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Human Rights Abuses in Post Conflict Societies & Subsequent Case Study on Guatemala
Political Science Distinguished Thesis
Morgan Van Beck
April 18, 2024
Intro

During the 1980s, human rights abuses were rampant in many Latin American countries, such as El Salvador, Guatemala, Honduras, and Nicaragua.¹ The stories coming out of this region horrified many, and one such example is the Rio Negro Massacres in Guatemala from 1980 to 1982. An indigenous Mayan community was protesting the building of a hydroelectric dam, and in response, the Guatemalan Army and members of the Civil Self-Defense Patrols massacred the community. This is only one example from the state’s scorched earth policy aimed at indigenous peoples who the state characterized as the internal enemy during Guatemala’s civil war.² While Guatemala’s brutal thirty-year civil war ended with peace accords in 1996, human rights abuses have not ceased. Significant issues such as unlawful killings, life-threatening prison conditions, arbitrary arrests, a lack of judicial independence, restrictions on freedom of expression and the media—such as violence, threats, and unjustified prosecution of journalists—restrictions on civil society, serious governmental corruption, and widespread impunity continue to exist.³ What explains variation in the frequency of human rights abuses in post-conflict societies? This is an important question to answer because human rights abuses pose direct threats to the wellbeing of citizens in post-conflict societies. Understanding what causes variation in human rights abuses will help to limit future abuses and to help post-conflict societies maintain peace in the long run.

**Literature Review**

There is general agreement in the literature that human rights abuses are present and problematic in post-conflict societies.\(^4\) However, scholars differ in their focus on what factors affect the frequency of human rights and could lead to eventual decreases in abuses. In the following sections, this paper provides context on the agreed effects of state capacity, corruption, and the judiciary on human rights in post-conflict societies. Then, there is a more focused analysis on the disagreements in current research and scholarship about how the military-law enforcement relationship and press freedom affect variation in the frequency of human rights abuses in post-conflict societies, while addressing the lack of literature on human rights ombudsmen.

**Human Rights**

The future of human rights conditions in post-conflict societies is uncertain. On the basis of respect for humanity, human rights are the universal entitlements owed to every person.\(^5\) These rights include but are not limited to: “All human beings are born free and equal in dignity and rights…Everyone has the right to life, liberty, and security of person…No one shall be subjected to arbitrary arrest, detention, or exile…Everyone has the right to freedom of thought,

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conscience, and religion…Everyone has the right to freedom of opinion and expression.”6 The United Nations may have established what human rights are comprised of, but their enforcement is far from universal, and many governments—including many in post-conflict societies—violate the rights of their citizens.

**Post-Conflict Societies**

To understand the state of human rights in post-conflict societies, it is helpful to first define what a post-conflict society is. Post-conflict societies are those in which a civil conflict has occurred.7 Civil conflicts are direct and violent challenges to the state in which rebels frequently take up arms. In response, governments escalate their use of human rights abuses such as repression, torture, or political killings, and civil conflicts are the best predictors of repression.8 This repression rarely fades once the civil conflict has officially concluded because the threat of violence against the state has not entirely disappeared, the legitimacy of the ruling regime may still be in question, and state capacity is often weak.9 Scholars find that current or past conflicts increase rights abuses in general.10 While many post-conflict governments may be tempted to abuse the rights of their citizens, there is great variation in the frequency of repressive acts they engage in.

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7 “Interventions and Repression Following Civil Conflict,” Naji Bsisu and Amanda Murdie.


State Capacity

State capacity influences the longevity and integrity of governing institutions and plays a role in determining whether or not post-conflict states will commit human rights abuses. State capacity refers to “the willingness and capability of the state apparatus to carry out government policy.” State capacity reflects the degree to which the government controls its agents and the degree to which it can police its private citizens. State capacity refers only to a government’s control over its own citizens and agents and is frequently determined through national-level measures that indicate the percentage of a country under state control each year; however, these measures often ignore subnational variation in state capacity. State capacity does not refer to the popularity, longevity, or stability of a particular regime or government. Typically, low state capacity is associated with more human rights abuses, and post-conflict societies tend to have lower state capacity. However, states with high capacity used toward coercive or despotic ends will have more frequent human rights abuses because they have the means and the desire to carry them out. Understanding state capacity and how it varies is important for discussing the variation in human rights abuses committed by governments in post-conflict societies because state capacity influences whether or not the government will be able to carry out the abuses.

**Corruption**

Corruption influences the number of human rights abuses that governments in post-conflict societies perpetrate. Corruption is the illicit collaboration of wealthy individuals or public officials who conspire for public gain. This can occur with or without the collaboration of the private sector; however, what is considered illicit varies between societies. More corruption is associated with higher human rights abuses because individuals perform cost-effective analyses to determine if repression is the best response to active or perceived future threats. When the fear of retaliation, punishment, or discovery is low, there is little cost for committing human rights abuses. Corruption is relevant to keep in mind when considering the causes of variation in human rights abuses, but it is far from the only determining factor in post-conflict societies.

**The Judiciary**

The judiciary should act as a check on human rights abuses in post-conflict societies, but its effectiveness is often up for question. Judicial systems are often in disarray after civil conflicts, and it can take years or even decades for the system to rebuild and for cases to effectively make their way through the courts. This often means that security forces do not feel constrained by threats of judicial action. The lack of accountability frequently leads citizens to abandon seeking judicial remedies. Human rights abuses will decrease when there are legal

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17 “Interventions and Repression Following Civil Conflict,” Naji Bsisu and Amanda Murdie.

18 “Interventions and Repression Following Civil Conflict,” Naji Bsisu and Amanda Murdie.
remedies available to vulnerable populations. As the judiciary improves and the likelihood of prosecution increases, state agents become less likely to commit abuses, and citizens feel more confident about utilizing a justice system that they view as capable and free from interference.19 At times, judiciaries fail in their duties to prosecute human rights abuses, which can prompt countries to create human rights ombudsman’s offices. Ombudsmen are public sector officials that operate as public human rights advocates.20 Judiciaries are supposed to check human rights abuses, but the failure of judiciaries to do this influences the variation in frequency of human rights abuses and can lead to the creation of human rights ombudsman’s offices.

_Militarization-Law Enforcement Relationship_

While the literature is in agreement that an escalation in the relationship between the military and law enforcement in both post-conflict and non-conflict societies—including police militarization, constabularization of the military, and pro-government militias—increases human rights abuses, scholars differ over the extent to which different aspects of this relationship contribute to human rights abuses.21 “The militarization of law enforcement is increasingly prevalent around the world. It has taken the form of police becoming like the armed forces in

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their tactics, weapons, and organization, as well as militaries taking on domestic policy.”

Since the relationships between militaries and law enforcements are escalating, it is important to examine how different aspects of this relationship affect violations of human rights.

**Police Militarization**

The militarization of the police is one aspect of the military and law enforcement relationship that increases human rights abuses. “Police become more militarized when they receive military hardware, organize themselves militarily, and adopt a military culture.”

Once police are militarized, they become more willing to repress on behalf of the state because militarization increases the police’s perception of threats and their capacity to use violence while also sending a signal from the state that violence is an acceptable means of public control. These findings are not specific to post-conflict societies, but governments in post-conflict societies are highly sensitive to internal demands or threats. When met with internal demands or threats, governments can respond either with accommodation or with repression. The response they choose will depend on the relative costs and benefits, and often, repression is less costly than accommodation. Once the state has chosen to pursue repression, it must turn to agents with high coercive or despotic capacity. The institution best suited to meet these internal threats

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is the police. When this happens, the two mandates of the police—to protect the public and to carry out orders from the state—come into conflict, and police that are militarized are more likely commit the ordered human rights abuses.

Sometimes, states militarize their police to meet other challenges rather than to repress citizens or opponents, but human rights abuses still increase as a result. Crime and drug trafficking are two challenges that states—both post-conflict and not—often deploy militarized police interventions against. However, Blair and Weintraub find little evidence that military policing reduces crime or improves perceptions of safety during militarized police interventions. Instead, they found that these interventions increase human rights abuses because police officers had increased perceptions of threats while simultaneously having a greater capacity to employ violence against citizens. In short, the militarization of the police for any purpose is one part of escalating relationship between law enforcement and the military that increases the likelihood of government repression and human rights abuses.

**Military Constabularization**

It is clear that police militarization increases the frequency of human rights abuses in post-conflict societies, but some literature argues that constabularized militaries commit more human rights violations than the police. Military constabularization is the opposite of police

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31 “The Consequences of Militarized Policing for Human Rights: Evidence from Mexico,” Gustavo Flores-Macías and Jessica Zarkin; “The Militarization of Law Enforcement: Evidence from Latin America,” by Gustavo A. Flores-
militarization. Rather than police acting like the military, it occurs when militaries act like the police by becoming involved in public safety and responding to internal threats. Many post-conflict regimes are increasingly relying on their militaries for internal security, especially in Latin America. In Bolivia, Brazil, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and others, the armed forces have all been constabularized; however, this has occurred to differing extents. There are frequent reports of the use of torture and excessive force by members of the armed forces in Colombia, Guatemala, Honduras, Mexico, and Venezuela. There is plenty of evidence that constabularized militaries commit human rights abuses while carrying out policing operations, but how much does it increase the frequency in these abuses?

Military constabularization is detrimental to human rights because there have been more human rights abuse complaints in areas where the military has become involved in public safety compared to areas without similar constabularization. A systematic, country-wide study of constabularization in Mexico found a 150% increase in human rights abuse complaints and that this increase was not due to underlying conditions or higher reporting in the military’s presence. The authors also leveraged data “from the armed forces’ disaster relief missions to show that human rights complaints increase as a result of the military’s role in law enforcement, but not when the military is deployed for other purposes.” However, the authors’ focus on the

independent variable of constabularization may have led to case selection bias. Constabularized members of the military are more likely than police to commit human rights abuses because of their more combative training, their access to deadlier weapons, and the military’s organizational structure, which lends itself to institutional protections. While police militarization and the constabularization of the military are both aspects of the relationship between the military and law enforcement that lead to more human rights abuses in post-conflict societies, there is some evidence that constabularization might be more detrimental to human rights.

**Pro-Government Militias**

Pro-government militias can also increase the frequency of human rights abuses in post-conflict societies, but their effects are less consistent than either police militarization or the constabularization of the military. Militias are military forces raised from civilian populations and are not normally considered a part of law enforcement, but in countries experiencing civil conflict and in post-conflict societies, they often perform law enforcement duties—even if their legitimacy is questionable. Pro-government militias are militias that specifically support the government and its aims. In post-conflict societies, governments often cannot count on well-functioning institutions to regulate political and societal conflicts, leading them to continue to rely on the militias and other irregular armed groups that they depended upon during the period of conflict. Militias also tend to be difficult to disarm because militiamen become accustomed to

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their statuses as enforcers during conflicts. This means militias are sometimes absorbed into military organizations. Pro-government militias that are inherited from previous conflicts are associated with worse repression in post-conflict societies than newly created pro-government militias because wartime pro-government militias are accustomed to committing worse state-sponsored violence against a broader spectrum of the population. Conversely, new pro-government militias that supplant wartime ones use violence primarily against political opponents of the regime. While the presence of pro-government militias is associated with an increased frequency of human rights abuses in post-conflict societies, the effect of pro-government militias on human rights violations is less consistent than the effects of police militarization and the constabularization of the military and depends on when the militia was established.

An Exception…

It is interesting to examine the relationship between human rights abuses and the military-law enforcement dynamic in Costa Rica because it does not have a military to constabularize. Therefore, its police force must take on some military responsibilities. Costa Rica was the first country in the world to abolish its national military. Simultaneously, it is also “one of the safest and most democratic countries in the region, and its social and economic development success is commonly referred to as Costa Rican exceptionalism.” As previously

stated, constabularized members of the military are more likely than police to commit human rights abuses because of their training, the nature of their weapons, the military’s organizational structure, and institutional protections.\textsuperscript{44} Without a military to constabularize, Costa Rica does not have to fear the associated increase in human rights abuses. However, out of necessity, the Costa Rican police have some of the training and equipment that most countries would entrust to their militaries, which causes concerns about police militarization. Costa Rica aims to prevent future conflict by engaging in security sector reform and integrating formerly disenfranchised groups into policing structures and institutions.\textsuperscript{45} By creating an inclusive police force and investing in training, the Costa Rican government hopes to prevent human rights abuses by decreasing police perception of threats and their willingness to use violence while also sending a signal from the state that violence is not an acceptable means of public control.

Generally, scholars agree that an escalating relationship between the military and law enforcement in post-conflict and non-conflict societies increases human rights abuses. However, scholars differ over the extent to which different aspects of this relationship—police militarization, constabularization of the military, and pro-government militias—contribute to human rights abuses.\textsuperscript{46} The literature on the escalating military-law enforcement relationships in post-conflict societies does not inspire hope for the future of human rights. However, the Costa Rican example makes it clear that it is possible to avoid this escalation in post-conflict societies.

\textsuperscript{44} “The Consequences of Militarized Policing for Human Rights: Evidence from Mexico,” Gustavo Flores-Macías and Jessica Zarkin.


Press Freedom

The literature agrees that press freedom is essential, but scholars differ in how they believe press freedom affects the frequency of human rights abuses in post-conflict and non-conflict societies. Scholars regard a free press as one that is independent and free from government censorship, and they see it as instrumental to ensuring human rights protections. However, governments in both post-conflict and non-conflict societies often target journalists when their reporting is found to be offensive or contradictory to state goals. A free press is able to ensure that political competition can take place and that citizens are informed about the actions and decisions of their government. There is consensus on the necessity of press freedom; however, the effects of press freedom on human rights abuses are less universally agreed upon.

Some scholars find that a free press decreases human rights abuses because more human rights abuses can occur when the press is less free and active. Press freedom provides the effective monitoring and accountability necessary to decrease the frequency of human rights abuses in post-conflict and non-conflict societies. In environments where media freedom is constrained, governments are able to reframe escalations of violence or deny them entirely to reduce potential costs attached to the decision to employ repression. Data from 1981 to 2006

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shows that “state violence is likely to escalate in response to increasing violent threats to the state when media freedom is curtailed—but not when the media are free from state intervention.”

When governments know that media is free to sound the alarm, there will be higher costs to any repressive acts that they employ. This reduces human rights abuses even if regimes in post-conflict societies feel increasingly threatened.

Not all literature agrees that greater press freedom deters human rights abuses. Freedom of the press provides fundamental information to the public and the transparency necessary for effective human rights monitoring. Therefore, scholars commonly assume that the free press is able to play a watchdog role over government behavior, which should decrease human rights abuses in all countries. However, this watchdog role does not always result in improved government treatment of citizens. A free press helps to decrease the frequency of human rights abuses in only highly democratized countries. Watchdog media in autocracies and poorly democratized countries—which post-conflict societies frequently are—can trigger a repressive response, worsening human rights records. Sometimes, governments will also kill journalists to silence them and prevent the spread of information about human rights abuses or corruption.

When this happens, the government in question no longer has to worry about the costs of repression and shows that it already does not hesitate to employ human rights abuses. In an

autocratic or poorly democratized regime, a free press could potentially provoke a repressive
governmental backlash leading to a worse human rights record. While the literature agrees that
press freedom is important, scholars differ in how they believe press freedom affects the
frequency of human rights abuses in post-conflict and non-conflict societies.

**Gap in the Research**

There is general agreement in the literature that low state capacity, high corruption, and a
weak judiciary increase human rights abuses. However, even after taking those factors into
account, there is further variation in the frequency of human rights abuses that needs to be
explained. Something that scholars do not agree on—and could explain this further variation—is
the extent to which different aspects of the military-law enforcement relationship and press
freedom affect the frequency of human rights abuses in post-conflict societies.  

The literature shows that governments can, and often do, negatively impact the state of human rights in post-
conflict societies. Post-conflict societies also tend to lack the infrastructure necessary to address
human rights abuses, or if they do have it, it is ineffective.  

A human rights ombudsman’s office is a crucial part of this infrastructure and is one way that governments can positively affect the
state of human rights abuses in post-conflict societies. The establishment of a human rights
ombudsman’s office signals a clear commitment to improving human rights. However, there

“The Legacy of War: The Effect of Militias on Postwar Repression,” Sabine C. Carey and Belén González;
57 “Horizontal Accountability in Transitional Democracies: The Human Rights Ombudsman in El Salvador and
has not been much research studying how the specific factor of the establishment of a human rights ombudsman’s office affects the variation in human rights abuses in post-conflict societies or how the establishment of an ombudsman’s office works in conjunction with the military-law enforcement relationship or press freedom. Some research on human rights ombudsman’s offices does exist, but it is outdated and needs to be refreshed. This presents an avenue for future research by studying the effects of the establishment of human rights ombudsman’s offices on the variation in the frequency of human rights abuses in Guatemala and El Salvador, which are similar, post-conflict societies with human rights ombudsmen’s offices, and in Chile and the Dominican Republic, which are the only two Latin American countries without human rights ombudsman’s offices.

**Research Design**

Clearly, various elements of the military-law enforcement relationship and press freedom impact the frequency of human rights violations in post-conflict societies, but the extent to which is unclear. Additionally, little research exists on the effects of the establishment of a human rights ombudsman’s office. This section contains a research design to assess what variables affect the frequency of human rights violations in post-conflict societies. It theoretically discusses the establishment of human rights ombudsman’s offices, addresses the selected cases, explains the dependent variable and its measurement, explains the independent variables and their measurements, and includes a concluding section that argues how this research will contribute to the broader field of human rights research.
Theoretical Explanations

Establishment of a Human Rights Ombudsman’s Office

Many post-conflict societies establish human rights ombudsman’s offices to add a layer of accountability and to signal a commitment to human rights. The human rights ombudsman is a public sector office that operates as a public advocate and provides public accounting of its work, including any recommendation, to the national congress and to the public.\footnote{“The Contributions of the Ombudsman to Human Rights in Latin America, 1982–2011,” Erika Moreno.} As previously stated, post-conflict societies tend to have low state capacity and weak judiciaries as well as a problem with human rights abuses and corruption. “Poor countries with a history of repression, ongoing war, or violent opposition are likely to be more repressive. Countries with an independent judiciary and an electorate to hold political leaders to account have better human rights records.”\footnote{Media Freedom and the Escalation of State Violence,” Sabine C. Carey, Belén González, and Neil J Mitchell} The key here is an independent and strong judiciary. The judiciary’s ability to enforce the rule of law is hugely influential in its ability to hold human rights abusers accountable and deter future human rights abuses.\footnote{“Understanding Journalist Killings,” Sabine C.Carey and Anita R. Gohdes.} When judiciaries are weak, post-conflict societies often establish human rights ombudsman’s offices to add an extra layer of accountability. However, there could be an endogeneity problem present in relation to the strength and independence of judiciaries and the success of ombudsman’s offices once they are established. Another factor like corruption or state capacity could affect the functioning of both. Regardless of its effectiveness, establishing a human rights ombudsman’s office signals a clear intention to improve the state of human rights.
Two countries that established human rights ombudsman’s offices after civil conflicts are El Salvador and Guatemala, and both are cases that this paper examines. During the Salvadoran Civil War of the 1980s and Guatemala’s thirty-year internal armed conflict, both judiciaries were ineffective and complicit in massive human rights violations. Even as the two countries were transitioning to democracy, past leaders exerted an inordinate amount of control over the judiciaries, corruption was rampant, and mechanisms of horizontal accountability were ineffective. There were reform attempts including establishing merit-based criteria for appointment, introducing evaluations, and improving salaries. However, the reforms were not effective in creating an independent judiciary, and public perceptions of the judiciary remained low in both countries. Both judicial systems were politically dependent and failed to play their role in the separation of powers, which made the need for human rights ombudsmen in both El Salvador and Guatemala clear.

Peru and Bangladesh are two examples of human rights ombudsman’s offices effectively decreasing the frequency of human rights abuses in post-conflict societies. After analyzing the number and type of cases the Peruvian human rights ombudsman’s office receives, public confidence in the office, and cooperation with its decisions by other institutions at the national level, Pegram concluded that the Peruvian human rights ombudsman effectively articulates and facilitates rights claims raised by citizens to decrease future human rights abuses. The Peruvian

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human rights ombudsman has also oriented its attention to policy debates to push for redress of structural rights violations rather than focusing solely on advocating individual rights claims through legal channels.66 Bangladesh is another post-conflict society that has successfully decreased rights abuses after establishing a human rights ombudsman’s office that acts as a gateway for citizens to resolve complaints against the country’s administration. “This study finds that the ombudsman’s office is a vital institution for Bangladesh to eliminate maladministration, nepotism, and abuse of human rights, as well as abuse of the power of the public administration.”67 The cases of the ombudsmen in Peru and Bangladesh show that ombudsmen can add a stable and enforceable rights framework to post-conflict societies, which helps to decrease corruption and the frequency of human rights abuses while increasing state capacity.

Latin America is home to many post-conflict societies that have established human rights ombudsmen. The region’s legacy of colonialism, and a history of bloody independence wars, economic dependencies, and foreign interference have all caused significant conflicts that have created concern for human rights.68 Now, nearly every country in the region, except for Chile and the Dominican Republic, has established a human rights ombudsman’s office.69 Scholars have found that the presence of a human rights ombudsman has had positive effects on human rights—specifically social and economic ones—in the region.70 Ombudsmen have had positive impacts across Latin America in education, health, housing, and minority protections; although, improvements in personal integrity rights have been uneven and dependent upon the

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ombudsman’s manner of appointment. Two ways that ombudsmen have proven most effective at promoting social and economic rights in Latin America are through acting as public advocates that can publicly shame government officials into providing accountability and altering the status quo through the legislative process.\(^{71}\) The potential of human rights ombudsmen in the region is promising but does not tell the whole story.

Some argue that ombudsman’s offices in Latin America are not reaching their full potential, and some even dismiss the agencies as efforts to appease critics of new or consolidating democracies without providing effective oversight.\(^{72}\) A main concern about Latin American human rights ombudsman’s offices is that they will fall prey to the same corruption and other weaknesses that have plagued other institutions like the judiciaries. In both Guatemala and El Salvador—where human rights ombudsman’s offices emerged partly due to weak judiciaries—the early momentum and success of the offices have stalled. Rather than becoming integrated into the rest of their respective countries’ governmental systems, the offices have become isolated islands that sometimes struggle to gain cooperation from other government actors. This raises the question of if whatever is stopping the judiciaries from being effective is also what is stooing the ombudsman’s offices from reaching their full potential.\(^{73}\) When human rights ombudsman’s offices do not have the necessary funding, cooperation, or independence, they cannot reach their maximum potential in advancing human rights, and the ombudsman’s ability to protect and promote human rights depends on the simplicity and transparency of obtaining its services. If the public does not widely know the role of the ombudsman, it might as

well not exist.\textsuperscript{74} Even though human rights ombudsman’s offices face struggles and could potentially be doing more to promote human rights, their establishment has still positively affected many post-conflict societies in Latin America.

\textit{Case Selection and Methods}

I test factors that affect the variation in the frequency of human rights abuses in post-conflict societies using the qualitative analysis of four case studies in a most similar systems design. All four cases are examples of post-conflict societies, and all four are from Latin America, which should help to control for many confounding variables such as regional, cultural, and other differences. The first two cases are Chile and the Dominican Republic—which are the only two Latin American countries without human rights ombudsmen. The second two cases are El Salvador and Guatemala, which both have human rights ombudsmen and share Maya heritage and experience with US intervention and long internal conflicts. El Salvador and Guatemala are also the focus of previously cited research on human rights ombudsmen, so it will be useful to see if the conclusions of that research hold up from a modern perspective. Juxtaposing two cases with human rights ombudsmen against two cases without ombudsmen should be useful to determine if human rights ombudsmen really do decrease human rights abuses, or if a different independent variable is more influential.

\textit{Discussion and Measure of Dependent Variable}

The dependent variable is the frequency of human rights abuses in post-conflict societies. On the basis of respect for humanity, human rights are the universal entitlements owed to every

\textsuperscript{74} “Weak Institutions, Rights Claims and Pathways to Compliance: The Transformative Role of the Peruvian Human Rights Ombudsman,” Thomas Pegram.
They include but are not limited to the rights to life, liberty, security of person, equality, religion, expression, and the freedoms from arbitrary detention, exile, or arrest. Any breach of these rights counts as a human rights abuse, and V-dem’s 2022 Human Rights Index is the measure for the respect (or lack thereof) that post-conflict societies have for human rights. On a scale from 0 (least rights) to 1 (most rights), the V-dem index captures “the extent to which people are free from government torture, political killings, and forced labor; they have property rights; and enjoy the freedom of movement, religion, expression, and association.” V-dem obtains its data from “evaluations by around 3,500 country experts and supplementary work by its own researchers to assess political institutions and the protection of rights.” The lower the score, the more human rights abuses that occur in each selected case.

Discussion and Measurement of Independent Variables.

What explains variation in human rights abuses in post-conflict societies? To answer this question, this paper examines the establishment of a human rights ombudsman’s office, along with various elements of the militarization-law enforcement relationship and press freedom.

The first independent variable that this paper examines is the enactment of a law establishing a human rights ombudsman’s office. Many post-conflict societies pass these laws and establish human rights ombudsman’s offices to add a layer of accountability and to signal a commitment to human rights. The existing literature agrees that establishing these offices

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generally has a positive effect on human rights enforcement—even if they cannot always reach their full potential due to constraints. The presence or absence of a human rights ombudsman’s office is the measure for this variable. Human rights ombudsman’s offices are concrete reminders of the state’s obligation to respect human rights and decrease inequality. The literature finds that the establishment of human rights ombudsman’s offices seems to generally decrease the frequency of human rights abuses in post-conflict societies, but they have shortcomings and should be the focus of more modern research. This leads to the hypothesis:

H1: The enactment of a law establishing a human rights ombudsman’s office decreases human rights abuses in post conflict societies.

H1o: There is no relationship between the enactment of a law establishing a human rights ombudsman’s office and human rights abuses in post conflict societies.

After the establishment of a human rights ombudsman’s office, the second independent variable that this paper examines is police militarization. “Police become more militarized when they receive military hardware, organize themselves militarily, and adopt a military culture.”

The National Science Foundation awarded a grant starting June 2023 to collect data on the causes and consequences of global police militarization. This new global dataset on police militarization is much needed to fill in the existing dearth of data on police militarization.

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80 “Does Police Militarization Increase Repression?” Martin Stavro and Ryan M. Welch.
However, it will not be ready until 2026, so this paper must turn to a different source of data.\textsuperscript{81} The state employing at least one militarized police in a country year is the measure for police militarization, and the data comes from the State Security Forces Dataset, 1960-2010. The data set characterizes militarized police forces as ones that “have two or more of the following organizational indicators of militarization: Command and control centers; the use of elite squads patterned after military special operations; barracked housing; and/or long-range deployment.”\textsuperscript{82}

The percent increase in Public Order and Safety Expenditures in the four case countries 2014-2021 is a supporting measure for police militarization because police generally cannot become militarized without the funding increase necessary to supply weapons and training. The data on police spending increases comes from the IMF.\textsuperscript{83} Increasingly militarized policing makes police more willing to repress because it increases their capacity to use violence and their perception of threats. It is also harder to constrain the behavior of militarized police because they receive a signal from the state that violence is an acceptable means of public control.\textsuperscript{84} This leads to more human rights abuses and prompts the hypothesis:

H2: Greater police militarization will lead to an increase in the frequency of human rights abuses in post-conflict societies.

H2o: There is no relationship between police militarization and the frequency of human rights abuses in post-conflict societies.


\textsuperscript{84} “Does Police Militarization Increase Repression?” Martin Stavro and Ryan M. Welch.
The third independent variable this paper examines is military constabularization. Constabularization occurs when militaries act like the police by becoming involved in public safety and responding to internal threats.\textsuperscript{85} Joint operations between a country’s armed forces and police, along with a country’s armed forces including a guarantee for public security—not in special circumstances only—in their mission statement are the measures for military constabularization. Data comes from a report by the Facultad Latinoamericana de Ciencias Sociales (FLACSO) entitled \textit{Report on the Security Sector in Latin America and the Caribbean}.\textsuperscript{86} Supporting data on the number of military personnel assigned to public security activities in El Salvador 2006-17 and budget allocations for the participation of the army in public security tasks in Guatemala 2014-2017 come from the Washington Office on Latin America.\textsuperscript{87} Military involvement in public safety and internal security leads to more reports of torture, excessive force, and other human rights abuses.\textsuperscript{88} This prompts the hypothesis:

H3: Greater military constabularization will lead to an increase in the frequency of human rights abuses in post-conflict societies.

H3\textsubscript{o}: There is no relationship between military constabularization and the frequency of human rights abuses in post-conflict societies.

\textsuperscript{85}“The Consequences of Militarized Policing for Human Rights: Evidence from Mexico,” Gustavo Flores-Macías and Jessica Zarkin.
\textsuperscript{88}“The Consequences of Militarized Policing for Human Rights: Evidence from Mexico,” Gustavo Flores-Macías and Jessica Zarkin.
The fourth independent variable that this paper examines is the continued operation of pro-government militias left over from conflict. Militias are military forces raised from civilian populations and are not normally considered a part of law enforcement. In countries experiencing civil conflict and in post-conflict societies, they often perform law enforcement duties and support the government, making them pro-government militias. Whether or not pro-government militias that existed during the period of conflict continue to operate today is this variable’s measure, and it exists on a dichotomous scale of continued activity vs ceased activity. Data comes from the Pro-Government Militias Database 2.0, which details the continued activity or the disbandment of conflict-era pro-government militias covering the years 1981 to 2014. Pro-government militias that continue activity after conflicts end are associated with worse repression in post-conflict societies because they were likely perpetrators of human rights violations during conflicts, which makes them suitable agents to continue repression. They may also be personally motivated by the grievances that fueled the conflict, leading them to continue persecuting ‘the enemy.’ This prompts the hypothesis:

H4: The continued operation of pro-government militias inherited from previous conflicts will increase the frequency of human rights abuses in post-conflict societies.

H4o: There is no relationship between the continued operation of pro-government militias inherited from previous conflicts and the frequency of human rights abuses in post-conflict societies.

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The fifth independent variable that this paper examines is press freedom. A free press is one that is independent and free from government censorship. However, governments in both post-conflict and non-conflict societies often target journalists when their reporting is found to be offensive or contradictory to state goals.92 The measure for press freedom is the ranking for each of the four case countries from the Reporters Without Borders 2023 World Press Freedom Index.93 The lower the score, the freer the press in that country is compared to other countries globally. Reporters Without Borders gets their data from a quantitative tally of abuses against media and journalists in connection to their work and a qualitative analysis of the situation in each country or territory based on the responses of press freedom specialists.94 A free press is instrumental to ensuring human rights protections because it supplies the effective monitoring necessary to deter abuses.95 This prompts the hypothesis:

H5: Greater press freedom will decrease the frequency of human rights abuses in post-conflict societies.

H5o: There is no relationship between greater press freedom and the frequency of human rights abuses in post-conflict societies.

This paper and its investigation will contribute to the field of human rights research because it will provide the field with a deeper understanding of the effects that human rights

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95 “Get the Word out: Monitoring Human Rights Reduces Abuse,” José Kaire.
ombudsmen have on the frequency of human rights abuses in post-conflict societies. This understanding could help to decrease future human rights abuses and strengthen human rights advocacy framework in post-conflict societies. If the null hypothesis is true and there is no relationship between human rights ombudsmen and human rights abuses in post conflict societies, then it is quite likely that one of the other independent variables will have a greater effect on human rights abuses, or that some other, unconsidered factor will be responsible. If this is true, it presents other future research opportunities.

Analysis

This section includes an analysis of the previously discussed research design. First, it will analyze the dependent variable of the variation in the frequency of human rights abuses in the four selected case studies. Then, it will analyze the five independent variables of the establishment of a human rights ombudsman’s office, police militarization, military constabularization, the continued operation of pro-government militias left over from conflict, and press freedom in the four case countries to see how they affect variation in the frequency of human rights abuses in post-conflict societies.

Human Rights Abuses

As previously discussed, different post-conflict societies have different frequencies of human rights abuses, which are infringements on the rights of life, liberty, security, person, equality, religion, expression, and the freedoms from arbitrary detention, exile, or arrest.96 Figure

---

1 shows the data from V-dem’s 2022 human rights index on a scale from 0 (least rights) to 1 (most rights).

Figure 1.

<table>
<thead>
<tr>
<th>Human Rights Abuses Index 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chile</td>
</tr>
<tr>
<td>Human Rights Abuses</td>
</tr>
</tbody>
</table>


The data from V-dem illustrates that while Chile and the Dominican Republic both rank high on the human rights index with scores of 0.9, Guatemala and El Salvador have worse human rights records with scores of 0.62 and 0.68. 

Now that the levels of human rights abuses are established in the four case countries, this analysis can turn to understanding what causes variation in the frequency of human rights abuses in post-conflict societies.

Establishment of a Human Rights Ombudsman’s Office

Many post-conflict societies enact laws establishing human rights ombudsman’s offices to signal a commitment to human rights while adding a layer of accountability. Although the existing literature is sparse, it agrees that human rights ombudsmen generally have positive effects on human rights enforcement, even if constraints prevent them from reaching their full potential. That means that this paper should expect to find better human rights records in the

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97 “V-Dem Distribution of Human Rights Index 2022,” The V-dem dataset.
countries with established ombudsman’s offices. Figure 2 shows which of the selected case
countries have established human rights ombudsman’s offices and which have not.

Figure 2.

<table>
<thead>
<tr>
<th>Establishment of a Human Rights Ombudsman’s Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chile</td>
</tr>
<tr>
<td>Office Established</td>
</tr>
</tbody>
</table>


Considering that Chile and the Dominican Republic have better V-dem human rights index scores (0.9) than El Salvador (0.62) and Guatemala (0.68), these findings are surprising.99 They suggest that this paper should reject H1: the enactment of a law establishing a human rights ombudsman’s office decreases human rights abuses in post conflict societies. Since the countries with established human rights ombudsman’s offices are the ones with a greater frequency of human rights abuses, this paper will accept H1o: There is no relationship between the enactment of a law establishing a human rights ombudsman’s office and human rights abuses in post conflict societies. Existing literature would lead one to expect that El Salvador and Guatemala should have fewer human rights abuses because they have human rights ombudsman’s offices. Therefore, explaining this phenomenon presents an avenue for future exploration and investigation. El Salvador and Guatemala have signaled their commitment to human rights by establishing human rights ombudsman’s offices, but clearly, something about these offices is causing them to not produce the desired outcome.

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99 “V-Dem Distribution of Human Rights Index 2022,” The V-dem dataset.
**Police Militarization**

Increased police militarization should lead to an increased frequency in human rights abuses according to existing literature. This means that this paper expects to find more police militarization in El Salvador and Guatemala than in Chile and the Dominican Republic. Currently available data on police militarization is difficult to locate, but figure 3 shows the data collected from the State Security Forces Dataset 1960-2010. This paper only uses the latest twenty years of data (1990-2010) available for the four case countries. The dataset categorized the countries’ police forces as either militarized (1) or not militarized (0) in each year.

![Figure 3](image-url)

<table>
<thead>
<tr>
<th>Year</th>
<th>Chile</th>
<th>Dominican Republic</th>
<th>El Salvador</th>
<th>Guatemala</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>1991</td>
<td>1</td>
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<td>1992</td>
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<td>2001</td>
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<td>2002</td>
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<td>2003</td>
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<td>2004</td>
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<td>2005</td>
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<td>2006</td>
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<tr>
<td>2007</td>
<td>1</td>
<td>1</td>
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<td>1</td>
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<tr>
<td>2009</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2010</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>


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This data shows that every case country had militarized police in every year 1990-2010. Therefore, it is not particularly helpful for accepting or rejecting H2: Greater police militarization will lead to an increase in the frequency of human rights abuses in post-conflict societies. Additionally, the data is limited because it only goes until 2010. The new National Science Foundation-funded global dataset on police militarization will fill in a much-needed gap upon its release in 2026. Additional data is necessary to supplement the data from the State Security Forces dataset and demonstrate differences in the four case countries. Figure 4 shows data from the IMF on public order and safety expenditures and the percent increases in expenditures in each of the case countries 2014-2021.

Figure 4.

<table>
<thead>
<tr>
<th>Public Order and Safety Expenditures by Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Domestic Currency in Billions in C, DR, E, millions in G)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chile</td>
<td>2,403.35</td>
<td>2,863.32</td>
<td>2,850.51</td>
<td>2,954.92</td>
<td>3,087.56</td>
<td>3,258.37</td>
<td>3,232.42</td>
<td>3,381.19</td>
<td>40.69%</td>
</tr>
<tr>
<td>DR</td>
<td>21.78</td>
<td>22.77</td>
<td>25.06</td>
<td>29.53</td>
<td>32.38</td>
<td>40.31</td>
<td>42.50</td>
<td>48.44</td>
<td>122.41%</td>
</tr>
<tr>
<td>El Salvador</td>
<td>640.00</td>
<td>677.40</td>
<td>714.40</td>
<td>731.00</td>
<td>754.80</td>
<td>789.90</td>
<td>795.00</td>
<td>974.50</td>
<td>52.27%</td>
</tr>
<tr>
<td>Guatemala</td>
<td>7,024.73</td>
<td>7,251.22</td>
<td>8,252.91</td>
<td>9,201.71</td>
<td>9,799.40</td>
<td>9,477.37</td>
<td>10,418.01</td>
<td>11,044.89</td>
<td>57.23%</td>
</tr>
</tbody>
</table>


The data shows that Chile has the smallest percent increase for public order and safety expenditures, El Salvador and Guatemala have larger and relatively similar percent increases, and the Dominican Republic has by far the greatest percent increase. Based on their V-dem human rights index scores, (0.9 for Chile and the Dominican Republic, 0.68 for Guatemala, and

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103 "The Causes and Consequences of Global Police Militarization," National Science Foundation.
104 "International Monetary Fund Functional Expenditures (COFOG)," IMF.
0.62 for El Salvador) this paper expected El Salvador to have the biggest percent increase, for Guatemala to follow close behind, and for Chile and the Dominican Republic to have much smaller increases. Not only did Guatemala have a bigger percent increase than El Salvador, but the Dominican Republic far outpaced all countries in its military spending increases. However, it is possible that the Dominican Republic is an outlier in its rapid increase in spending on public order and safety. Additionally, since the State Security Forces dataset shows that all four case countries had militarized police forces for every year 1990-2010, this paper cannot determine if militarized police affect the frequency of human rights abuses in post conflict societies. Therefore, this paper rejects H2: Greater police militarization will lead to an increase in the frequency of human rights abuses in post-conflict societies. Instead, it accepts H2o: There is no relationship between police militarization and the frequency of human rights abuses in post-conflict societies. Since all four case countries have militarized police and are increasing public order and safety expenditures, it is quite possible that police militarization may in fact, be negatively impacting human rights to some extent in all four post conflict societies.

Military Constabularization

Increased military constabularization should lead to an increase in the frequency of human rights abuses. Therefore, this paper expects to find more military constabularization in El Salvador and Guatemala since they have worse V-dem human rights index scores than Chile and the Dominican Republic. Data on military constabularization is lacking and outdated. The best data available is from a 2007 report on the security sector in Latin America by the Facultad

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105 “V-Dem Distribution of Human Rights Index 2022,” The V-dem dataset.
Latin americana de Ciencias Sociales (FLACSO). Figure 5 illustrates the missions of the armed forces in various Latin American countries, and Figure 6 shows whether the police and armed forces in a country have a record of working together.

Figure 5.

<table>
<thead>
<tr>
<th>Sub-region</th>
<th>Country</th>
<th>Defence of the nation</th>
<th>Guarantee constitutional order</th>
<th>Guarantee law and public security</th>
<th>Public security in specific instances</th>
<th>Collaborate in the country’s development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caribbean</td>
<td>Barbados</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Belize</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Jamaica</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dominican Republic</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central America and Mexico</td>
<td>El Salvador</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Guatemala</td>
<td>✓</td>
<td></td>
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<tr>
<td></td>
<td>Honduras</td>
<td>✓</td>
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<tr>
<td></td>
<td>Mexico</td>
<td>✓</td>
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<tr>
<td></td>
<td>Nicaragua</td>
<td>✓</td>
<td></td>
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<tr>
<td>Southern Cone</td>
<td>Argentina</td>
<td>✓</td>
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<tr>
<td></td>
<td>Brazil</td>
<td>✓</td>
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<tr>
<td></td>
<td>Paraguay</td>
<td>✓</td>
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<tr>
<td></td>
<td>Chile</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Uruguay</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Andean Region</td>
<td>Bolivia</td>
<td>✓</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Colombia</td>
<td>✓</td>
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<tr>
<td></td>
<td>Ecuador</td>
<td>✓</td>
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<tr>
<td></td>
<td>Peru</td>
<td>✓</td>
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</tbody>
</table>


The data shows that the militaries are constabularized in the Dominican Republic, El Salvador, and Guatemala. It demonstrates that guaranteeing law and public safety is part of the mission of militaries in the Dominican Republic, El Salvador, and Guatemala but not in Chile. Additionally, it shows that guaranteeing law and public safety is not only a part of the military’s job in specific instances in these countries, but rather, it is systematic.\textsuperscript{108} It also shows that the Dominican Republic, El Salvador, and Guatemala all have records of joint activity between their

\textsuperscript{108} “Report on the security sector in Latin America and the Caribbean,” Lucia Dammert, et al.
police and armed forces, but Chile does not.\textsuperscript{109} It is logical for Chile, which has a V-dem high human rights index score, to not have a constabularized military or a record of police forces working with the military. It also makes sense for El Salvador and Guatemala, which have lower V-dem human rights index scores to have constabularized militaries and histories of military and police cooperation. Once again, the outlier here, is the Dominican Republic, which has a high V-dem human rights index score like Chile but joins El Salvador and Guatemala in having constabularized militaries.

Since the FLACSO data on the missions of the armed forces in various Latin American countries and historic cooperation between a country’s police and armed forces is rather old, this paper includes additional data to demonstrate military constabularization in El Salvador and Guatemala. Figure 7 shows the military personnel assigned to public security activities in El Salvador 2006-2017, and Figure 8 demonstrates the budget allocations of the ministry of national defense for the participation of the army in public security tasks in Guatemala.

Figure 7.

\textsuperscript{109} “Report on the security sector in Latin America and the Caribbean,” Lucia Dammert, et al.
Figures 7 and 8 clearly illustrate that the military is increasingly active in domestic security issues in both El Salvador and Guatemala.\textsuperscript{110} Again, this is logically consistent with both countries’ lower V-dem human rights index scores. Based on the data from both FLACSO and WOLA, this paper must reject H3: Greater military constabularization will lead to an increase in the frequency of human rights abuses in post-conflict societies and accept H3\textsubscript{o}: There is no relationship between military constabularization and the frequency of human rights abuses in post-conflict societies. The data on military constabularization from Chile, El Salvador, and Guatemala support H3, but the fact that the Dominican Republic has a constabularized military and a high V-dem human rights index score means that this this paper will accept H3\textsubscript{o} instead. However, it is possible that the Dominican Republic is once again an outlier and that military constabularization may, in fact, increase the frequency of human rights abuses in post-conflict societies as appears to be the case in El Salvador and Guatemala.

Pro-government Militias

The continued activity of pro-government militias left over from conflicts should increase the frequency of human rights abuses in post-conflict societies.\textsuperscript{111} Data from the Pro-Government Militias Database 2.0 details whether or not conflict-era, pro-Government militias in the four case countries have continued or ceased operations in the years 1981-2014.\textsuperscript{112} A limitation of this data is that it only covers up to 2014 rather than to the present day. This paper expects to find more continued activity of conflict-era, pro-government militias in El Salvador and Guatemala since they have worse V-dem human rights index scores than Chile and the Dominican Republic.

Based on their high V-dem human rights index scores, Chile and the Dominican Republic should not have conflict-era, pro-government militias that have continued operations. In Chile, there were three conflict-era, pro-government militias. They are the September 11 Command, DICOMCAR, and Colonia Dignidad. The September 11 Command was named after the date of the coup that brought Pinochet to power and is responsible for the deaths of civilians and bombing attacks. Once Pinochet left power, they ceased to be a pro-government militia. DICOMCAR was a paramilitary intelligence unit, and its purpose was to intimidate political opposition, which it did so through killing, kidnapping, mutilating, torturing, and raping. DICOMCAR has since disbanded, and members have been prosecuted for their crimes. Colonia Dignidad was mainly composed of German immigrants, and it killed, detained, and tortured


political opposition on behalf of the Pinochet regime. Upon the transition to democracy, Colonia Dignidad ceased to be a pro-government militia. The story of conflict-era, pro-government militias in the Dominican Republic is much simpler than in Chile. The Pro-Government Militia Database has no record of any pro-government militia existing or acting in the Dominican Republic. The fact that no pro-government militias exist in the Dominican Republic and that all three pro-government militias in Chile have ceased activity is logically consistent with what this paper expected to find based upon both countries’ high V-dem human rights index scores.

In El Salvador, there were two conflict-era, pro-government militias. They are the Civil Defense Patrols and the Death Squads. The Civil Defense Patrols were village-based patrols set up by the Salvadoran army to track and report on guerrilla movements in the countryside during the country’s civil war, which lasted from 1980 until 1992. The Civil Defense Patrols were disbanded in 1992 when the Salvadoran civil war ended. The Death Squads were used for suppression and the elimination of the government’s political opponents. Their network was comprised of small groups that may or may not have been connected, but they were closely tied to the government. The 1992 peace deal replaced the Death Squads with an official civilian police force, but there are reports of continued Death Squad activities after 1992. While the government no longer directly financially supports the Death Squads that came out of the conflict, they continue to be active. Unlike Chile and the Dominican Republic, there is

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continued activity of conflict-era, pro-government militias in El Salvador, which is consistent with its lower V-dem human rights index score.

Guatemala is home to only one conflict-era, pro-government militia. The Civilian Defense Patrols were organized in the 1980s during the country’s thirty-year civil war. The primary purpose of the Civilian Defense Patrols was to keep track of villagers and to monitor them in an effort to ensure that they would not join the rebels. Many civilians joined the militia under the threat of force by Guatemalan government. The Civilian Defense Patrols were engaged in widespread human rights abuses that were sometimes direct orders from the military and sometimes of their own initiative. The 1996 peace accords officially demobilized the Civilian defense patrols, and most, but not all, did dissolve. However, some patrollers have remained active and maintained their close relationship with the military. This continued activity of a conflict-era, pro-government militia is not surprising given Guatemala’s lower V-dem human rights index score, and Figure 9 concisely summarizes the state of conflict-era, pro-government militias in the four case countries.

Figure 9.

<table>
<thead>
<tr>
<th>Activity Status of Conflict-Era, Pro-Government militias</th>
<th>Chile</th>
<th>Dominican Republic</th>
<th>El Salvador</th>
<th>Guatemala</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continued/ceased activity of pro-government militias</td>
<td>Ceased Activity</td>
<td>NA</td>
<td>Continued Activity</td>
<td>Continued Activity</td>
</tr>
</tbody>
</table>

Carey, Sabine C., Neil J. Mitchell and Katrin Paula. 2022. “The Life, Death and Diversity of Pro-Government Militias: The Fully Revised Pro-Government Militias Database Version 2.0”. Research & Politics 9(1), https://doi.org/10.1177/20531680211062772. This article is distributed under the terms of the Creative Commons Attribution 4.0 License (https://creativecommons.org/licenses/by/4.0/)

Based on the data from the Pro-Government Militias Database 2.0, this paper will accept H4: The continued operation of pro-government militias inherited from previous conflicts will increase the frequency of human rights abuses in post-conflict societies. Both Chile and the Dominican Republic have high V-dem human rights index scores of 0.9, and neither are home to conflict-era, pro-government militias that have continued operations. Conversely, El Salvador and Guatemala have respective V-dem human rights index scores of 0.62 and 0.68, and both are home to conflict-era, pro-government militias that have continued to operate. This data demonstrates that the continued operation of pro-government militias inherited from previous conflicts may, in fact, increase the frequency of human rights abuses in post-conflict societies.

Press Freedom

Greater press freedom should decrease human rights abuses in post-conflict societies. Therefore, this paper expects to find greater press freedom in Chile and the Dominican Republic than in El Salvador and Guatemala. Figure 10 displays data from the Reporters Without Borders 2023 World Press Freedom Index. It ranks countries against others globally, with the lowest ranking having the least restrictions on the press.

Figure 10

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120 “Reporters Without Borders 2023 Index,” RSF.org.
As this paper expected, the data shows that Chile and the Dominican Republic have more press freedom than El Salvador and Guatemala. The data prompts this paper to accept H5: Greater press freedom will decrease the frequency of human rights abuses in post-conflict societies. However, two noteworthy details stand out. Even though Chile and the Dominican Republic both score 0.9 on the V-dem Human Rights Abuse Index, the Dominican Republic ranks forty countries ahead of Chile in the global press freedom ranking. Could this high level of press freedom counteract the police militarization and military constabularization in the Dominican Republic and explain its high V-dem human rights index score? The second noteworthy point is that El Salvador has a lower V-dem human rights index score (0.62) than Guatemala (0.68), yet it has a freer press. However, since the two countries rank near each other in both the Reporters Without Borders World Press Freedom Ranking and the V-dem Human Rights Abuse Index, this difference should not distract from the greater trend. Fewer restrictions on the press is related to better human rights records in post-conflict societies.

**Summary of the Analysis**

This section included an analysis of the dependent variable of human rights abuses and the five independent variables in the four case countries to see how they affect human rights abuses in post-conflict societies. Below is Figure 11, which includes a summary of all the analyzed data.

<table>
<thead>
<tr>
<th>Reporters Without Borders World Press Freedom Ranking 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Global Rank</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>83rd</td>
</tr>
</tbody>
</table>

### Review and Discussion

#### Figure 11

<table>
<thead>
<tr>
<th>Summarization of all data</th>
<th>Chile</th>
<th>Dominican Republic</th>
<th>El Salvador</th>
<th>Guatemala</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human Rights Abuse Index Score</td>
<td>0.9</td>
<td>0.9</td>
<td>0.62</td>
<td>0.68</td>
</tr>
<tr>
<td>Establishment of a Human Rights Ombudsman’s Office</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Police Militarization</td>
<td>Every Year 1990-2010</td>
<td>Every Year 1990-2010</td>
<td>Every Year 1990-2010</td>
<td>Every Year 1990-2010</td>
</tr>
<tr>
<td>Public Order and Safety Expenditures Percent Increases</td>
<td>40.69%</td>
<td>122.41%</td>
<td>52.27%</td>
<td>57.23%</td>
</tr>
<tr>
<td>Mission of Armed Forces Includes Guaranteeing Public Security.</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Joint Operations Between Police and Armed Forces</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Continued/Ceased Activity of Pro-Government Militias</td>
<td>Ceased Activity</td>
<td>NA</td>
<td>Continued Activity</td>
<td>Continued Activity</td>
</tr>
<tr>
<td>Global Press Freedom Ranking</td>
<td>83rd</td>
<td>43rd</td>
<td>115th</td>
<td>127th</td>
</tr>
</tbody>
</table>
Many factors affect the frequency of human rights violations in post-conflict societies. However, in these four case countries, only the continued activity of pro-government militias left over from conflict and press freedom produced results in line with what previous literature indicated. For the police militarization hypothesis, The Dominican Republic may have been an outlier in its rapid increase in spending on public order and safety. Additionally, all four countries had militarized police forces in all the observed years. Therefore, the rejection of H2 is not the strongest conclusion that this paper draws. For military constabularization, Chile had results in line with its high V-dem human rights index score, but once again, the Dominican Republic did not. El Salvador and Guatemala also had constabularized militaries, but this makes sense given their lower V-dem human rights index scores. Since only one country (the Dominican Republic) acted unexpectedly, the rejection of H3 is also not the strongest conclusion that this paper draws.

In short, the only factor affecting the frequency of human rights violations in post-conflict societies that this paper could confidently reject was the establishment of a human rights ombudsman’s office because all four case countries acted contrary to what previous literature indicated.

It is unexpected for the Dominican Republic to have both militarized police and a constabularized military while having a good human rights record. However, a little investigation into the Dominican Republic’s current state of affairs yields a plausible reason for their huge increase in police spending and the constabularization of their military. Haiti, which the Dominican Republic shares the island of Hispaniola with, has been spiraling into chaos. Problems existed before the 2021 assassination of the Haitian president and have only worsened since. The Dominican Republic “has responded with crackdowns on migrants and a military
buildup.”121 Rather than militarizing the police and constabularizing the military to control its own citizens and potentially commit human rights abuses, the Dominican Republic is responding to the chaos in Haiti. This means that it is very possible that police militarization and military constabularization could still affect the variation in human rights abuses in post-conflict societies when they are not done in response to a possible external threat. If we count the Dominican Republic as an outlier in its police militarization and military constabularization—because of the chaos in Haiti—then, all the investigated factors other than the establishment of a human rights ombudsman’s office could affect the variation in human rights abuses in post conflict societies. Therefore, greater police militarization and military constabularization, the continued operation of pro-government militias from previous conflicts, and decreased press freedom could all increase the frequency of human rights violations in post-conflict societies. Only the rejection of H1 remains strong. Clearly, while many factors may affect the frequency of human rights abuses in post-conflict societies, it is important to look at the causal mechanisms behind those factors.

When it comes to the establishment of a human rights ombudsman’s office, the data from all four case countries was contrary to what previous literature indicated. This could be a result of the lack of literature on human rights ombudsman’s offices—and especially the lack of recent literature—or it could open a whole new field of study into why some human rights ombudsman’s offices function as intended and others do not. However, it could be possible that El Salvador and Guatemala have more recorded human rights abuses than Chile and the Dominican Republic because they have established human rights ombudsman’s offices, and therefore, have more accessible and accurate mechanisms for reporting abuses. Looking at V-

dem’s human rights index scores for El Salvador and Guatemala in the years of the establishment of their human rights ombudsman’s offices could offer some clarity. El Salvador established a human rights ombudsman’s office in 2007, when the country had a score of 0.83, which is better than its 2022 score of 0.62.122 This offers some credibility to the idea that the presence of an ombudsman’s office is increasing reporting accuracy. Guatemala established its human rights ombudsman’s office in 1985, in the middle of its thirty-six-year civil war. Understandably, Guatemala’s human rights index score in the middle of its civil war was pretty low at 0.15.123 To provide a better base picture, this paper also found Guatemala’s V-dem human rights index score for 1997—the first year after the civil war ended and Guatemala became a post-conflict society. In 1997, Guatemala’s score was 0.51, which shows that its human rights record has improved in the years since.124 This could be a result of a functioning ombudsman’s office or some other factor, but it does not lend credibility to the idea of increased human rights abuse reporting leading to a worse human rights score. All of this makes it clear that causal mechanisms are important and impact how the variables, like the establishment of a human rights ombudsman’s office, will influence the frequency of human rights abuses in post-conflict societies.

Human rights abuses in post conflict societies are complex and the result of many competing factors; however, it seems that some factors are more influential or produce more consistent results than others. After all of this paper’s investigation, it can only concretely accept that the continued activity of pro-government militias left over from conflict and press freedom


affect the frequency of human rights violation in post-conflict societies. However, as the case of the Dominican Republic clearly demonstrates, this paper’s approach was too broad and encompassed too many variables to truly be able to grasp the causal mechanisms at play behind each independent variable in each case country. Additionally, the scarcity of data and the difficulty of obtaining it means that this paper’s data is less than ideal. All of this means that making policy recommendations or even drawing conclusions is extremely difficult. To truly understand the effects of the independent variables on the variation in the frequency of human rights abuses in post-conflict societies, this paper intends to pivot and perform an in-depth case study, where the causal mechanisms behind the variables will be much clearer.

Subsequent Case Study on Guatemala
Even within structures and institutions that lend themselves to a higher frequency of human rights abuses in post-conflict societies, variation exists. Determining what causes even small variations in the frequency of human rights abuses within post-conflict societies where state capacity is low, corruption is high, or the judiciary is weak can help to inform policymakers and decrease the probability of future human rights abuses. Even a small decrease in the frequency of human rights abuses in a post-conflict society could be an impetus for further positive action. Decreasing human rights abuses will save lives, improve the quality of life of millions, and lead to safer societies that can thrive in both the civil and economic spheres. Therefore, this paper continues to investigate the effects of the establishment of a human rights ombudsman’s office, police militarization, military constabularization, the continued activity of pro-government militias, and press freedom on the variation in the frequency of human rights abuses in post-conflict societies.

**Research Design**

**Preview and Methods**

Reflecting upon the inconclusiveness of the first half of this paper, it is apparent that pivoting approaches could yield a different, and hopefully clearer, picture; therefore, this paper will turn to a single, in-depth qualitative case study on Guatemala. This section contains a research design to assess what variables explain the frequency of human rights violations in post-conflict societies. It addresses the selection of Guatemala as the investigated case; describes the
assessment of the state of human rights abuses in the selected time period, describes the assessment of the dependent variables and their causal mechanisms with qualitative evidence; and includes a concluding section that argues the relevance and importance of this research to the field of human rights research.

**Case Selection**

The first half of this paper completed a descriptive analysis of four case studies in a most similar systems design. Of the four case countries, the second half of this paper elects to focus on Guatemala because it still suffers from many human rights abuses. It was also the first Latin American country to constitutionally establish a human rights ombudsman, which it did in its 1985 constitution. 125 This section will examine the relationship between the dependent and independent variables in Guatemala starting in 1985—with the establishment of the Human rights ombudsman’s office and the country’s return to civilian rule—and ending in 2015—thirty years after the human right’s ombudsman’s establishment. Using the evidence from an in-depth case study to approach the question of what affects variation in the frequency of human rights abuses in post-conflict societies sheds light on the fact that human rights ombudsman’s offices are necessary but not sufficient, and that a separated military-police relationship, decreased activity of pro-government militias left over from conflict, and greater press freedom decrease the frequency of human rights abuses in post-conflict societies.

**Discussion and Evidence of Dependent Variable**

The dependent variable is the frequency of human right abuses in post-conflict societies. As previously established, human rights are the universal entitlements owed to every person.\textsuperscript{126} They include but are not limited to the rights to life, liberty, security of person, equality, religion, expression, and the freedoms from arbitrary detention, exile, or arrest.\textsuperscript{127} Guatemala has a long history of human rights abuses such as assassinations, disappearances, and torture by security forces; intimidation and false imprisonment of journalists, human rights activist, indigenous leaders, and others who criticize the government; and illegal evictions, a lack of due process, and other failures of the justice system. Widespread corruption and impunity have allowed these abuses to persist from the time of the internal armed conflict to today.\textsuperscript{128} Evidence for the frequency of human rights abuses in Guatemala comes mainly from the V-dem Human Rights Index, which gathers evidence from evaluations by 3,500 country experts and supplementary work by its own researchers to assess political institutions and the protection of rights.\textsuperscript{129} Evidence is supplemented by Human Rights Watch World reports in the period 1989-2015 and declassified CIA cables.

\textit{Discussion and Evidence of Intendent Variables}


What explains variation in human rights abuses in Guatemala in the period 1985-2015?

To answer this question, this paper examines independent variables such as the operation of a human rights ombudsman’s office (unlike establishment in the first section), police militarization and military constabularization, (which this paper now combines and refers to as the blurring/separation of the military-police relationship), activity of pro-government militias from previous conflicts, and press freedom, in Guatemala during the period 1985-2015.

The first independent variable is the operation of a human rights ombudsman’s office. Guatemala was the first Latin American country to constitutionally establish a human rights ombudsman’s office, which it did in 1985 in the country’s eleventh and current constitution—written in the midst of its thirty-six-year internal armed conflict.130 The human rights ombudsman’s constitutional duties include:

- “To promote the adequate functioning and expediting of the government administration in matters of human rights,”
- “To investigate and denounce administrative behavior that is detrimental to the interests of persons,”
- “To investigate every type of denunciations that may be brought by any person regarding the violation of human rights,”
- “To recommend privately or publicly to the functionaries the modification of any administrative behavior objected to,”
- “To issue public censure for acts or behavior against the Constitutional rights,”
- “To promote actions or recourse, judicial or administrative, in those cases in which they proceed,”
- And any other functions assigned to them by law.131

Additionally, to keep the human rights ombudsman free from influence of the administration, Congress elects them and hears their yearly report.132 Guatemala established a human rights ombudsman’s office in 1985, and it continues to exist, but the extent to which it influences variation in the frequency of human rights abuses in Guatemala is up for question.

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Based upon the goals and duties of the human rights ombudsman in the Guatemalan Constitution, the establishment and continued operation of the human rights ombudsman should lead to decreased human rights abuses due to a variety of causal mechanisms. One such mechanism is an accessible ombudsman. If citizens are unable to report claims to the ombudsman or choose not to because they feel that the ombudsman will not take their claims seriously, the ombudsman will not be able to investigate and decrease abuses. Adequate funding for the office is another causal mechanism because the office cannot fulfill its mandate and decrease human rights abuses if it does not have the funding to investigate abuses and make recommendations. An independent office is also important because its ability to carry out investigations free from influence by possibly corrupt government officials is crucial to reducing impunity and abuses. Governmental cooperation is another causal mechanism because the human rights ombudsman’s office relies on cooperation from other areas of the government to carry out its recommendations. Without this cooperation, the office is effectively powerless. This relates to the final causal mechanism, which is the office’s ability to act on rulings, such as enforcing decisions the office makes, implementing recommendations, or referring government officials for criminal prosecution. This helps to decrease human rights abuses because it ensures that their decisions have weight, and that impunity cannot continue. If these causal mechanisms are in place, then human rights abuses should decrease. Therefore, this paper expects the operation of the human rights ombudsman’s office to cause a decrease in the frequency of human rights abuses in Guatemala in the period 1985-2015.

The second independent variable is the blurring/separation of the military-police relationship. Essentially, police militarization and military constabularization are the inverse of each other, and they often occur in tandem. Therefore, this paper now examines them together as
the blurring/separation of the military-police relationship. Examples of blurring include military intervention in domestic security, military infiltration of police leadership, joint operations between the military and police, and police using military-grade weapons and unnecessarily aggressive tactics to carry out their mandate. What is left to determine is the extent to which a more blurred or separated military-police relationship explains variation in the frequency of human rights abuses.

Separation of the military-police relationship in Guatemala should lead to a decreased frequency of human rights abuses in the period 1985-2015 due to a variety of causal mechanisms. One such mechanism is the formal separation of the military and police. By formally separating the two with a law or decree, the government signals its intent to keep military tactics and excessive force out of domestic security operations where civilians could suffer human rights abuses. Having separate chains of command is another causal mechanism because it allows police to investigate human rights abuses that the military committed without having to report to military supervisors who would discourage such investigations. Having no military involvement in domestic security also leads to fewer human rights abuses because the military is trained to interact with combatants not to perform policing duties where they could use excessive force against civilians. The final causal mechanism related to the blurring/separation of the military-police relationship that the analysis examines is having separate equipment and training for the military and police. This is important for decreasing human rights abuses because police that are trained with a military mindset, using military-grade weapons will be more likely to perceive threats and use these weapons and excessive force against civilians. If these causal mechanisms are in place, then separation of the military-police

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relationship should decrease human rights abuses. Upon examining the descriptive evidence, this paper expects the blurring or separation of the military-police relationship to explain the frequency of human rights abuses in Guatemala in the period 1985-2015.

The third independent variable is activity of pro-government militias left over from conflict. Guatemala’s Civilian Defense Patrols arose in the 1980s, amid the internal armed conflict. Many joined the Civilian Defense Patrols under duress from the Guatemalan government, and the purpose of the patrols was to track and monitor villages to ensure no members joined rebel forces. These patrols were responsible for many human rights abuses, and they were officially disbanded in the 1996 Peace Accords. However, not all patrols ceased their activity or cut ties with the military. This paper examines how the operation of conflict-era, pro-government militias impacts variation in frequency of human rights abuses in Guatemala in the period 1985-2015.

Decreased activity of conflict-era, pro-government militias should lead to a decreased frequency of human rights abuses in Guatemala due to a variety of causal mechanisms. One causal mechanism is not receiving government support to act in its interests. Receiving this support incentivizes militias to intimidate political opposition, journalists, and human rights activists as well as commit other human rights abuses that help the government retain control and limit dissent. Not coordinating with the military and/or police is another causal mechanism because this coordination would legitimize the violence that conflict-era, pro-government militias commit, connect them to a source of weapons, reinforce their pro-government attitudes, and create a funnel for current and former military and police members to join these militias. No forced conscription of civilians by these militias also decreases the frequency of human rights abuses.

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abuses because forced conscription is a human rights violation and exposes more community members to environments of violence and to positions of power. No impunity for past abuses is another causal mechanism leading to a decreased frequency of human rights abuses. When there is punishment for committing abuses, abusers are deterred from committing future abuses, and victims become more likely to come forward with their claims. The final causal mechanism related to the activity of conflict-era, pro-government militias is no resistance to formal disbandment and no group evolution. Those who are part of a pro-government militia grow accustomed to violence and to exercising a high degree of power over community members. They also form a sense of comradery with their fellow militia members that they may be loath to relinquish. If militia members resist a formal law or decree disbanding pro-government militias, they are likely to continue committing human rights abuses and evolve into clandestine groups involved in illegal activity. If these causal mechanisms are in place, then the decreased activity of conflict-era, pro-government militias should lead to fewer human rights abuses. In the period 1985-2015, in Guatemala, this paper expects to see a large decrease in pro-government-militia-committed human rights abuses after 1996 when they were officially disbanded, and a continued, gradual decrease in these human rights abuses as time goes on, groups that continued activity slowly die out, and ex-Civilian Defense Patrolmen age.

The fourth independent variable is press freedom. A free press is one that is independent and free from government censorship and where journalists do not suffer from harassment or intimidation.\textsuperscript{135} Additionally, a free press is instrumental to ensuring human rights protections

because it supplies the effective monitoring necessary to deter abuses. Restrictions on press freedom remain in Guatemala, but now, what is left to determine is how these restrictions have changed in the period 1985-2015 and how they explain the frequency of human rights abuses in the country.

Greater press freedom should decrease the frequency of human rights abuses in Guatemala in the years 1985 to 2015 due to a variety of causal mechanisms. One such mechanism is information transparency because it decreases impunity, raises the costs of committing human rights abuses, and deters future abuses. The government signaling support for transparency is different from the actual level of information transparency. However, it is also important because it indicates commitment to carrying out justice based on journalistic reporting. A non-monopolized media should also decrease abuses because it ensures that all information in a country cannot come from a single source that could perpetuate corruption and impunity. Minority inclusion in the media also deters human rights abuses because it ensures that the voices of the most vulnerable populations are heard and can decry abuses when they occur. The final causal mechanism related to press freedom is journalist safety. When journalists fear harassment, intimidation, arbitrary arrests, or even death, they will hesitate to publish stories detailing corruption or human rights abuses. If they feel safe, they will be able to report on such issues and decrease the probability of future human rights abuses. If these causal mechanisms are in place, then greater press freedom should decrease human rights abuses. This paper expects to see more press freedom leading to fewer human rights abuses, both because attacks on journalists count as human rights abuses and because increased transparency should increase the costs of potential abuses.

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Qualitative evidence for the independent variables comes from declassified U.S. State Department cables, various newspaper articles and press releases, U.S. State Department Country Reports, Human Rights Watch World Reports, Organization of American States (OAS) Country Reports of Freedom of Expression, Latin America Data Base Reports, and Inter-American Commission on Human Rights (IACHR) Reports. This evidence will provide an illustration of each of the independent variables and their causal mechanisms 1985-2015.

This qualitative case study on Guatemala in the period 1985-2015 will contribute to the field of human rights research because it will provide the field with a deeper understanding of how the operation of a human rights ombudsman’s office, the blurring/separation of the military-police relationship, activity of pro-government militias created during conflicts, and press freedom explain the frequency of human rights abuses in Guatemala. Starting in 1985—with the return to civilian rule, the adoption of the country’s eleventh constitution, and the establishment of the human rights ombudsman’s office—and following the independent variables through the end of the internal armed conflict in 1996 and forward into 2015 will allow for an in-depth understanding of how the independent variables and the dependent variable have changed. This will illustrate which independent variables best explain the variation in the frequency of human rights abuses in post-conflict societies and help guide future policies aiming to decrease human rights abuses, as well as provide insight into what future research would benefit the field.

**Analysis**

This section includes an analysis of the previously discussed research design in Guatemala in the period 1985-2015. The goal of this section is to see how the four independent variables explain variation in the frequency of human rights abuses within existing structures and
institutions that lend themselves to a higher frequency of human rights abuses such as low state capacity, rampant corruption, or a weak judiciary.

**Human Rights Abuses**

Historical context is important for understanding the impacts of the four independent variables because human rights abuses do not occur in a vacuum. Guatemala elected its first civilian government in 1944, but the Arbenz administration’s land reform initiatives came into conflict with the interests of powerful multinational corporations. Subsequently the CIA helped to orchestrate a coup d’état, install a right-wing military dictatorship, and plunge the country into years of political violence.137 Guatemala’s internal armed conflict lasted thirty-six years, from 1960, to 1996. During this period, human rights abuses were rampant, and the government killed or forcibly disappeared over 200,000 Guatemalans. 83% of the victims were indigenous.138 The bloodiest period of the internal armed conflict was the seventeen-month reign of General Rios Montt from March 1982 to August 1983 where the government launched a scorched earth campaign against the Maya communities.139 Shortly after, in 1985, the country adopted a new constitution and returned to civilian rule. However, the armed internal conflict did not end. The new civilian government initiated a gradual peace process that culminated in the signing of peace

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138 “Guatemala,” Center for Justice and Accountability.
accords in 1996. With this background context in mind, this section can now turn to the evolution of the state of human rights in Guatemala in the period 1985-2015.

Figure 12. shows the variation in the frequency of human rights abuses in Guatemala in the period 1985-2015. It is based on the V-dem Human Rights Index, which ranges from 0 (least rights) to 1 (most rights). “It captures the extent to which people are free from government torture, political killings, and forced labor; they have property rights; and enjoy the freedom of movement, religion, expression, and association.” It is important to note that while this graph measures the state of human rights and shows improvement, the dependent variable is the frequency of human rights abuses. Therefore, as the graph goes up, the frequency of human rights abuses goes down. This analysis will now turn to give some qualitative evidence for the noteworthy point of the trend demonstrated in figure 12.

140 “Guatemala,” Center for Justice and Accountability.
From 1985, to 1987, immediately following Guatemala’s return to civilian rule, there was a noticeable reduction in the frequency of human rights abuses. A 1986 secret U.S. State Department correspondence to the U.S. Senate Select Committee on Intelligence testifies to this phenomenon. “We believe Cerezo’s government has made definite, encouraging improvements in curtailing human rights abuses.”\(^{142}\) However, a CIA secret cable also from 1986, states that “human rights violations continue, and impediments to further progress remain… it is impossible to determine responsibility for the inordinately high numbers of deaths and disappearances.”\(^{143}\) What these two conflicting accounts reveal is that yes, human rights abuses continued, but their frequency decreased once the military was no longer in complete control. Additionally, while the civil war continued, its bloodiest period was in the early 1980s, immediately before the country’s return to civilian rule. This alone is enough to explain a decrease in the frequency of human rights abuses, but massacres of indigenous populations also became less frequent.\(^{144}\) Guatemala’s efforts to decrease human rights abuses in this period culminated in the ratification of the American Convention on Human Rights in 1986 and the Inter-American Convention to Prevent and Punish Torture in 1987 and in its acceptance of the obligatory jurisdiction of the Inter-American Court of Human Rights in 1987. On paper, Guatemala’s domestic legislation relating to human rights was among the most advanced in the world at this point.\(^{145}\)

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\(^{144}\) “Guatemala,” Center for Justice and Accountability.

to civilian rule followed the bloodiest part of its history and was a time of progress in reducing human rights abuses, even if abuses continued.

The frequency of human rights abuses stagnated in 1987-1993. It is possible that further progress was impeded by the military. A CIA secret cable from 1989 shows security forces resisted investigation of human rights abuses and implied that human rights groups were fabricating the numbers of abuses and disappearances.¹⁴⁶ Through 1993, the human rights situation remained bleak in Guatemala with assassinations, disappearances, use of excessive force, and torture by security forces; death threats against trade unionists, human rights monitors, academics, journalists and others; and a general refusal by the government to investigate claims of human rights abuses.¹⁴⁷ Additionally, the Bush administration suspended all military and commercial arms sales to Guatemala because of rampant human rights violations and the impunity granted to the perpetrators. This indicates increased international pressure to address Guatemala’s poor track record with human rights. However, even though the bush administration stopped selling arms to Guatemala, it continued to train the military and police who were committing many human rights abuses¹⁴⁸ While there had been a decrease in the frequency of human rights abuses following the return to civilian rule, this stagnated soon after.

The period 1994-2000 was a time of great reduction in the frequency of human rights abuses in Guatemala. The period started on a high note with the signing of a comprehensive

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human rights accord on March 29, 1994, by the government and the guerillas. Shortly after, in 1996, Guatemala’s thirty-six-year civil war came to an end with the signing of the peace accords, and political violence waned. Additionally, the Arzú administration undertook several initiatives to address human rights abuses and end impunity, while also demonstrating a greater degree of independence from the military than any previous civilian government. The government also had incentives to stick to its promises because the guerillas still had the potential to quickly regroup if it did not. The January 2000 inauguration of President Alfonso Portillo was a turning point for human rights. “Within two months, President Portillo declared a national day in honor of the estimated 200,000 victims of Guatemala's thirty-six-year civil conflict, ratified the Inter-American Convention on Forced Disappearances, and, before the Inter-American Commission on Human Rights (IACHR), admitted state responsibility for past violations, while publicly committing himself to bringing those responsible to justice.”

Even though the frequency of human rights abuses in Guatemala decreased in the period 1994-2000, human rights abuses like threats against and the harassment and killing of human rights activists, journalists, and community leaders continued.

2000 to 2015 was another period of stagnation with very little variation in the frequency of human rights abuses. The years following the return to civilian rule and the signing of the Peace Accords were periods of progress; however, since 2000, there has been no major event to provide an impetus for further progress. As a result, Guatemala’s V-dem index score stays just

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above 0.7 for the entire period 2000-2015. In this period, corruption and impunity remained the norm, while efforts to investigate and punish past abuses made little progress. Additionally, political violence and other human rights abuses such as harassment, intimidation, and violence—often committed by security forces—against journalists, justice workers, human rights defenders, and indigenous leaders remained common. All of this sounds bleak; however, it is still evidence of sustained improvements, and that should count for something. While the human rights situation in Guatemala is still far from ideal, it is better than it was at any point before 2000. Additionally, Guatemala does not backslide on its human rights improvements, which is notable. Hopefully, in the future, Guatemala will once again be able to decrease the frequency of human rights abuses within its borders.

One interesting event within the period 2000-2015 that is not reflected in Guatemala’s V-dem human rights index score is the establishment of the UN-created Commission Against Impunity in Guatemala (CICIG) in 2007. The commission's mandate was to work with the Guatemalan Attorney General's Office to investigate and prosecute those responsible for ongoing violence against human rights defenders. CICIG’s mandate was set to expire in 2009, Guatemala’s Congress continued to extend its mandate until 2019 when President Jimmy

Morales refused to renew it—after CICIG investigated him for fraud.\textsuperscript{154} While CICIG helped to prosecute some human rights abusers, improve the witness protection program, and purge more than 1,000 officers from the National Civilian Police, it often faced systematic obstruction by the very corruption it sought to root out.\textsuperscript{155} It is worth noting that despite the potential that CICIG had to reduce the frequency of human rights violations, it had no discernable effect on Guatemala’s V-dem human rights index score from its establishment to 2015.

One limitation of using the time period 1985-2015 is that it does not capture the decrease in Guatemala’s V-dem human rights index score after 2019 when Jimmy Morales expels CICIG.\textsuperscript{156} This sent a blatant signal that the government did not care about corruption and impunity and removed deterrents that were possibly stopping abusers of human rights from committing further abuses. Any progress made by CICIG to combat corruption and impunity were likely undone by this act. The frequency of human rights abuses in Guatemala increases after the time period, and the impetus seems to be the expulsion of CICIG, which illustrates the importance and effects of corruption and impunity in the justice system.

In the period 1985-2015, Guatemala made progress in decreasing the frequency of human rights abuses, but it still has a way to go. A culture of corruption and impunity continues to reign and creates obstacles for those advocating for human rights and legal justice. Despite challenges

and setbacks, the frequency of human rights abuses in Guatemala in 2015 was lower than it was in 1985. With the state of human rights abuses determined, this analysis can turn to understanding what, among the four variables, explains variation in the frequency of human rights abuses within the existing structures and institutions that lend themselves to a higher frequency of human rights abuses.

*Operation of a Human Rights Ombudsman’s Office*

As previously explained, this paper expects the operation of a human rights ombudsman’s office to lead to a decrease in the frequency of human rights abuses in Guatemala. Guatemala’s eleventh constitution established the office of the human rights ombudsman in 1985.\(^{157}\) Now, this analysis examines the previously mentioned causal mechanisms in the period 1985-2015 and concludes that a human rights ombudsman’s office is necessary but not sufficient to decrease the frequency of human rights abuses.

The first causal mechanism examined is an accessible ombudsman. For an ombudsman’s office to be effective, citizens must be able to report claims of human rights abuses. If they are unable to or choose not to because they feel that the ombudsman will not take their claims seriously, the ombudsman will not be able to investigate and decrease abuses. The first human rights ombudsman in Guatemala was Gonzalo Menéndez de la Riva, and his term lasted 1987-1989.\(^{158}\) His term did not start until two years after the establishment of the human rights office, and even though he was a conservative lawyer who had fought against land redistribution and other rights-related issues in the past, Congress chose him over several Guatemalans with strong

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human rights backgrounds who expressed interest in the office.\(^{159}\) A New York Times article from 1989 criticized Menéndez de la Riva saying, “He has not pressed for investigation of past crimes, nor has he commented on any of the several hundred killings that have occurred since he took office. His only major public statement has been to denounce an increase in electricity rates as a violation of human rights.”\(^{160}\) If this was not enough to signal to citizens that Menéndez de la Riva would not thoroughly investigate their claims, he opened an office in a residential neighborhood not served by public transportation and only saw visitors by appointment.\(^{161}\) The beginning of Menéndez de la Riva’s term coincides with the first stagnation of Guatemala’s V-dem human rights index score, which is unsurprising because he was an inaccessible ombudsman. While the ombudsman’s office is now in a much more central location in Guatemala City,\(^{162}\) the Guatemalan public did not stop questioning the ombudsman’s effectiveness after the 1980s.\(^{163}\) Hesitancy to report to the ombudsman’s office due to either the ombudsman’s lack of effectiveness or fear of reprisal by those who committed the abuse in the first place is a recurring theme in newspaper articles well into the twenty-first century.\(^{164}\) This lack of faith diminishes the office’s accessibility and ability to carry out its mandate and signals that this causal mechanism is not in place.


\(^{164}\) “Members of media ask how editor died,” David Adams.
Adequate funding is another causal mechanism necessary for a human rights ombudsman’s office to effectively carry out its mandate and decrease human rights abuses. If it does not have the funding to investigate abuses and make recommendations, it cannot work to improve human rights. Jorge Mario García Laguardia was the human rights ombudsman from 1993 until 1997 and frequently complained that the government did not fund his office adequately.\textsuperscript{165} His successor, Julio Eduardo Arango Escobar (1997-2002), echoed this sentiment and requested more funding from Congress, saying that the lack of funding limited the office’s ability to develop adequate investigative capabilities.\textsuperscript{166} Arango Escobar’s efforts were unsuccessful, and when Sergio Fernando Morales (2002-2012) took office, the budget continued to be inadequate and less than the amount reserved for the national soccer team.\textsuperscript{167} U.S. Department of State Country Reports consistently emphasize through the end of the investigated period in 2015, that the human rights ombudsman’s office did not have adequate resources to undertake its duties.\textsuperscript{168} Clearly, this causal mechanism is not in place, and the human rights


ombudsman’s office is underfunded, which seriously impedes its ability to advocate for human rights and investigate claims.

An independent office is critical to an ombudsman’s ability to decrease the frequency of human rights abuses. The office cannot carry out investigations or reduce impunity and abuses if it is not free from influence by possibly corrupt government or military officials. Menendez de la Riva retired in 1989, only two years into his tenure as human rights ombudsman, and the Guatemalan media widely speculated that he did so because the office had no independence or strength. In 1993, Congress named human rights ombudsman de León Carpio to replace President Jorge Serrano following a failed coup attempt. After less than a year in the presidency, Garcia Laguardia—de León Carpio’s successor as ombudsman—criticized de León Carpio for ignoring human rights issues and impeding the work of the ombudsman. This signaled a clear continuation of outsized influence by executive branch officials into the administration of justice and the investigation of crimes. Additionally, those working within the office on cases related to human rights violations and official corruption often received threats. This influenced which cases the office could safely investigate and limited its independence. U.S Department of State Country Reports start to tell a different story starting in 1998, saying that “The Ombudsman, Julio Arango Escobar, operates with a large degree of

170 “Ramiro de Leon Carpio, 60; Former Guatemala Leader,” 17 April 2002, LA Times, sec. World & Nation.
independence from other branches of the Government.”

The U.S. State Department continued to assert that the office operated without government or party interference through 2015. It is interesting to note that the ombudsman’s office became more independent in 1998, during one of the two periods when Guatemala’s V-dem index score was improving. An ombudsman’s office must be independent to effectively fulfill its mandate, and this causal mechanism is in place.

Governmental cooperation is another causal mechanism necessary for the human rights ombudsman’s office to decrease abuses. The ombudsman’s office relies on cooperation from other areas of the government to carry out its recommendations. Without this cooperation, the office is effectively powerless. One of the most dramatic examples of government officials pushing back against the ombudsman’s office came in 1993 when President Serrano had ombudsman de León Carpio arrested. Although de León Carpio was released and later became president, his successor Garcia Laguardia expressed frustration at how frequently government ministers and officials ignored his inquiries and requests. Despite the fact that the frequency of human rights abuses was decreasing in the second half of the 1990s and the government’s claimed commitment to improving human rights, government relations with the ombudsman’s office remained strained since not all government employees were inclined to cooperate.

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1995, Garcia Laguardia authored a report censuring multiple high level officials, including President de León Carpio, for not cooperating with his office.\textsuperscript{178} Through 2000, relations between the ombudsman's office and the executive branch were tense, the ombudsman reported that security force agents intimidated and refused to cooperate with ombudsman office officials, and Congress neglected to implement ombudsman recommendations on human rights.\textsuperscript{179} In 2005, U.S. State Department Country Reports change their tone, stating that the human rights ombudsman’s office “had the government’s cooperation.”\textsuperscript{180} This U.S. State Department assertion of governmental cooperation continues through 2015.\textsuperscript{181} However, it is important to keep in mind that a government can cooperate and not obstruct an ombudsman’s office without enthusiastically tackling every recommendation. An ombudsman’s office needs cooperation from other actors in the government to effectively fulfill its mandate, and this causal mechanism is in place.

The ombudsman’s office’s ability to act on its rulings is the last causal mechanism necessary for a human rights ombudsman’s office to effectively carry out its mandate and decrease human rights abuses. Being able to act on its own rulings ensures that the office’s decisions have weight, and that impunity cannot continue. Garcia Laguardia was a very vocal ombudsman and made his frustration with his office’s lack of legal powers to enforce decisions known. He asserted that his office could do little in the face of the government’s "limited efforts"

to address the "lack of respect for life and dignity."\textsuperscript{182} The ombudsman’s office’s rulings lacking the force of law continued through the tenures of Arango Escobar, Morales Alvarado, and Jorge de León Duque, who was the ombudsman from 2012-2017.\textsuperscript{183} One of the Guatemalan human rights ombudsman’s offices biggest weaknesses may be that it cannot act on its own rulings. This causal mechanism is not in place, meaning that there is no way to force compliance with the ombudsman’s office’s rulings and recommendations, which seriously diminishes its ability to decrease the frequency of human rights abuses.

This paper expected the operation of a human rights ombudsman’s office to lead to a decrease in the frequency of human rights abuses in Guatemala. While human rights abuses did decrease in frequency from 1985 to 2015, it does not seem that the mere establishment and continued operation of a human rights ombudsman’s office can explain this decrease. One point of note is that the only causal mechanism that goes from being not in place to being in place during the period 1994-2000, when Guatemala’s V-dem index score was improving, is the independence of the office. Another causal mechanism necessary to an ombudsman’s office’s effectiveness and in place by 2015, which could help to explain some of the decrease in the frequency of human rights abuses. However, an accessible ombudsman, adequate funding, and the office’s ability to act on its rulings are also necessary causal mechanisms, but they were not in place. After examining the causal mechanisms (pictured in Figure 13) in the period 1985-

2015, this paper concludes that a human rights ombudsman’s office is necessary but not sufficient to decrease the frequency of human rights abuses.

**Blurring / Separation of the Military-Police Relationship**

As previously explained, this paper expects the separation of the military-police relationship in Guatemala to lead to a decreased frequency of human rights abuses. Now, this analysis examines the previously mentioned causal mechanisms in the period 1985-2015 and concludes that the relationship between the police and military is blurred and would benefit from separation.

The first causal mechanism necessary to have a separate military-police relationship and decrease the frequency of human rights abuses is the formal separation of the two through a decree or a law. Before the return to civilian rule in 1985, Guatemala was under a military dictatorship, so of course, the military-police relationship was quite blurred. A U.S. State
Department secret report titled *Guatemala’s Disappeared 1977-86* details how disappearances were “used systematically by the security forces” to silence and intimidate opponents of the regime. It continues to reference the police and military as a single unit—the security forces that acts toward the same goals.¹⁸⁴ In fact, as a measure against the formal separation of the police and military, the outgoing Mejia regime created a National Security Council to preserve military influence in domestic security issues.¹⁸⁵ Formal separation of the military and police did not come about until the 1996 Peace Accords, which stipulated that the military was to give up its role in internal security and devote itself solely to external defense. However, this separation looked different on paper and in practice.¹⁸⁶ Formal separation of the two did not last very long, and in 1996—the same year as the Peace Accords—Congress approved Governmental Decree No.90-96 allowing the military to assist the police in domestic security issues.¹⁸⁷ Then in 2008, the country reversed course when President Colom ordered that the “country’s army start tapering off the domestic security duties it has exercised.”¹⁸⁸ Once again, this did not last, and by 2015, the military was back to addressing domestic security challenges. At the time, more than 20,000 soldiers were deployed throughout the country and newly established taskforces, such as the one against drug trafficking (FIAAT) were designed to utilize military and police cooperation.¹⁸⁹ While formal separation of the military and police has existed at times, constant reversals and counter-reversals have eroded the legitimacy of formal separation and raise the

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question of if the military and police even are formally separated. While the causal mechanism of formally separating the military and police is more in place than it was in 1985, this paper cannot say that it is fully in place.

Another causal mechanism necessary for the separation of the military and police is the presence of separate chains of command. Understandably, during the periods when formal separation of the military and police did not exist, there was little effort to separate chains of command. In 1998, two years after Governmental Decree No.90-96, the police force remained firmly under the control of the military, eliminating any chance of the police investigating the military’s past or current human rights abuses. As if actual integration of the chain of command was not enough, the 1990s were characterized by a drive to recruit former military personnel—mainly from the feared military intelligence branch—into high ranking positions within the police force. With former military intelligence personnel looking over their shoulder, police would hesitate to investigate cases of human rights abuses linked to the military. By 2009, right after President Colom ordered the military to disengage from the police, there were no longer active members of the military serving in the police command structure. However, the military continued to provide support to the police, and joint military-police operations, under police operational control, were not uncommon. While the chains of command might be formally separated, the presence of former military members within the police force and cooperation between the two entities implies that the police chain of command is not entirely free from military influence. Once again, this causal mechanism is more in place than it was in 1985, but this paper cannot say that it is fully in place.

Having no military involvement in domestic security is another causal mechanism necessary for the separation of the military and police and a decrease in the frequency of human rights abuses because the military is trained to interact with combatants not to perform policing duties. However, the military has historically played an outsized role in Guatemala’s domestic security. The police and military work together to respond to common crime, to control protests—often by using excessive force—and to perform acts of intimidation, like illegal evictions. The government justifies military involvement in domestic security by asserting that it is necessary to combat organized crime and drug trafficking. They have used this same excuse to declare multiple states of emergency, which allow for the suspension of basic rights and often lead to the use of excessive force against civilians by members of the security forces. By the end of the examined period, the government was increasingly relying on the military to carry out law enforcement duties. Clearly the causal mechanism of no military involvement in domestic security is not in place.

Having separate equipment and training for the military and police is also important to separate the military and police and decrease human rights abuses because police that are trained with a military mindset, using military-grade weapons will be more likely to perceive threats and

use these weapons and excessive force against civilians. Not only did the Guatemalan military and police forces share equipment and training before the signing of the Peace Accords, but it also often came from the United States. In 1997, the Bush administration provided Guatemalan security forces with 16,000 M-16 rifles, $9 million in aid, training to fly A-37 planes, and training in marksmanship and patrolling tactics.\textsuperscript{198} Even after the Bush administration suspended aid and commercial arms sales because of human rights violations, U.S. training of Guatemalan soldiers and officers continued.\textsuperscript{199} Police and military training together, with the same weapons, resulted in them sharing a military mindset, where they are more likely to perceive threats. Even after the U.S. stops training Guatemalan soldiers and officers, their trainings and weapons-usage continued to overlap. Subsequently, members of the police consistently employed excessive force against civilians and were responsible for numerous human rights abuses through the end of 2015.\textsuperscript{200} Having separate equipment and training for the police and military would help to more concretely separate the two, but this causal mechanism is not in place.

This paper expected the separation of the military-police relationship to lead to a decrease in the frequency of human rights abuses in Guatemala. While human rights abuses did decrease in frequency from 1985 to 2015, increased separation of the military and police cannot explain this decrease because the military and police continue to have a blurred relationship. Many causal mechanisms related to the blurring/separation of the military-police relationship explain

[https://www.cia.gov/readingroom/docs/sanitized%20views%20of%20deteri%5B15426455%5D.pdf (accessed 12 February 2024)]
its impact on the frequency of human rights abuses in Guatemala. Formal separation of the two entities and separate chains of command are two causal mechanisms that are necessary but not entirely in place. Over the years, there were efforts to formally separate the military and police and their chains of command, but reversals and work arounds have limited the impact of these causal mechanisms. No military involvement in domestic security and separate equipment and training are two other causal mechanisms that are not in place in any capacity. After examining the causal mechanisms (pictured in Figure 14) in the period 1985-2015, this paper concludes that the military-police relationship is blurred and increasing separation could potentially lead to a decrease in the frequency of human rights abuses in Guatemala.

Figure 14.

Causal Mechanism: Blurring/Separation of the Military-Police Relationship

- Formal Separation
- Separate Chains of Command
- No Military Involvement in Domestic Security
- Separate Equipment and Training
- Decreased Frequency of Human Rights Abuses
Activity of Conflict-Era, Pro-Government Militias

As previously explained, this paper expects decreased activity of conflict-era, pro-government militias in Guatemala to lead to a decreased frequency of human rights abuses. Now, this analysis examines the previously mentioned causal mechanisms in the period 1985-2015 and concludes that conflict-era, pro-government militias are still active in Guatemala.

The first causal mechanism is conflict-era, pro-government militias not receiving government support to act in its interest. If a militia continues to receive this support, it will incentivize them to continue intimidating political opposition, journalists, and human rights activists as well as commit other abuses to help the government retain control. The Rios Montt administration created the first pro-government militias in Guatemala in 1982, right in the middle of the internal armed conflict. At this point, they received abundant government support and directives, while having the ability to “conscript virtually the entire male population of specific areas into periodic, unpaid military duty.”201 A U.S. Department of State Secret Cable from 1991, entitled Selective Violence Paralyzes the Left details where the pro-government militias get their orders from saying “how high up the orders come from probably depends on the particular case and the people in senior positions.”202 This affirms that pro-government militias were not acting of their own volition but following directives from the government that supported them. In 1996, the government announced it would begin a gradual dissolution of the militias,203 and by 2005, they were no longer officially receiving support from the government. However, they were still acting in its interests by carrying out acts of intimidations against opponents of the

regime. Action by conflict-era, pro-government militias against human rights advocates, justice officials, journalists, labor activists, and others who have denounced human rights abuses by the government or security forces continued through the end of the examined period despite no longer receiving support or directives. It is possible that enduring allegiances may be stronger than a lack of support. This indicates that the causal mechanisms of not receiving government support to act in its interests is in place, but it is not leading to conflict-era, pro-government militia ceasing all activity and human rights abuses.

Not coordinating with the military and/or police is another important causal mechanism to decrease conflict-era, pro-government militia activity and the frequency of human rights abuses. Security force-coordination legitimizes the violence that conflict-era, pro-government militias continue to commit, reinforces their pro-government attitudes, and creates a funnel for current and former military and police members to join. In the 1980s, these militias were being actively directed by the Guatemalan security forces. A 1989 CIA secret cable entitled *Vigilante Groups Supported by Guatemalan Government* discusses how the military “issued numerous civilian military commissioner and assistant military commissioner identifications to civilians and tasked them with rounding up criminals and undocumented persons.” By criminals, the military meant those who opposed the government. Once militias turned over their captives, the military would promptly kill them. The 1991 U.S. Department of State Secret Cable entitled *Selective Violence Paralyzes the Left* affirms this coordination and adds that the militia composition included “members of the security forces, often military intelligence (D-2) but also

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207 “Vigilante Groups Supported by the Guatemalan Government,” Guatemalan Police Archives.
others from presidential security, zone commands, and occasionally the civilian police forces.\textsuperscript{208}

Since the internal armed conflict ended and the government stopped officially supporting these militias, coordination with security forces has also ceased.\textsuperscript{209} This coincides with Guatemala’s decrease in the frequency of human rights abuses in the period 1994-2000. However, the presence of former security force members in these militias could help to explain the enduring allegiance of these groups to the government. While the causal mechanisms of not coordinating with the military or police is in place and activity of these groups has decreased, conflict-era, pro-government militia are continuing some activity and committing human rights abuses.

Another necessary causal mechanism is having no forced conscription of civilians by these militias. Forced conscription in itself, is a human rights violation and exposes more community members to environments of violence and to positions of power. Forced conscription of almost the entire male population of certain areas was common and expected between the establishment of the pro-government militias in 1982 and the return to civilian rule in 1985.\textsuperscript{210} The 1985 constitution prohibited compulsory service; however, refusing to serve in a militia would result in the military labeling an individual as subversive, which usually meant that they would become a target of the militia that they refused to join.\textsuperscript{211} In 1993, eight years after it became illegal, forced militia membership in areas of conflict remained a common practice.\textsuperscript{212} With the Peace Accords in 1996, when the government announced a gradual dissolution of pro-government militias, forced conscription died off—even if militias continued to be active without government support.\textsuperscript{213} Again, this coincides with Guatemala’s decrease in the

\textsuperscript{208} “Selective Violence Paralyzes the Left,” Guatemalan Police Archives.
frequency of human rights abuses in the period 1994-2000. No forced conscription of civilians is one causal mechanism related to the activity of conflict-era, pro-government militias that is in place and could help explain decreased activity and human rights abuses since recruitment practices ended with it.

Having no impunity for past abuses is another causal mechanism leading to the decreased activity of conflict-era, pro-government militias. Stamping out impunity is essential. When there is punishment for committing abuses, abusers are deterred from committing future abuses, and victims become more likely to come forward with their claims. The 1985 constitution strengthened the judicial system in general, but not in relation to the security forces or the militias they directed. The outgoing Mejia regime ensured that there was no provision for civilian judicial authority over the armed forces and that there would be no prosecution of military, police, or militia members for past human rights abuses.214 Rampant impunity continued through the end of the internal armed conflict as the army covered up human rights violations committed by pro-government militias.215 Little improved following the signing of the Peace Accords in 1996 and the start of pro-government militia disbandment, since impunity was still common through the end of the examined period in 2015.216 The establishment of CICIG brought hope for an end to impunity for past human rights abuses, but corruption impeded CICIG’s effectiveness until its dissolution.217 The causal mechanism of no impunity for past abuses is not in place and does not provide a deterrent to future abusers of human rights.

The final causal mechanism related to the activity of conflict-era, pro-government militias is no resistance to formal disbandment and no group evolution. Those who are part of a pro-government militia grow accustomed to violence and to exercising a high degree of power over community members. They also form a sense of comradery with their fellow members. If militia members resist a formal law or decree disbanding pro-government militias, they are likely to continue committing human rights abuses and evolve into clandestine groups involved in illegal activity. Even though the government announced the gradual dissolution of pro-government militias starting in 1996, many individuals resisted dissolution and continued to practice intimidation and commit human rights abuses, such as militia members who returned to their communities and started practicing vigilante justice and policing.218 Some who obeyed orders to gradually dissolve later reversed course, leading to the reorganization of a concerning number of conflict-era, pro-government militias in the early 2000s.219 Discussing the far-reaching control, influence, and impunity of gangs in the twenty-first century, the Guatemala Human Rights Commission writes that: “When the war ended, participants in these death squads were so accustomed to extreme forms of violence and the power that came with it that they evolved into organized crime units or clandestine groups whose reign of terror continues more than ten years later.”220 Even without government support or coordination from the security forces, these militia-evolved-clandestine groups often utilize intimidation and other human rights abuses to further the government’s interests.221 Clearly, this causal mechanism in not in place because there was resistance to formal disbandment and group evolution.

This paper expected decreased activity by conflict-era, pro-government militias to lead to a decrease in the frequency of human rights abuses in Guatemala. Human rights abuses decreased in frequency from 1985 to 2015, and conflict-era, pro-government militia activity declined as members aged. However, there is still activity by conflict-era, pro-government militias in the form of clandestine groups. A point of note is that formal disbandment—when many but certainly not all groups disbanded—did occur within the period 1994-200 when Guatemala’s V-dem human rights index score was improving. A lack of government support to act in its interests and ceased cooperation with security forces are two causal mechanisms that are in place but are not depressing militia activity like they should because of the enduring allegiance of these militia members to the government. No impunity for past abuses and no resistance to formal disbandment or group evolution are two causal mechanisms that are not in place and can help to explain some continued activity by conflict-era, pro-government militias. The only causal mechanism that is truly and effectively in place is no forced conscription of civilians, which ended recruitment practices and helps to explain decreased militia activity, especially as members age. After examining the causal mechanisms (pictured in Figure 15) in the period 1985-2015, this paper concludes that conflict-era, pro-government militias are still active in Guatemala.

Press Freedom

As previously explained, this paper expects greater press freedom to decrease the frequency of human rights abuses in Guatemala. Now, this analysis examines the previously mentioned causal mechanisms in the period 1985-2015 and concludes that press freedom in Guatemala has improved but still has progress to make.

The first causal mechanism necessary to have a free press is information transparency because it decreases impunity, raises the costs of committing human rights abuses, and deters future abuses. Between the return to civilian rule in 1985 and the end of the internal armed conflict in 1996, data on press freedom is difficult to find. This is partly because the threat of assassination or torture by security forces prevented journalists and others who would challenge the government’s narrative from doing so, which significantly impeded information transparency.
and covered up corruption and human rights abuses. The 1987-1988 IACHR Annual Report notes significant obstacles to press freedom and information transparency, and in the early 1990s, journalists reported requests from government officials to cover certain stories with a pro-government slant, and the military made it clear that publishing unflattering stories would be punished. In 1998, human rights ombudsman Arango Escobar charged President Arzu with violating the right to freedom of expression. He did so after Arzu banned government officials or agents from talking to the newspaper El Periodico or the Newsmagazine La Cronica in an attempt to block information transparency about government misdeeds. Of course, Arzu's charges had no legal force. In the twenty-first century, information transparency did improve. The government reached an information transparency milestone in 2011, by turning the National Police Historical Archives Recovery Project into a state project. Rediscovered in 2005, these archives detail the activities and human rights abuses of the Guatemalan police in the

years 1982-1997 and have served as evidence that led to convictions for several perpetrators of human rights abuses.\(^{228}\) This was a huge step forward in promoting information transparency and accountability. Despite improvements in law and in practice, by 2015, obtaining information remained difficult for Guatemalan journalists, especially when covering governmental corruption or human rights abuses.\(^{229}\) These continued challenges to information transparency may be part of the reason why Guatemala’s human rights index remains stagnant in the twenty-first century. The causal mechanism of information transparency is more in place than it was in 1985, but it is still not in place, and information in Guatemala is not transparent.

Another important causal mechanism for a free press is the government signaling support for transparency. This is different from the actual level of information transparency, but it is important because it indicates recognition of the importance of a free press and commitment to carrying out justice based on journalistic reporting. Like how actual information transparency was almost nonexistent before the end of the internal armed conflict, the government did not signal any support for transparency or journalism in general.\(^{230}\) In 1993, many government officials, including the president, were outwardly critical of attempts by the press to increase transparency and cover corruption and human rights abuses.\(^{231}\) Additionally, despite the fact that the 1985 constitution established the general principle of public disclosure of government acts, the were no legal provisions regulating the effective exercise of these rights until 2009 when

\(^{228}\) “Office of the Special Rapporteur Situation of Freedom of Expression in the hemisphere – Chapter II 2011,” IACHR.


Guatemala implemented the Access to Information Law. However, a lack of sanctions for noncompliance weakens the law. More progress came in 2005 when the Constitutional Court suspended the Descato Laws, which up until that point, had made criticism of a public official a crime, diminishing transparency and public debate. Suspending the Descato Laws and implementing the Access to Information Law are two examples of how the Guatemalan government has signaled its increased support for information transparency throughout the examined period, and could help explain the sustained improvement in its V-dem human rights index score. However, obtaining information remains difficult for journalists and there is more that the government could do to signal support for transparency. While the causal mechanism of government support for information transparency is more in place than it was in 1985, it is still not in place.

A non-monopolized media is another causal mechanism necessary for press freedom. It should decrease abuses by ensuring that all information in a country cannot come from a single source that could perpetuate corruption and impunity. Following the return to civilian rule in 1985, control of the media rested in the hand of a few. These newspaper and broadcast outlet owners used the media to spread pro-government influence or even to secure high-level government positions for themselves. Monopolization increased through 2000, negatively impacting access to information and aiming to shape public opinion on behalf of the

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government. By 2002, Angel Gonzalez was “one of the biggest threats to free speech in Latin America.” Gonzalez owned seven TV stations, including the only four with national coverage, and over twenty radio stations. Between 1998 and 2002, he canceled more than ten news and entertainment programs that criticized the government. His ability to cancel TV and radio shows and provide one-sided coverage was detrimental to press freedom because many Guatemalans only had access to stations he controlled. In 2007, the government further cracked down on broadcast media by authorizing a federal policy to occupy and decommission the stations and equipment of broadcasters operating without explicit government consent. By the end of the examined period, Gonzalez still controlled a monopoly on broadcast media in Guatemala but not in print journalism where newspapers like El Periódico and Prensa Libre frequently published stories that criticized the government. The causal mechanism of a non-monopolized media is in place for print media but not for broadcast media; breaking this monopoly would improve access to diverse perspectives and decrease corruption and impunity.

Another causal mechanism to improve press freedom is minority inclusion in the media. This also deters human rights abuses because it ensures that the voices of the most vulnerable

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238 “Latin America's Broadcast King Extends His Reach from Miami,” Will Weissert.
populations are heard and can decry abuses when they occur. Guatemala’s minority community
is made up of twenty-two indigenous Maya groups, and the Guatemalan government has
systematically discriminated against them, even to the point of genocide during the internal
armed conflict.241 In 2003, the Organization for American States expressed concern over a lack
of any regulation of TV and radio broadcasting that considered democratic criteria or minority
inclusion.242 Guatemala’s biggest step toward minority inclusion in the media came in 2013
when the government published the Access to Public Information Act in the K’iche’ language to
promote social accountability of institutions. The government also announced its intent to
translate the act into all twenty-two of the country’s indigenous languages.243 Very little else
occurred through 2015 to include minority voices in the media, and the OAS continued to assert
that Guatemala “should do more to promote different groups’ access to radio and television
frequencies and licenses.”244 Inclusion of minority groups in the media is one causal mechanism
that is not in place and deserves attention considering the size of Guatemala’s indigenous
population.

The final causal mechanism related to press freedom is journalist safety. When journalists
feel safe, they will be able to report on corruption and human rights abuses and decrease the
probability of future human rights abuses. If journalists fear harassment, intimidation, arbitrary
arrests, or even death, they will hesitate to publish stories detailing such issues. After the return

241 “Guatemala,” Center for Justice and Accountability.
IACHR, Organization of American States.
243 “Office of the Special Rapporteur Situation of Freedom of Expression in the hemisphere – Chapter II 2013,”
2013, IACHR, Organization of American States.
“Office of the Special Rapporteur Situation of Freedom of Expression in the hemisphere – Chapter II 2011,”
IACHR.
to civilian rule in 1985, journalism was an incredibly dangerous profession, and Guatemala had the second highest incidence—after Argentina—of violent repression against journalists in the western hemisphere. Through the end of the internal armed conflict in 1996, the number of journalist killings increased, and both foreign and domestic journalists regularly suffered violence, kidnapping, arrests on spurious charges, and death threats, with security forces being the suspected perpetrators. From the signing of the Peace Accords, through the end of the examined period in 2015, a trend emerges. Violence, intimidation, harassment, spurious arrests, and death threats against journalists continued at about the same level, but the number of journalist assassinations decreased. In 2015, in contrast to past years, no journalist killings took place. Even though there were no journalist assassinations in 2015, the government continued to be exceedingly slow in investigating past assassinations and current charges of harassment or intimidation. It even used the courts to target journalists for their reporting practices rather than help them achieve justice for abuses. While the causal mechanism of journalist safety is more in place than it was in 1985, journalists still fear harassment, intimidation, and arbitrary arrest, which hinders their ability to report on human rights abuses and corruption.

This paper expected greater press freedom to decrease the frequency of human rights abuses in Guatemala. Press freedom increased from 1985 to 2015, and human rights abuses decreased in frequency. Greater press freedom could help to explain some of this improvement, but Guatemala still has a long way to go before it can have a truly free press. Many causal mechanisms related to press freedom explain its impact on the frequency of human rights abuses in Guatemala. Information transparency, the government signaling its support for transparency, and journalist safety are three causal mechanisms that are far more present in 2015 than they were in 1985, but none of them are truly in place. Additionally, of these three causal mechanisms, only journalist safety could plausibly explain the increase in Guatemala’s V-dem human rights index score in the period 1994-2000. The improvements in information transparency and government support for transparency did not occur until the twenty-first century. A non-monopolized media is in place for print media but not for broadcast media. One causal mechanism that is not in place at all is the inclusion of minority groups in the media. The fact that none of the causal mechanisms for press freedom are fully in place means that press freedom in an area that Guatemala can focus on. It may also the stagnation of Guatemala’s V-dem human rights index score that has taken place 2000-2015. After examining the causal mechanisms (pictured in Figure 16) in the period 1985-2015, this paper concludes that press freedom in Guatemala has improved but still has progress to make.
Review and Discussion

The operation of a human rights ombudsman’s office, the blurring/separation of the military-police relationship, activity of pro-government militias left over from conflict, and press freedom could all plausibly explain the variation in the frequency of human rights abuses in Guatemala in the period 1985-2015. This paper expected the operation of a human rights ombudsman’s office, increased separation in the military-police relationship, decreased activity of militias left over from conflict, and greater press freedom to decrease the frequency of human rights abuses in Guatemala. Generally, this was all true. Despite challenges, the frequency of
human rights abuses in Guatemala in 2015 was lower than it was in 1985, and the independent variables and their causal mechanisms played a role in that. However, it is important to note that this statement does not capture the true complexity of each independent variable and each causal mechanism within the independent variables. Based on the methods this paper used, it would be impossible to ascertain which independent variables—or causal mechanisms—were necessary and sufficient to decrease the frequency of human rights abuses in Guatemala.

The operation of a human rights ombudsman’s office in Guatemala did help to decrease the frequency of human rights abuses, but the evidence this paper gathered shows that an ombudsman’s office is not sufficient to decrease human rights abuses on its own. Two causal mechanisms related to the operation of a human rights ombudsman’s office—an independent office and government cooperation—were in place by 2015 and can explain the ombudsman’s effectiveness in decreasing the frequency of human rights abuses to an extent. It is interesting that the only causal mechanism related to an ombudsman’s office that goes from being not in place to being in place during a period of improvement is the independence of the office, which coincides with the period 1994-2000. Three causal mechanisms related to the operation of a human rights ombudsman’s office—an accessible ombudsman, adequate funding, and the ability to act on rulings—are not in place. Implementing these mechanisms could help to decrease the frequency of human rights abuses in Guatemala and end the stagnation of their progress on human rights. After examining the causal mechanisms in the period 1985-2015, this paper concludes that a human rights ombudsman’s office is necessary but not sufficient to decrease the frequency of human rights abuses.

To an extent, the separation of the military-police relationship helped to a decrease the frequency of human rights abuses in Guatemala, but the evidence this paper gathered shows that
the military-police relationship is still quite blurred, which inhibits decreasing the frequency of human rights abuses. Two causal mechanisms related to the blurring/separation of the military-police relationship—formal separation and separated chains of command—were somewhat present in 2015. While neither were fully present, both significantly improved since 1985, which can explain the limited, but still existing effect, that separation of the military and police had on decreasing the frequency of human rights abuses. Two causal mechanisms related to the blurring/separation of the military-police relationship—no military involvement in domestic security and separate equipment and training—were not in place. Improving upon all four causal mechanisms could help to decrease the frequency of human rights abuses in Guatemala and end the stagnation of their progress on human rights. After examining the causal mechanisms in the period 1985-2015, this paper concludes that the military-police relationship is blurred and increasing separating could help to decrease in the frequency of human rights abuses in Guatemala.

Decreased conflict-era, pro-government militia activity did help a little bit to a decrease the frequency of human rights abuses in Guatemala, but the evidence this paper gathered shows that not all activity has ceased, and that some militias have evolved into clandestine groups. Two causal mechanisms related to the activity of conflict-era, pro-government militias—a lack of government support to act in its interests and ceased cooperation with security forces—are in place but not having the desired effect on decreasing the frequency of human rights abuses, probably due to the enduring allegiance of these militia members to the government. Two causal mechanisms related to the activity of conflict-era, pro-government militias—no impunity for past abuses and no resistance to formal disbandment or group evolution—are not in place and help explain the continued activity of these groups and the human rights abuses that they commit.
Only one causal mechanism related to this variable—no forced conscription of civilians—was in place, and the government implemented it in 1996, during a period of improvement in Guatemala’s V-dem human rights index score. This ended recruitment practices and helps to explain the decrease militia activity, especially as members age. After examining the causal mechanisms in the period 1985-2015, this paper concludes conflict-era, pro-government militias have not ceased activity, which could explain some of Guatemala’s stagnation in the twenty-first century.

Press freedom has improved in the period 1985-2015 and has helped to decrease the frequency of human rights abuses in Guatemala, but the evidence this paper gathered shows that Guatemala still has a long way to go before it can have a truly free press and further decrease abuse. Three causal mechanisms related to press freedom—information transparency, government signaling support for transparency, and journalist safety—were somewhat present in 2015. While none were fully present, all significantly improved since 1985. Interestingly, of these three, only journalist safety could plausibly explain the increase in Guatemala’s V-dem human rights index score in the period 1994-2000. Improvements in information transparency and government signaling support for transparency came in the twenty-first century, during the period of stagnation or sustained improvement. A non-monopolized media is a complicated causal mechanism because print media does not suffer from a monopoly, but broadcast media does. This allows the reporting of print journalists to deter future transgressions, but broadcast journalists cannot have the same impact and decrease the frequency of human rights abuses. One causal mechanism related to press freedom—inclusion of minority groups in media—is not in place at all and inhibits their ability to decry abuses against them thus deterring future ones. Because none of the causal mechanisms for press freedom are fully in place, press freedom in an
area that Guatemala could potentially focus on to decrease its frequency of human rights abuses. After examining the causal mechanisms in the period 1985-2015, this paper concludes that press freedom has improved since 1985, but that journalism still faces many obstacles.

Understanding what causes variation in human right abuses in post-conflict societies—in this case Guatemala—clarifies what governments and non-governmental organizations can focus upon while trying to further limit future human rights abuses. While Guatemala did make progress on every independent variable in the period 1985-2015, it can still improve in each one. None of the independent variables were able to fulfill all their causal mechanisms, thus each one presents avenues for progress and ways to potentially improve Guatemala’s human rights record. It is also important to note that none of these variables exist in a vacuum. They all interact with and influence each other as well as the frequency of human rights abuses in Guatemala. Despite this interaction, in Guatemala’s case, there is room for improvement in every independent variable to decrease its frequency of human rights abuses.

**Conclusion**

It is important to give more attention to human rights abuses in post conflict societies to improve the wellbeing of citizens. By understanding what causes variation in human right abuses in post-conflict societies—such as Guatemala—governments and non-governmental organizations can help to limit future abuses and create situations that are conducive to long-term peace. Unlawful killings, life-threatening prison conditions, arbitrary arrests, a lack of judicial independence, restrictions on freedom of expression and the media, governmental corruption,
and widespread impunity are only a couple of the significant issues that continue to threaten human rights in post-conflict societies. Scholarship has a long way to go to fully understand human rights abuses, but it is a valuable goal that will benefit millions.

Based on the information gathered in this paper, it is incredibly hard to make concrete policy recommendations regarding what would decrease the frequency of human rights abuses in post-conflict societies. All the independent variables are complex, with complicated causal mechanisms. It is hard to untangle these causal mechanisms from one another to determine which are the most effective. Additionally, in instances where a causal mechanism is not present, it is impossible to make policy recommendations because there is absolutely no proof that the implementation of that causal mechanism would decrease the frequency of human rights abuses—at least in the case of Guatemala. It is not only the causal mechanisms that interact with each other. Each independent variable interacts with and influences all the other independent variables. None of the variables or causal mechanisms exist in a vacuum; therefore, they are very hard for researchers to separate and study individually. Based on the interconnectedness of the variables and the methods this paper uses, it is impossible to determine which causal mechanisms would be necessary and sufficient to produce concrete improvements in human rights or to make specific policy recommendations.

Scholarship has a long way to go to fully tackle to issue of human rights abuses in post-conflict societies, but one area that it should focus on in the future, is the effectiveness of human rights ombudsman’s offices. Very little scholarly research exists relating to ombudsmen, and what does exist is outdated. Many post-conflict societies establish a human rights ombudsman’s office to signal their commitment to human rights, and these offices have huge potential to decrease the frequency of human rights abuses, yet they are not reaching that potential. It is
possible that part of the reason there is so little literature on human rights ombudsmen is that post-conflict societies intentionally make data about the effectiveness of their ombudsmen difficult to obtain. It is possible that they want to hinder the human rights ombudsman’s offices’ ability to implement reform to the current systems. If future research and scholarship could determine which causal mechanisms are most important to the effective functioning of a human rights ombudsman’s office—and how to successfully implement those causal mechanisms—it could do a lot to decrease future human rights abuses in post-conflict societies.

One area that this paper feels it missed in its investigation is looking into impunity and corruption in the justice systems of post-conflict societies. Both impunity and corruption in the justice system impact all the examined independent variables and causal mechanisms. For example, impunity and corruption in the justice system could lead to the dismissal of cases brought by the human rights ombudsman’s office, to a refusal to prosecute pro-government militia members who could continue to commit abuses, or to a lack of enforcement of information transparency laws. The UN-backed Commission against Corruption and Impunity in Guatemala (CICIG) was working to decrease corruption and impunity in Guatemala, until its expulsion under President Jimmy Morales. After its expulsion, Guatemala’s V-dem human rights index score dipped, reversing Guatemala’s trend of sustained improvement. This demonstrates how influential impunity and corruption in the justice system can be.

Again, it is very difficult to make policy recommendations, but after studying country efforts to improve human rights, this paper can make some general suggestions as to which causal mechanisms might be more successful based on its findings. An independent human rights ombudsman’s office, no forced conscription of civilians into conflict-era, pro-government militias, and journalist safety are the only causal mechanisms—out of all the ones examined—
that became in place or improved significantly during a period when Guatemala’s V-dem human rights abuse index score was increasing. This signals that these three causal mechanisms did affect the frequency of human rights abuses in Guatemala. This paper hopes that future scholars can continue to build on these findings to produce more concrete answers about what affects variation in the frequency of human rights abuses in post-conflict societies.
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