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*Plenary sitting*

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**B8-0167/2017**

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 defenders  
(2017/2565(RSP))

**Molly Scott Cato, Barbara Lochbihler, Ulrike Lunacek, Igor Šoltes, Josep-Maria Terricabras, Ernest Urtasun, Bodil Valero, Florent Marcellesi**  
on behalf of the Verts/ALE Group

**B8-0167/2017**

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

*The European Parliament,*

- Having regard to prior resolutions on Guatemala, particularly the resolution of 15th of March 2007 on impunity,
- Having regard to the open letter of the EU Delegation and several European, as well as the Canadian and US-American Embassies, to the Government of Guatemala from 10th of December 2016,
- Having regard to the Declaration of the High Representative of the European Union on behalf of the International Day of Indigenous People from August 2016,
- Having regard to the Open Letter of North American Congressmen in support of the General Attorney of Guatemala from October 2016,
- Having regard to the Association Agreement between the European Union, its Member States and Central America, and its provisions on human rights, provisionally in force since 2013,
- Having regard to the Multiannual Indicative Programme for Guatemala 2014-2020, and its engagement to contribute to the resolution of conflicts, to peace and security,
- Having regard to the previous and current Programs of Support to the Justice Sector, particularly SEJUST, of the European Union to Guatemala,
- Having regard to the EU Guidelines for the Protection of Human Rights Defenders and to the Strategic Framework on Human Rights, which commits to support and strengthen human rights defenders,
- Having regard to the ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries
- Having regard to the recent visit of the EU Special Representative on Human Rights to Guatemala in May/June 2016,
- Having regard to the visit of a Delegation of the its Subcommittee on Human Rights (DROI) to Guatemala, in February 2016,
- Having regard to Rule 135, of its Rules of Procedure,

*The European Parliament,*

A. Whereas between January and November 2016, fourteen human rights defenders (HRDs) have been murdered and seven HRDs suffered attempts of murder in Guatemala; whereas these murders and attempted murders further escalate the long lasting violence against human rights defenders; whereas the Guatemalan authorities fail to react and guarantee the security of those attacked; whereas the wave of violence against HRDs continues in 2017 with the murder of HRD Sebastián Alonso Juan and Laura Leonor Vázquez Pineda;

B. Whereas during 2016 a total of 223 aggressions against HRDs was reported in Guatemala; whereas environmental and land rights defenders and those working on justice and impunity were the most targeted categories of HRD suffering aggression; whereas 2017 starts with alarming levels of violence, with further assassinations, several cases of legal files opened against human rights defenders, and precautionary measures for human rights defenders being removed by the State;

C. Whereas civil society in the EU and in Guatemala puts hope into the beginning of significant political and legal processes in Guatemala to strengthen its professional justice system, reduce impunity and fight corruption,

D. Whereas a draft bill on constitutional justice reforms was presented in the Guatemala legislature, as a result of the collaborative efforts of indigenous authorities, civil society organizations, academics, judicial officials and members of the private sector, assisted by the Guatemala Attorney General and the Human Rights Ombudsman and with technical support by the **International Commission against Impunity in Guatemala** (CICIG) and UNDP; whereas the Office of the UN High Commissioner for Human Rights (OHCHR) warmly welcomed this proposal and expressed hope that the bill would be swiftly be approved by the **Guatemala Congress**; whereas the bill seeks to improve access to justice for women and indigenous peoples, to recognize indigenous peoples' legal jurisdiction over internal matters, to strengthen the independence and objectivity of judges and magistrates and to depoliticize the nomination and appointment of officials in the justice system;

E. Whereas this process is highly endangered by attacks and harassment, such as smear campaigns, intimidation and trumped-up legal complaints against judicial operators, whenever emblematic cases of transitional justice move forward, such as those of Molina Theissen and CREOMPAZ, or those on corruption in the La Linea y Coparacha cases and others;

F. Whereas particularly worrying cases are the attacks against the security of attorneys such as the General Attorney Thelma Aldana, the judges Miguel Ángel Gálvez, Carlos Ruano and Yasmín Barrios, and the lawyers and human right defenders Michael Mörth, Ramón Cadena, Alejandro Rodríguez and Rafael Maldonado as well as the Director of the International Commission against Impunity in Guatemala (CICIG), Iván Velasquez;

G. Whereas the abovementioned attacks and the serious risks for justice operators in general put into question the very viability of the rule of law and of an independent judicial system in Guatemala;

H. Whereas the Human Rights situation in Guatemala will be reviewed in November 2017 under the Universal Periodic Review (UPR) Mechanism of the Human Rights Council (HRC);

1. Condemns in the strongest terms the recent assassination of Sebastian Alonso Juan and Laura Leonor Vázquez Pineda, as well as the 14 assassinations of human rights defenders in Guatemala in 2016; extends its sincere condolences to the families and friends of all of those killed;

2. Pays tribute to all human rights defenders in Guatemala who despite the risks and reprisals to their legitimate human rights work dedicate their life to the pursuit of a more democratic society and a functioning rule of law in their country;

3. Recalls the 20th anniversary of the Peace Agreements for Guatemala in 2017, with its concrete contents with respect to the protection of human rights and human rights defenders, and transitional justice, urges that they are finally implemented, including the dismantling of parallel powers, and honours the most valuable work of the CICIG in this respect,

4. Stresses that the sentence issued by the Inter-American Court of Human Rights on the need to develop a public policy for the protection of HRDs, issued already in 2014, is binding; that the initiation of this process was only announced in September 2016; and that it is urgent to avoid any further delay in this mandatory task,

5. Expresses grave concern that, despite the high levels of violence against human rights defenders, the authorities of Guatemala have shown unwillingness to protect those in danger and have even removed precautionary measures; calls on the Guatemalan government to publicly recognize the importance of the work of HRDs, mobilise all the means at its disposal in order to urgently and effectively protect human rights defenders in Guatemala and to fully use the laws and mechanisms already in place;

6. Asks the European Union and its member States to strongly encourage the Guatemalan state to carry out an ambitious human rights agenda, including the development of a public policy for the protection of HRDs, to earmark sufficient funds and technical aid for this task, including for a public discussion and consultation process with civil society, and in particular human rights organisations and human rights defenders; encourages the EU Delegation to continue its public support for human rights defenders;

7. Equally asks the European Union to support the General Attorney's Office and encourage it to adopt the General Instruction on Criminal investigation of attacks against human rights defenders; considers it important that prosecutors are adequately trained for the effective implementation of this Instruction;

8. Recalls the important work of UN Special rapporteur Victoria Tauli-Corpuz, also with respect to Guatemala, and underlines that ILO Convention 169 has to be fully implemented, including the development of consultation mechanisms preceding free, prior and informed consent, which respect the cultures and proceedings of the different indigenous peoples in Guatemala;

9. Underlines the importance of protecting representatives of the judiciary branch and strongly rejects any kind of pressure, intimidation and influence traffic, jeopardising independence, legal pluralism and objectivity;

10. Welcomes the initiative on a reform of the justice system, as a necessary step to guarantee judicial independence, access to justice and institutional strengthening, is highly alarmed by attempts in the Guatemalan Congress to reject the reform, and invites authorities at all levels to join efforts in order to conclude the judicial reform in its integrity;

11. Calls upon the Guatemalan State to cooperate with the UPR mechanism, and take all appropriate steps and measures to implement its recommendations;

12. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the President, Government and Parliament of the Republic of Guatemala.