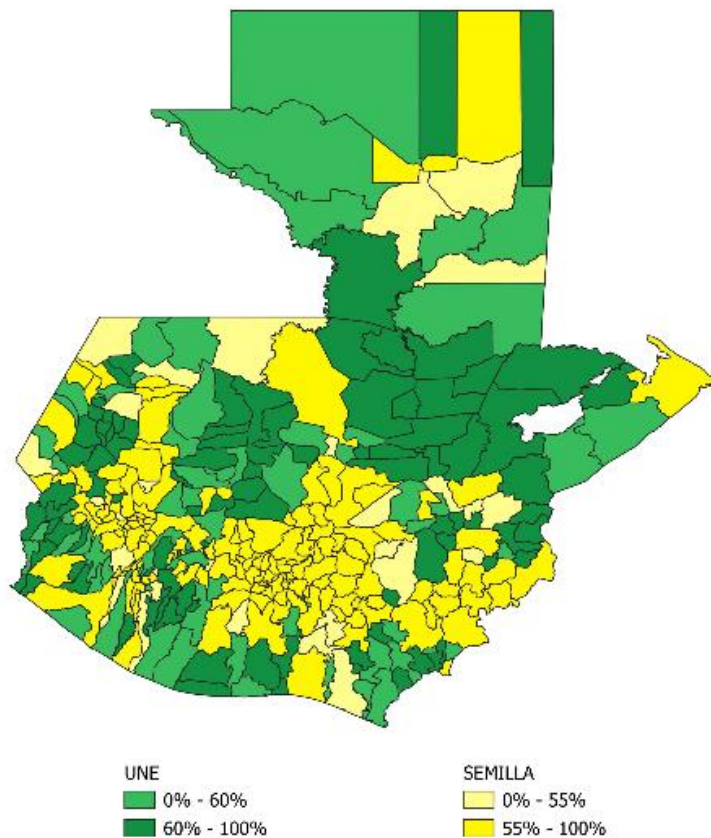


Table 3, Congress seats by party

Political Parties	SEATS		
	National List	District Lists	Total
Vamos por una Guatemala Diferente (VAMOS)	6	33	39
Unidad Nacional de la Esperanza (UNE)	5	23	28
Movimiento Semilla (SEMILLA)	5	18	23
Cabal (CABAL)	3	15	18
Visión con Valores (VIVA)	3	8	11
Valor (VALOR)	0	7	7
Todos (TODOS)	1	5	6
Coalición Valor-Unionista (VALOR-UNIONISTA)	2	3	5
Voluntad, Oportunidad y Solidaridad (VOS)	1	3	4
Bienestar Nacional (BIEN)	1	3	4
Victoria (VICTORIA)	1	2	3
Partido Político Nosotros (PPN)	1	2	3
Compromiso, Renovación y Orden (CREO)	0	3	3
Azul (AZUL)	1	1	2
Comunidad Elefante (ELEFANTE)	1	1	2
(URNG-MAIZ-WINAQ)	1	0	1
Cambio (CAMBIO)	0	1	1
Partido Político Mi Familia (Mi Familia)	0	0	0
Unión Republicana (UR)	0	0	0
Partido Humanista de Guatemala (PHG)	0	0	0
Partido Republicano (PR)	0	0	0
Frente de Convergencia Nacional (FCN)	0	0	0
Partido de Integración Nacional (PIN)	0	0	0
Total	32	128	160

National List

	Votes	%
Valid Votes	4,172,070	75.18
Null votes	828,725	14.90
Blank votes	550,847	9.93
Invalid votes	53,761	0.96
Total votes cast	5,549,642	100

Graph 1: Composition of the 2024-2028 Congress¹⁰⁸

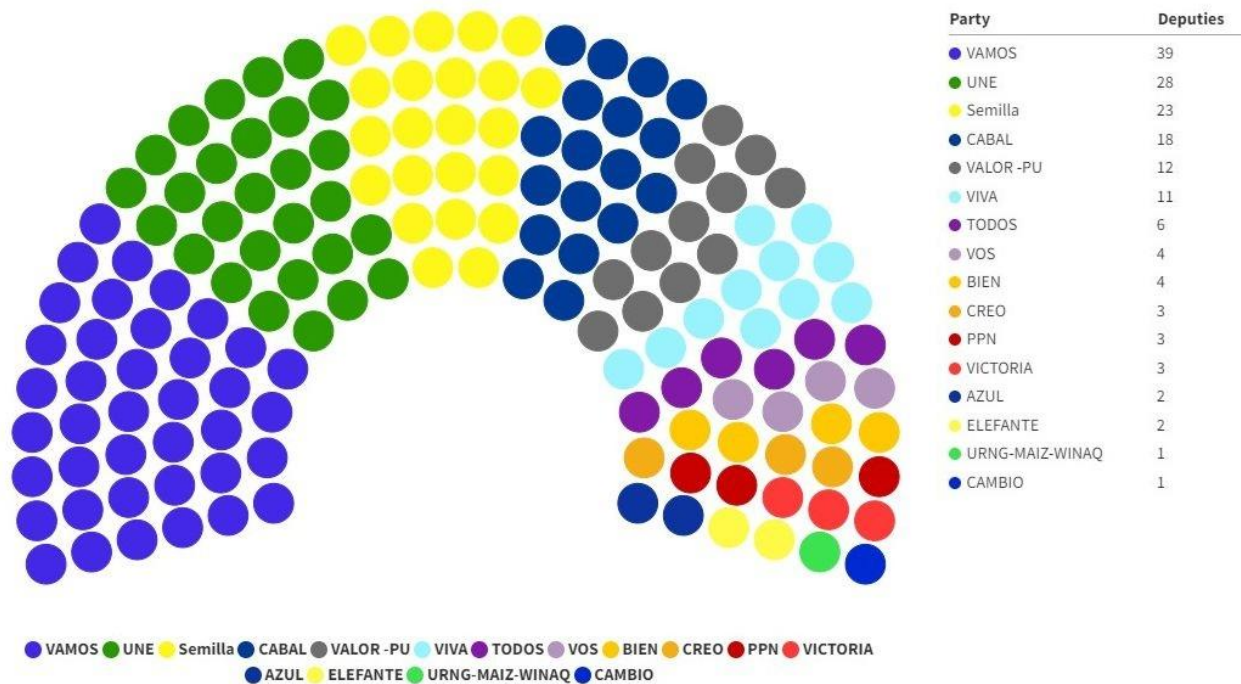


Table 4. Municipal elections. Mayors by party

Political Parties – Civic Committees	Seats		
	25 June	20 August	Total
Vamos por una Guatemala Diferente (VAMOS)	131	4	135
Cabal (CABAL)	52		52
Unidad Nacional de la Esperanza (UNE)	38	1	39
Todos (TODOS)	15		15
Valor (VALOR)	15		15
Partido Político Nosotros (PPN)	10		10
Visión con Valores (VIVA)	10		10
Coalición Valor-Unionista (VALOR-UNIONISTA)	8		8
Bienestar Nacional (BIEN)	6		6
Victoria (VICTORIA)	5		5
Partido Político Podemos	5		5
Partido Humanista de Guatemala (PHG)	4		4
Compromiso, Renovación y Orden (CREO)	3		3
Azul (AZUL)	2		2
Comunidad Elefante (ELEFANTE)	2		2
Partido Político Unionista	2		2

¹⁰⁸ Seats obtained by Valor (7) and by the coalition Valor-Unionista (5) are referred to as Valor-PU (12).

Political Parties – Civic Committees	Seats		
	25 June	20 August	Total
Movimiento para la Liberación de los Pueblos (MLP)	2		2
Partido Popular Guatemalteco (PPG)	1		1
Voluntad, Oportunidad y Solidaridad (VOS)	1		1
Movimiento Semilla (Semilla)	1		1
URNG-MAIZ-WINAQ	1		1
Movimiento Político Winaq	1		1
Comité Cívico Desarrollo San Raymundense	1		1
Comité Cívico Futuro	1		1
Comité Cívico Somos Sumpango	1		1
Comité Cívico Libre Ciudad Vieja	1		1
Comité Cívico Somos Santa Catarina	1		1
Comité Cívico Honradez Chimalteco	1		1
Comité Cívico Electoral Samajel	1		1
Comité Cívico SUD	1		1
Comité Cívico Electoral Despertar Ciudadano	1		1
Comité Cívico Almolonga (C.C.A)	1		1
Comité Cívico Crecer	1		1
Comité Cívico Tejutleco	1		1
Comité Cívico Electoral El Sembrador (COCIEES)	1		1
Comité Cívico El Chilate (COCIECH)	1		1
Comité de Amigos de Buenas Respuestas al Desarrollo	1		1
Comité Cívico Electoral R-19 Por Amor A Zacapa	1		1
Comité Cívico Trabajando Unidos Por Una Nueva Opción (TUNO)	1		1
Comité Cívico El Campesino (CCC)	1		1
Comité Cívico Progresando	1		1
Comité Cívico Miteco (COCIMI)	1		1
Partido Político Mi Familia (Mi Familia)	0		0
Unión Republicana (UR)	0		0
Partido Republicano (PR)	0		0
Frente de Convergencia Nacional (FCN)	0		0
Total	335	5	340

Table 5. Elected members of PARLACEN, by party

Political Parties	Seats	
Vamos por una Guatemala Diferente (VAMOS)	5	
Unidad Nacional de la Esperanza (UNE)	4	
Movimiento Semilla (Semilla)	3	
Visión con Valores (VIVA)	2	
Coalición Valor-Unionista (VALOR-UNIONISTA)	2	
Voluntad, Oportunidad y Solidaridad (VOS)	1	
URNG-MAIZ-WINAQ)	1	
Todos (TODOS)	1	
Partido Político Nosotros (PPN)	1	
Total	20	

	Votes	%
Valid Votes	3,697,232	66.69
Null votes	1,201,405	21.67
Blank votes	645,667	11.65
Invalid votes	58,469	1,04
Total votes cast	5,549,642	100

