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*Plenary sitting*

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**B8-0185/2019**

12.3.2019

## **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 case of human rights defenders  
(2019/2618(RSP))

**Charles Tannock, Karol Karski, Hans-Olaf Henkel, Ryszard Czarnecki,  
Ruža Tomašić, Jana Žitňanská**  
on behalf of the ECR Group

**B8-0185/2019**

**European Parliament resolution on Guatemala, notably the case of human rights defenders  
(2019/2618(RSP))**

*The European Parliament,*

- Having regard to its previous resolutions on Guatemala;
- Having regard to the Universal Declaration of Human Rights of 1948;
- Having regard to the International Covenant of Civil and Political Rights of 1966;
- Having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy;
- Having regard to the UN Declaration on Human Rights Defenders of 1998;
- Having regard to the Charter of Fundamental Rights of the European Union;
- Having regard to the Constitution of the Republic of Guatemala;
- Having regard to the statements of the UN High Commissioner for Human Rights on the situation in Guatemala of 14 January, 2019;
- Having regard to the European Parliament Committee on Foreign Affairs Annual Report on Human Rights and Democracy in the World 2017;
- Having regard to the Amnesty International 2017/2018 Country Profile;
- Having regard to the Human Rights Watch “Events of 2018 Report” on Guatemala;
- Having regard to Guatemala’s Freedom House “Freedom in the World” rating where it scored 53 out of 100, classifying it as ‘partly free’;
- Having regard to the Reporters Without Borders World Press Freedom Index of 2018, where Guatemala ranked 116th out of 180;
- Having regard to the Global Peace Index 2018, where Guatemala ranked 111 out of 163;
- Having regard to The Economist’s World in Figures 2019 where Guatemala was classified as having the 10th highest murder rate in the world;
- Having regard to the 2018 report by Front Line Defenders;
- Having regard to the January-September 2018 Unit for the Protection of Human Rights Defenders Report;

- having regard to Rule 123 of its Rules of Procedure;

A. Whereas in 2018 and the first months of 2019 Guatemala has seen a severe rollback in terms of Rule of Law and democracy, including disregard by government authorities of institutional procedures and Constitutional Court sentences;

B. Whereas investigations into the alleged illegal financing of the ruling party FCN-Nacion in the electoral campaign of 2015 have stalled, despite the High Electoral Court ruling of June 2018 ordering the dissolution of the party; whereas in other high-level corruption cases, investigations were blocked by the government;

C. Whereas government has used intimidation and threats against magistrates, judges, prosecutors and police officers who tried to uphold the rule of law and act in professional way but not in line with current government policies;

D. Whereas authorities have introduced the National Reconciliation Law (Bill 5377), extending amnesty for all crimes committed during the internal armed conflict, including crimes against humanity; whereas according to the President of the UN Working Committee on Forced Disappearances, that law “would constitute a serious and grave regression for the justice system, the state of law, and the struggle against impunity for grave violations of human rights in Guatemala.”;

E. Whereas Bill 5377 violates Article 117 of the Constitution of the Republic of Guatemala;

F. Whereas the Inter-American Commission on Human Rights, in a press release on 25 January 2019, urged the Guatemalan state to refrain from amending the current law;

G. Whereas the Law on Non-Governmental Development Organisations proposed by the government, if adopted, would severely limit the work of NGOs in the country, especially the human rights defenders and civil society in general;

H. Whereas in 2018, 26 Human Rights Defenders were killed in Guatemala, with a total of over 390 attacks against them having taken different forms (assassinations, physical attacks, acts of intimidation, defamation, death threats, arrest warrants and cases of criminalisation);

I. Whereas on 9 October 2018, members of the Peaceful Resistance of Ixquisis Microregion movement, among others, were attacked by anti-riot agents of the Policía Nacional Civil, resulting in six injured protestors;

J. Whereas, the Unit for the Protection of Human Rights Defenders Jan-Sept 2018 report, notes that the victims of attacks “have been mostly indigenous leaders who defend the right to land and territory”;

K. Whereas the work of International Commission against Impunity (CICIG), an international body charged with investigating and prosecuting major crimes in Guatemala, has been seriously hindered by the Guatemalan government by refusing to renew the CICIG mandate after September 2019 and prohibiting the return of its director to the country;

whereas in January 2019, the government unilaterally cancelled with immediate effect the agreement with United Nations to implement the CICIG;

L. Whereas the Guatemalan government cancelled 11 visas of CICIG employees after the non-renewal of their mandate;

M. Whereas the Guatemalan Constitutional Court ordered that the government had to permit the entrance of Ivan Velasquez (CICIG Commissioner) to the country;

N. Whereas the Guatemalan government continues to disobey the Constitutional Court decision, thus creating an open rupture of the rule of law;

O. Whereas the High Commissioner for Human Rights of United Nations denounced the decision of the Guatemalan government regarding the CICIG and asked the government to guarantee democratic freedoms;

P. Whereas the High Representative of the European Union for Foreign Affairs and Security Policy on September 2018 expressed the worry of all Member States regarding the rollback of the rule of law in Guatemala;

Q. Whereas the Guatemalan people continue to protest against corruption, impunity, and the degradation of the rule of law;

R. Whereas human rights defenders continue to be targets of attacks, reprisals, and false accusations of crimes;

1. Reminds Guatemala's authorities and institutions of the need to create and maintain a safe and conducive environment for NGOs to freely express their opinions and conduct their work for the benefit of society at large;

2. Calls on the authorities to stop working on the proposed bill amending the Law on Non-Governmental Organizations for Development;

3. Underlines that guaranteeing an independent judiciary and respecting its independence as well as ensuring an impartial system are essential for functioning of a democratic state;

4. Expresses its concern with the ongoing regression in combating corruption and impunity; is gravely concerned with allegations of intimidation and threats against magistrates, judges and prosecutors and attempts by the government to delegitimize the independence of the judiciary;

5. Recalls that international standards establish limits regarding the adoption of amnesties for the most serious crimes and point out that they are incompatible with State obligations to prosecute grave violations of human rights; calls, therefore, for rejection of the bill amending Guatemala's long-standing National Reconciliation Law;

6. Strongly condemns the decision not to renew CICIG's mandate; underlines that CICIG has played a paramount role in the fight against impunity and corruption in the country, a key

requirement to ensure the respect of human rights and, specifically, to guarantee the full protection of human rights defenders in Guatemala;

7. Supports consolidating efforts to combat corruption and impunity;
8. Calls on Member States to ensure political and financial support to the CICIG until the very last day of its current mandate;
9. Urges Member States to step-up their efforts to uphold human rights principles and take a more vocal and public position against regressive decisions being currently implemented in line with the EU Action Plan;
10. Condemns the targeting of human rights defenders and indigenous leaders by the Guatemalan government through attacks;
11. Calls on Guatemala to comply with all the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on 9 December 1998;
12. Supports actions by the Member States to escalate concerns about the human rights situation, and the Rule of Law situation in Guatemala at the United Nations;
13. Calls on the Vice President / High Representative and the Member States to ensure political and financial support to the CICIG until the very last day of its current mandate as well as a provision of funds that could be activated if the decision of not renewing its mandate were to be revoked;
14. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the parliaments and governments of the Member States, the President of Guatemala, and Members of the Guatemalan Parliament.