



Plenary sitting

B8-0196/2019

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 the Situation of human rights in Guatemala
(2019/2618(RSP))

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on behalf of the S&D Group

European Parliament resolution on the Situation of human rights in Guatemala (2019/2618(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and to the UN human rights conventions and the optional protocols thereto;
- having regard to the European Convention on Human Rights, the European Social Charter and the EU Charter of Fundamental Rights;
- having regard to the European Consensus on Development of December 2005;
- having regard to its previous resolutions on the violation of human rights, including its resolutions on debates on cases of breaches of human rights, democracy and the rule of law;
- having regard to its resolutions of 13 March 2007 on Guatemala¹, of 11 December 2012 on the EU-Central America Association Agreement² and 15 February 2017 on the situation of human rights defenders;
- having regard to the Annual Report 2018 of the United Nations High Commissioner for Human Rights on the activities of his office in Guatemala;
- having regard to the *Report of the Working Group on the Universal Periodic Review on Guatemala of 2 January 2018*;
- having regard to the UN Covenant on Civil and Political Rights of 1966;
- having regard to the EU Action Plan on Human Rights and Democracy (2015-2019);
- having regard to the human rights clauses of the EU-Central America Association Agreement and the EU-Central America Partnership and Cooperation Agreement (PCA), 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 to security;
- having regard to the Agreement between the United Nations and the State of Guatemala on the establishment of an International Commission against Impunity in Guatemala of 12 December 2006;
- having regards to the statement by the Spokesperson on the President Morales' decision to expel CICIG Commissioner Velásquez from Guatemala of 28 August 2017;

¹ OJ C 301E, 13.12.2007, p. 257.

² OJ C 434, 23.12.2015, p. 181.

- having regard to the statement *by the Spokesperson of the HRVP Mogherini on the decision of the Guatemalan government not to renew the CICIG mandate of 2 September 2018*;
 - having regard to the pronouncement of the High Commissioner for Human Rights of the United Nations, Michelle Bachelet, on the decision of the Guatemalan government against the CICIG, on 10 September 2018;
 - having regards to the declaration by the High Representative on behalf of the EU on the unilateral decision by the Government of Guatemala to withdraw from the CICIG Agreement with the United Nations;
 - having regard to the declaration of the High Commissioner for Human Rights of the United Nations, Michelle Bachelet, on the bill amending the Guatemalan Law on Non-Governmental Organisations for Development, of 6 March 2019;
 - having regard to Rules 135 of its Rules of Procedure.
- A. whereas Guatemala is EU’s third-largest recipient of bilateral development assistance in Central America, with this assistance amounting to EUR 167 million for the 2014 - 2020 period and focusing on food security, conflict resolution, peace, security and competitiveness; whereas Guatemala is a signatory of the EU-Central America Association Agreement; whereas this includes a democratic clause which is an essential part of the agreement;
 - B. whereas 2017 marked the 20th anniversary of the Peace Agreements for Guatemala; whereas much remains to be done to ensure the democratic transformation of the country as envisaged by the peace agreements; whereas after 20 years only 50.4 per cent of the agreements have yet to be implemented, particularly those related to inequality and non-discrimination;
 - C. whereas high levels of violence persist, fuelled by discrimination, inequality, easy access to weapons, organised crime, high level of corruption and impunity and the legacy of violence of the armed conflict; whereas in 2017, 4553 violent deaths were recorded; whereas violence against women remains a grave problem in Guatemala as shown by the fact that violent deaths of women increased by 8% up to 662 cases;
 - D. whereas in 2017 the *Unit for the Protection of Human Rights Defenders (UDEFEGUA)*, registered 438 attacks against human rights defenders, including 12 deaths; whereas 26 Human Rights Defenders (*HRD’s*) were killed in Guatemala in 2018, a 136% increase on 2017 ; whereas the misuse of criminal procedures against HRD’s to prevent or sanctions their work remains a matter of concern;
 - E. whereas the number of attacks against journalist is also very worrying, with 93 attacks, including four killings, recorded in 2017; whereas given the ongoing concentration of media ownership by a few companies, independent media outlets and journalists continue to be subjects to attacks and threats;

- F. whereas on 8 March 2017, 41 girls died when a fire broke out in a state run home for minors; whereas on 8 March 2017, 41 girls died while locked up after a protest against abuses by wardens, when a fire broke out in a state run home for minors; whereas the rate of impunity for crimes in Guatemala stands at 97%; whereas the fight against impunity, including the serious crimes committed under the former non-democratic regimes, is essential;
- G. whereas since 2007, the CICIG has been fighting corruption and impunity on invitation of the Government of Guatemala and in close collaboration with the judicial branch in Guatemala, in order to identify and help dismantle parallel hidden structures, as well as contributing to strengthening the capacities of the country's judicial and security institutions;
- H. whereas in April of 2018, CICIG and the Public Ministry presented new investigations into illegal financing of the ruling FCN party in its electoral campaign; whereas in July 2018, the Supreme Court of Justice envisaged the investigation of the current president Jimmy Morales with respect of illegal financing of his electoral campaign;
- I. whereas in April 2018, the CICIG presented their investigation on illegal financing of the ruling party FCN-Nacion in its electoral campaign of 2015; whereas President Jimmy Morales was accused of illegal financing, a case which was stopped by the Guatemalan Congress in October 2018; whereas as a result, President Morales announced the non-renewal of the CICIG mandate after September 2019, then prohibited the return of the CICIG Commissioner Iván Velasquez to the country;
- J. whereas the measure was followed by the cancellation of 11 visas of other employees of the CICIG which has intensified the conflict between the administration and the Guatemalan authorities; whereas in January 2019, the government unilaterally cancelled with immediate effect the agreement with United Nations to implement the CICIG; whereas the Constitutional Court suspended Mr Morales directive within two days of it being announced;
- K. whereas these measures have been contested and annulled by the Constitutional Court of Guatemala; whereas these rulings by the Constitutional Court have been ignored by the government; whereas the Congress prepares action against the Constitutional Court and its members, creating a flagrant conflict with the Rule of Law;
- L. whereas the conflict with CICIG and the Constitutional Court happens at a moment of further serious legal destabilisation of the country and inconformity with its own Constitution; whereas on 4 March 2019 the Guatemalan Congress approved the second(out of three) reading Bill 5377 to amend the National Reconciliation Law; whereas this Bill intends to extend an amnesty to those accused of serious international crimes against humanity, such as genocide, torture and enforced disappearances, that took place during the country's internal armed conflict; whereas the United Nations High Commissioner for Human Rights and the Inter American Commission on Human Rights have shown their concerns on the bill and have called to refrain from amending the current law;
- M. whereas a bill to amend Guatemala's Law on Non-Governmental Organizations for Development is soon to be adopted by the Guatemalan Congress; whereas the draft

bill introduces requirements and administrative controls for national and international NGOs that in practice could be applied in a discretionary or arbitrary manner to limit the exercise of the civil society organizations;

- N. whereas the Swedish Ambassador to Guatemala has been declared persona non grata (a declaration annulled by the Constitutional Court) for allegedly supporting the CICIG works in the country;
- O. whereas general and presidential elections are planned in Guatemala on June 11, and August 16, 2019;
1. Condemns the Guatemalan government for its continued breaches of the rule of law and separation of powers; recalls that an essential principle of liberal democracies is the separation of powers and the respect of the rule of law;
 2. Is deeply concerned of the increased killings and acts of violence and lack of security for all citizens and, more specifically, for women and human rights defenders; recalls the importance of an independent and effective justice system and the need to put an end to impunity;
 3. Expresses its utmost concern about the current situation of the CICIG in Guatemala and asks the Guatemalan Government to cease all illegal attacks against the CICIG and its national and international staff; recalls that the CICIG does have a mandate until September 2019 and calls the Guatemalan government to comply with it;
 4. Points out that the reform of the bill to the National Reconciliation Law would seriously degrade the Rule of Law in Guatemala and would drastically undermine all the important progress achieved through the work of CICIG and the national courts in their fight against impunity; therefore urges the Guatemalan Congress not to adopt the bill;
 5. Strongly condemns the foreseen reforms of the Law on Non-Governmental Organisations on Development; underlines that the reforms would restrict freedom of expression and assembly as well access to funds, and open the door to arbitrarily shut down NGOs; asks the Guatemalan Congress not to adopt this bill;
 6. Reiterates its request for the protection of human rights defenders, and in particular female human rights defenders; welcomes and supports the action done by European embassies and the European Union delegation in Guatemala so far, and asks the European Union to maintain, and if necessary, to step up projects to support the work of national and international organisations in Guatemala;
 7. Expects the elections in Guatemala to take place in a pacific manner, and that security is provided for all candidates; underlines that the Supreme Electoral Court (TSE) must act independently and with no interference; offers to send Electoral Observation Mission from the EU;
 8. Calls on the EU institutions and EU Member States to provide technical means to Guatemala to assist its fight against corruption and organised crime, and to prioritise such efforts in bilateral cooperation programmes; recalls that the Commission has to

disburse the EUR 5 million amount agreed last September as a matter of urgency for the CICIG; equally asks the Commission to stand ready for a continuation of its cooperation with and funding of the CICIG after September 2019, and actively support such a prolongation;

9. Calls on the EU institutions to work towards the conclusion of internationally binding agreements that will strengthen human rights compliance, specifically in the case of EU-based companies operating in third countries;
10. Recalls to the Guatemalan government that the EU Central America Association Agreement includes a human rights clause as an essential element; points out that, should the continued violations of human rights persist in the country, the European Parliament might request the triggering of the clause and the suspension of Guatemala from the Agreement;
11. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the EU Special Representative for Human Rights, the Organisation of American States, the Euro Latin Parliamentary Assembly, the governments and parliaments of the Member States, the President, Government and Parliament of the Republic of Guatemala, SICA, SIECAPARLACEN.