



Plenary sitting

B8-0159/2017

14.2.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Guatemala, notably the situation of human rights
(2017/2565(RSP))

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on behalf of the ALDE Group

European Parliament resolution on Guatemala, notably the situation of human rights (2017/2565(RSP))

The European Parliament,

- having regard to its resolutions of 13 March 2007 on Guatemala and the of 11 December 2012 on the EU-Central America Association agreement,
 - having regard to its DROI subcommittee visit to Mexico and Guatemala of February 2016 and its final report,
 - having regard to the 'EU Guidelines on Human Rights Defenders' ,
 - having regard to the EU Action Plan on Human Rights and Democracy (2015-2019),
 - having regard to the United Nations Special Rapporteur's report on the global threats facing human rights defenders, and on the situation of women human rights defenders,
 - having regard sentence of the Inter-American Court of Human Rights in 2014 (Human rights defenders eta al. v. Guatemala),
 - having regard to UN Human Rights Council Resolution 26/9 of 26 June 2014, in which the UNHRC decided to establish an open-ended intergovernmental working group with the aim of drawing up an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights,
 - having regard to the 1989 Convention concerning Indigenous and Tribal Peoples in Independent Countries,
 - having regard to the Human Rights Clause in the Association Agreement EU-Central America and the Partnership and Cooperation Agreement (PCA) EU- Central America, in force since 2013,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas 2017 marks the 20th anniversary of the signing of the Peace Agreements in Guatemala which provided concrete guidelines on the protection of human rights defenders, transitional justice and the dismantling of parallel powers; whereas the progress that has been made in this regard may be currently in serious risk; whereas the Agreements oblige Guatemala to guarantee the fundamental rights of indigenous people;
- B. whereas on 28 November 2016, the Guatemalan Congress partially rejected a constitutional reform aimed at reinforcing the independence of the judiciary, which included the implementation of professional and ethical standards for the selection of magistrates while recognising legal pluralism in the country by constitutionally

recognising the existing indigenous justice systems in line with international human rights standards;

- C. whereas Guatemalan legislation does not include an obligation for prior, free and informed consultation with indigenous communities, as stated in the ILO Convention 169;
 - D. whereas between January and November 2016, fourteen murders and seven attempted murders of human rights defenders (HRDs) were registered by the Unit of Protection for Human rights defenders of Guatemala (UDEFEUGUA) in Guatemala; whereas in 2017 human rights defenders Laura Leonor Vásquez Pineda and Sebastián Alonso Juan have already been killed;
 - E. whereas according to the same sources in 2016 there were overall 223 aggressions against HRDs including 68 new legal cases launched against HRDs; whereas the environmental and land rights defenders and those working on justice and impunity were the most targeted categories of HRDs;
 - F. whereas a targeted campaign of harassment has been directed at any step forward in emblematic cases of corruption and transitional justice comprising intimidation and trumped-up legal complaints face HRDs working in this context, including judges and lawyers; whereas Iván Velasquez, Director of the internationally recognised International Commission against Impunity in Guatemala (CICIG) is also facing charges and subject to an ongoing smear campaign;
 - G. whereas a public policy for the protection of human rights defenders has yet to be developed following a binding sentence of the Inter-American Court of Human Rights in 2014 which mandated its development; whereas an EU-funded discussion and consultation process for the creation of the Public Policy is in its preliminary stages which is a step in the right direction;
 - H. whereas the Guatemalan Human Rights Ombudsman, the Public Ministry and the Judiciary have taken important steps against impunity and for the recognition of human rights;
 - I. whereas the UN Guiding Principles on Business and Human Rights apply to all states and to all business enterprises, whether transnational or other, regardless of their size, sector, location, ownership and structure, although effective control and sanction mechanisms remain a challenge in the worldwide implementation of the UNGPs;
 - J. whereas several EU Member States have not yet ratified the EU-Central America association agreement, meaning the “Political Dialogue” branch has not been put into force; whereas respect for democracy, the rule of law and the human, civil and political rights of the people of both regions are fundamental elements of the EU-Central America Association Agreement;
1. Condemns in the strongest terms the recent assassinations of Laura Leonor Vasquez Pineda and Sebastian Alonso Juan as well as each of the earlier assassinations of other

human rights defenders in Guatemala; extends its sincere condolences to the families and friends of all of those human rights defenders.

2. Urges for an immediate, independent, objective and thorough investigations into these and previous murders in order to bring their intellectual and material authors to justice and to put an end to impunity.
3. Underlines that a vibrant civil society is essential to make the state at all levels more accountable, responsive, inclusive, effective and hence more legitimate; in that sense expresses its deep concern at the climate of extreme violence against HRDs that includes among others killings, aggressions, harassment and intimidation.
4. While recognising the steps taken by the Guatemalan authorities, emphasises the need to strengthen protection to HRDs; urges the authorities to revert their decision of unilateral removal of precautionary measures benefiting human rights defenders.
5. Calls on the Guatemalan authorities to elaborate and implement a public policy to protect HRDs ensuring a comprehensive and inter-institutional perspective as well as sufficient financial and human resources; stresses in this sense the importance of the EU financial aid to be properly addressed to support such policies.
6. Urges that the new public policy for the protection of human rights defenders should be a result of a broad and participatory process, and not limited to protection measures but rather addresses the main structural causes that reinforce their vulnerabilities, including poor investigation and high impunity for attacks against them.
7. Stresses the importance of the judicial independence and urges the Guatemalan authorities to move to actively work towards independent judiciary and legal pluralism; supports the important work of the International Commission against Impunity in Guatemala (CICIG).
8. Calls the Guatemalan authorities to include an obligation for prior, free and informed consultation with indigenous communities with the objective of consent of the affected indigenous communities.
9. Calls for the Member States to legislate in a coherent, holistic, effective and binding manner in order to fulfil their duty to prevent, investigate, punish and redress human rights violations by corporations acting under their jurisdiction, including those perpetrated in third countries.
10. Calls on the EU Delegation in Guatemala to actively accompany and monitor the processes around the investigation of the murders of human rights defenders and to further step up efforts to engage with currently endangered HRDs.
11. Calls on the EU Member States that haven't done so to ratified the EU-Central America association agreement; urges the Council to develop a unified policy towards Guatemala that commits the 28 EU Member States and the EU institutions to have a strong common message concerning the role of human rights in the EU-Guatemala relationship and in the region at large.

12. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the National Parliaments of the 28 member States, the President, the Government and Parliament of Guatemala, SIECA, Parlacen, Eurolat Parliamentary Assembly and the CELAC.