



Plenary sitting

B8-0192/2019

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 ALDE Group

B8-0192/2019

**European Parliament resolution on the 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 the Constitution of Guatemala,
- having regard to Rules 135 of its Rules of Procedure,

- A. whereas killings and attacks against defenders, organizations and communities that work on economic, social, cultural and environmental rights has increased in Guatemala since last year; whereas the overall number of attacks against human rights defenders in 2018, in particular the ones working on land and territorial rights, was of 391 aggressions according to the report of the Unit for the Protection of Human Rights Defenders (UDEFEUGUA);
- B. whereas the deterioration of the security situation for human rights defenders has been accentuated by the weakening of the justice system and the current constitutional crisis; whereas the Guatemalan authorities need to send a clear message to the material and intellectual authors of violence against human rights defenders that such actions will not go unpunished;
- C. whereas the access to justice, prison conditions, police conduct and allegations of torture, compounded by widespread corruption, collusion and impunity remains a matter of serious concern;
- D. 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 increased its efforts to block the investigation of corruption cases even against the decisions of the High Electoral Court (TSE); whereas the CICIG has been benefiting from EU and EU Member States financial support since its creation;
- E. whereas as a clear reprisal, the Guatemalan government announced the non-renewal of the CICIG mandate after September 2019 and then prohibited the return of the CICIG director Iván Velasquez to the country; whereas these measures were followed by the cancellation of 11 visas of other employees of the CICIG and in early January 2019, the government unilaterally cancelled with immediate effect the agreement with United Nations to implement the CICIG; whereas Iván Velasquez is also facing charges and subject to an ongoing smear campaigns;
- F. whereas although the Constitutional Court ordered, in a unanimous vote, that the Government had to permit the entrance of Iván Velasquez to the country, and also emitted an appeal in favour of the 11 employees, the Guatemalan government continues to disobey these Constitutional Court decisions, thereby creating an open rupture of the rule of law; whereas there have been allegations of intimidation and threats against magistrates, judges, prosecutors and also judicial actors that have cooperated with the CICIG;
- G. whereas the Guatemalan Human Rights Ombudsman, which budget has been cut back, the Public Ministry and the Judiciary have taken important steps against impunity and for the recognition of human rights; whereas there are clear attempts by the Guatemalan authorities to damage the fight against corruption, impunity and rule of law;
- H. whereas the National Reconciliation Law has been in force since the implementation of the 1996 Peace Accords that ended the 36-year civil war; whereas its reform would extend amnesty for all crimes committed during the internal armed conflict, including crimes

against humanity, such as genocide, torture, and forced disappearance leading to a drastic set-back to accountability and the rule of law in Guatemala;

- I. whereas the approval by the Guatemalan Congress of a bill amending the Law on Non-Governmental Organizations for Development would greatly limit the work of human rights defenders and civil society in general; whereas the draft bill, among others, 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;
- J. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must form an integral part of the EU's external policies, including the Association Agreement between the European Union and the countries of Central America of 2012; whereas this agreement includes a democratic clause, which is an essential element of the agreement;
 1. Condemns the killings and the continuous acts of violence against human rights defenders, organizations and communities that work on economic, social, cultural and environmental rights in Guatemala and extends its sincere condolences to their families and friends; urges for immediate, independent, objective and through investigations regarding all these acts and to hold those responsible accountable;
 2. Calls on the Guatemalan authorities to cease all acts of intimidation against Guatemalan civil society and in particular against human rights organizations, as well as the respect of the constitutional order and guarantee the fundamental rights of all Guatemalan citizens; underlines that a vibrant civil society is essential to make the state at all levels more accountable, responsive, inclusive, effective and hence more legitimate;
 3. Is extremely worried regarding all the setbacks and attacks against the national justice system, the rule of law and the ongoing struggle against corruption, misuse and impunity;
 4. Regrets Guatemala's unilateral announcement terminating the mandate of the CICIG and stresses that this decision runs against its legal obligations towards the UN and several rulings of the Constitutional Court; calls on Guatemala to allow CICIG to complete its work until its current mandate ends in September 2019, respecting the integrity of CICIG national and international personnel and affording them all necessary protection; supports and highlights the important work of the CICIG and calls on the EU to continue supporting it financially and politically until the current mandate ends;
 5. Calls on the Guatemalan Congress to follow the advice of its own Commission for Human Rights and not to approve the amendment to the National Reconciliation Law in the upcoming parliamentary processes; reiterates that international standards establish limits regarding the adoption of amnesties for the most serious crimes, and underlines that they are incompatible with State obligations to prosecute grave violations of human rights;

6. Is extremely concerned about the restrictive effect of the NGO law reform that limits furthermore the exercise of freedom of assembly, association and expression as well as establishes a series of restrictions that would prevent civil society actors to freely express their opinions and conduct their work for the benefit of Guatemalan citizens; recalls the authorities that any modification to the law should be in line with the international human rights standards and calls to act accordingly;
7. 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, fight against impunity and the consolidation of the rule of law;
8. Is concerned about the situation of those working in the justice system, in particular judges and prosecutors who have collaborated with the CICIG as well as national staff of the CICIG, police officers assigned to support the CICIG functions, victims, and witnesses, and that are still working on high profile cases, particularly those related to alleged corruption, organized crime and illicit financial flows involving powerful people; urges the Guatemalan authorities to provide them with effective protection in order for them to exercise their functions and respect their safety and physical integrity as well as that of their families in compliance with Guatemala's international human rights obligations;
9. Calls on the Guatemalan authorities to continue the investigations and prosecutions of such high-level cases and urges to ensure the smooth functioning of the institutions concerned so that they are able to resolve cases without any interference, threat or intimidation;
10. Strongly rejects any kind of pressure, intimidation and influence traffic, jeopardising independence, legal pluralism and objectivity; encourages the Guatemalan authorities to continue fostering cooperation between the Ministry of the Interior's Unit for the Analysis of Attacks against HRD and the Human Rights Section of the Attorney General's Office;
11. 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;
12. 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;
13. 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;

14. 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.