



Plenary sitting

B8-0197/2019

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

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on behalf of the PPE Group

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

The European Parliament,

- having regard to its previous resolutions and particular the ones of 13 March 2007 on Guatemala, of 11 December 2012 on the EU-Central America Association agreement and of 16 February 2019 on Guatemala, notably the situation of human rights defenders,
- having regard to the Declaration by High Representative on behalf of the EU on the unilateral decision by Government of Guatemala to withdraw from CICIG Agreement with the United Nations of 11 January 2019,
- having regard to its DROI subcommittee visit to Mexico and Guatemala of February 2016 and its final report,
- having regard to the Council conclusions on EU priorities in UN human rights fora in 2019 on 18 February 2019,
- having regard to the statements by UN High Commissioner on Human rights Michelle Bachelet on Guatemala of 14 January, 22 January and 6 March 2019
- having regard to the statement by UN expert on foreign debt and human rights and Special Rapporteur on the Independence of Judges and Lawyers of 11 February 2019
- having regard to the UN Universal Periodic Review (UPR) on Guatemala in November 2017
- having regard to the statements by the Inter-American Commission on Human Rights of 10 and 25 January 2019
- having regard to the EU Guidelines for the Protection of Human Rights Defenders,
- having regard to the EU-Central America Association Agreement and in particular its human rights clause,
- 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 UN Covenant on Civil and Political Rights of 1966,
- having regard to the initial agreement on the creation of CICIG was for two years,
- having regard to the fact that his term has been extended 5 times,
- having regard to the CICIG signed an Agreement of Advice with the Supreme Court of Guatemala in august 2017,

- having regard the Constitution of Guatemala,
 - having regard to Rules 135 of its Rules of Procedure,
- A. whereas Guatemala continued to make progress in prosecuting human rights and corruption cases, due in significant part to the collaboration of the Attorney General's office with the United Nations-backed International Commission against Impunity(CICIG) in Guatemala established in 2007 to investigate organized crime and reinforce local efforts to strengthen the rule of law;
 - B. whereas that collaboration is now suspended further to the decision of President Jimmy Morales not to renew the mandate of CICIG at the expiration in September 2019 and the prohibition CICIG Commissioner Velásquez from re-entering the country;
 - C. whereas the Constitutional Court had ordered that Velásquez should be allowed to return, but authorities indicated they would not comply with this order;
 - D. whereas violence and extortion by powerful criminal organizations remain serious problems in Guatemala and gang -related violence is an important factor prompting people, including unaccompanied youth, to leave the country;
 - E. whereas Guatemala suffers from high levels of impunity, partly because criminal proceedings against powerful actors often suffer unreasonably long delays and intimidation against judges and prosecutors and corruption within the justice system continue to be a problem;
 - F. whereas journalists and human rights defenders are repeatedly targets of harassment and violence;
 - G. whereas following several investigations on illegal financing of political parties and corruption cases, most of them lead by the International Commission against Impunity (CICIG), the Guatemalan government has not shown the adequate cooperation in the investigation of corruption cases even against the decisions of the High Electoral Court (TSE);
 - H. whereas the Congress is in the process of debating and studying a bill amending the Law of Non-Government Organization for Development, that in case of approval might imply a limit for the work of human rights defenders and civil society in general;
- 1 Highlights the progress in the fight against impunity, thanks to the concerted efforts of the CICIG and the Public Prosecutor's Office and acknowledges the work done by both Institutions as well progress towards the specialization of the justice system, as well as the implementation of the new Migration Code. Stresses that the CICIG is crediting with contributing to Guatemala's dramatic reduction in homicides which

highly dropped in the 2009-2018 period and has prevented as many as 4,500 homicides in Guatemala since 20007;

- 2 Asks President Morales to reconsider his decision to deny visa to lead prosecutor Ivan Velasquez by unilaterally interrupting the cooperation between the CICIG and Guatemalan prosecutors as well as the impeachment proceedings against three of the five Constitutional Court' judges;
3. Calls for a study to be carried out to reflect the final impact of CICIG's work on the justice system in Guatemala and its contribution to the political stability of the country as well as the result of the agreement between the CICIG and the High Electoral Court signed in 2018;
- 4 Calls on Guatemalan authorities to fully respect the country's constitutional order, the judicial independence, in particular the independence of the Constitutional Court and stresses the need to further strengthen its rule of law in order to guarantee stability and fight against impunity; recalls the importance of fully respecting the country's constitutional order and the judicial independence;
- 5 Reminds that the work of human rights defenders and journalists is an essential part of building a solid, democratic society and that they play a key role in achieving rule of law and strengthening democracy and therefore calls on the Guatemalan authorities to adequately investigate and punish the authors of the murders against them;
- 6 Asks the Congress, following the technical advice provided by the Office of the UN High Commissioner for Human Rights, to reconsider the adoption of a draft bill that, if adopted, could narrow the definition of NGOs, limiting their scope and hamper their activity;
- 7 Encourages the EU Delegation to continue its support for human rights defenders; calls on the competent authorities to elaborate and implement a public policy to protect HRD in close cooperation with a wide range of stakeholders;
- 8 Welcomes and asks to increase Guatemala's efforts in its fight against organised crime and recognises the enormous difficulty of providing security and freedom to all its citizens in a structural violence situation such as the one generated by narco; calls on the EU institutions and its Member States to provide technical and budgetary means to Guatemala on its fight against corruption and organised crime and to prioritise this efforts in bilateral cooperation programs;
- 9 Calls on the European Union and its member States to use the mechanisms laid down in the Association and Political Dialogue Agreement to strongly encourage Guatemala to carry out an ambitious human rights agenda and the fight against impunity;
- 10 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, SIECA and Parlacen.