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*Plenary sitting*

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**B9-0191/2022**

5.4.2022

## 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 144 of the Rules of Procedure

on the situation of the rule of law and human rights in the Republic of Guatemala  
(2022/2621(RSP))

**Ryszard Antoni Legutko, Anna Fotyga, Karol Karski, Elżbieta Kruk, Witold Jan Waszczykowski, Patryk Jaki, Valdemar Tomaševski, Eugen Jurzyca, Carlo Fidanza, Angel Dzhambazki, Ladislav Ilčíč, Bogdan Rzońca, Ryszard Czarnecki, Adam Bielan, Elżbieta Rafalska**  
on behalf of the ECR Group

**European Parliament resolution on the situation of the rule of law and human rights in the Republic of Guatemala (2022/2621(RSP))**

*The European Parliament,*

- having regard to its resolution of 14 March 2019 on the situation of human rights in Guatemala and its resolution of 16 February 2017 on the situation of human rights defenders in Guatemala,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the Multiannual Indicative Programme 2021-2027 for Guatemala,
- having regard to the report of the UN High Commissioner for Human Rights of 28 February 2022 on the situation of human rights in Guatemala,
- having regard to the statement of the Spokesperson of the European External Action Service (EEAS) of 11 February 2022 on the rule of law situation in Guatemala,
- having regard to the statement of the Spokesperson of the European External Action Service (EEAS) of 23 March 2022 on the deterioration of the rule of law in Guatemala,
- having regard to Rule 144 of its Rules of Procedure,

A. whereas the unilateral decision of the then government of Jimmy Morales to terminate the mandate of the United Nations-backed International Commission against Impunity in Guatemala (CICIG) marked the starting point of a process of systematic obstruction of the work of independent judges and prosecutors through fabricated accusations of corruption and other crimes, a process that continues today;

B. whereas in recent years, investigations by the CICIG and the Attorney General's Office have exposed corruption schemes in all three branches of government of Guatemala; whereas, however, measures adopted recently by Congress, the Attorney General's Office and other authorities are impeding accountability and threatening judicial independence;

C. whereas according to Transparency International, in ten years Guatemala has dropped 59 positions in the Corruption Perceptions Index, from the 91st place in 2010 to the 150th place in 2020 out of 180 countries; whereas, at the root of this deterioration is the progressive dismantling of all progress in the fight against impunity and corruption that had taken place since the Peace Accords and the establishment of the CICIG;

D. whereas the selection process for the Constitutional Court has been marred by corruption allegations based on an investigation by the Special Prosecutor Against Impunity (FECI) that revealed evidence of possible influence peddling in the selection of judicial nominees;

E. whereas in September 2021, the Constitutional Court annulled a provision of the criminal code that prohibited allowing people sentenced to five or more years of incarceration for corruption from serving their sentences outside jail; whereas they can now serve corruption sentences under house arrest;

F. whereas in January 2022, the process started to elect a new Prosecutor-General, who is to take up his/her duties next May; whereas this is an important position to guarantee the rule of law, the protection and defence of human rights, the fight against corruption and impunity, and the sound functioning of democracy; whereas on 9th March 2022, the Inter-American Commission on Human Rights and the UN Special Rapporteur on the Independence of Judges and Magistrates urged Guatemala "to guarantee international standards of independence and impartiality during the selection process of the next head of the Public Prosecutor's Office and the Attorney General's Office"; whereas in the first week of April, the selection shortlist will be handed over to the president to decide;

G. whereas the Human Rights Ombudsman's Office (PDH) has seen its work blocked as for months it has not received the resources approved in Guatemala's National General Budget;

H. whereas according to figures from the Committee to Protect Journalists (CPJ) in the recent years there was an increase of the number of attacks against independent journalists, signalling perpetuated widespread impunity in cases of violence against journalists in Guatemala;

I. whereas according to the UN Office of the High Commissioner's report of 2020, another group of defenders who are under attack and who suffer most from the criminalisation of their work are those who defend land, territory, and the rights of indigenous peoples;

J. whereas protection of the rule of law in Guatemala and other Central American countries is essential to limit the freedom of operation of international drug cartels to act without impunity;

1. Expresses concerns regarding the rule of law, human rights, the fight against corruption and impunity in Guatemala;

2. Highlights that in Guatemala judicial independence is threatened by corruption, delays in appointments of judges, and complaints against judges and prosecutors investigating high profile cases as well as attempts of punishing citizens who are combating impunity and promoting transparency;

3. Calls on the government of Guatemala to ensure the independence of justice institutions and to strengthen the professional careers of justice officials, including enhancing the protection of justice officials, and the creation of institutional protection mechanisms to detect

and adequately address challenges related to judicial independence;

4. Underlines that the selection of the new General Prosecutor should follow national legal procedures in full transparency;

5. Calls on the Guatemalan authorities to conduct a thorough investigation into the killing of journalist Harold Orlando Villanueva in order to determine the motive for this crime and to prosecute those responsible;

6. Calls on the authorities of Guatemala to strengthen legislation, policies and institutional structures for the protection of human rights defenders, and journalists, and to strengthen the relationship of trust between public institutions and indigenous peoples through the implementation of measures for the protection and realization of their rights to lands, territories, and natural resources, consultation and free, prior, and informed consent;

7. Calls on the Guatemalan government to ensure that officials and security forces do not harass, detain or impose arbitrary restrictions on journalists carrying out their work, and to investigate those who do; and to work jointly with Congress so that the Office of the Prosecutor for Crimes against Journalists has sufficient funds and resources and trained personnel;

8. Calls for the EU and its Member States to take collective action with international partners to closely monitor the situation of the rule of law and human rights;

9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President, Government and Parliament of the Republic of Guatemala, the Organisation of American States, the Central American Parliament and the co-presidents of the Euro-Latin American Parliamentary Assembly.