



Plenary sitting

**B8-0182/2019 }
B8-0183/2019 }
B8-0185/2019 }
B8-0189/2019 }
B8-0192/2019 }
B8-0196/2019 }
B8-0197/2019 } RC1**

13.3.2019

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4) of the Rules of Procedure

replacing the following motions:

B8-0182/2019 (Verts/ALE)
B8-0183/2019 (EFDD)
B8-0185/2019 (ECR)
B8-0189/2019 (GUE/NGL)
B8-0192/2019 (ALDE)
B8-0196/2019 (S&D)
B8-0197/2019 (PPE)

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

Roberta Metsola, Marijana Petir, Pavel Svoboda, Tunne Kelam, Milan Zver, Agnieszka Kozłowska-Rajewicz, Eduard Kukan, Elisabetta Gardini, Róza Gräfin von Thun und Hohenstein, Cristian Dan Preda, Patricija Šulin, Tomáš Zdechovský, Adam Szejnfeld, Csaba Sógor, Jarosław Wałęsa, Andrzej Grzyb, Elmar Brok, Ivo Belet, Sandra Kalniete, Dubravka Šuica, Andrey Kovatchev, Francis Zammit Dimech, Seán Kelly, Deirdre Clune, Ivana Maletić, Laima Liucija Andrikienė, László Tőkés,

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PE635.546v01-00 }
PE635.457v01-00 } RC1

Inese Vaidere, Stanislav Polčák, Jiří Pospíšil

on behalf of the PPE Group

Elena Valenciano, Victor Boștinaru, Soraya Post, Ramón Jáuregui Atondo

on behalf of the S&D Group

Charles Tannock, Karol Karski, Ryszard Czarnecki, Ruža Tomašić, Jana Žitňanská

on behalf of the ECR Group

Beatriz Becerra Basterrechea, Petras Auštrevičius, Izaskun Bilbao

Barandica, Dita Charanzová, Gérard Deprez, Marian Harkin, Ivan

Jakovčić, Ilhan Kyuchyuk, Valentinas Mazuronis, Louis Michel, Javier

Nart, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Jozo

Radoš, Frédérique Ries, Robert Rochefort, Marietje Schaake, Jasenko

Selimovic, Pavel Telička, Ivo Vajgl, Johannes Cornelis van Baalen,

Matthijs van Miltenburg, Hilde Vautmans, Mirja Vehkaperä

on behalf of the ALDE Group

Molly Scott Cato

on behalf of the Verts/ALE Group

Xabier Benito Ziluaga, Miguel Urbán Crespo, Marie-Christine Vergiat,

Tania González Peñas, Lola Sánchez Caldentey, Luke Ming Flanagan,

Dimitrios Papadimoulis

on behalf of the GUE/NGL Group

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Rolandas

Paksas

on behalf of the EFDD Group

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

The European Parliament,

- having regard to its resolutions of 15 March 2007 on Guatemala¹, of 11 December 2012 on the draft Council decision on the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other², and of 16 February 2017 on Guatemala, notably the situation of human rights defenders³,
- having regard to the visit of its Subcommittee on Human Rights to Mexico and Guatemala in February 2016 and its final report thereon,
- having regard to the report of its delegation for relations with the countries of Central America on its visit to Guatemala and Honduras between 16 and 20 February 2015,
- having regard to the visit of the delegation for relations with the countries of Central America to Guatemala between 28 October and 1 November 2018,
- having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries⁴,
- having regard to the 2014-2020 Multiannual Indicative Programme for Guatemala, and its engagement to contribute to the resolution of conflicts and to peace and security,
- having regard to the European Union support programmes for the justice sector in Guatemala, in particular SEJUST,
- having regard to the EU Guidelines on Human Rights Defenders, and the EU Strategic Framework on Human Rights, which commits to engagement on human rights defenders,
- having regard to the EU's 2018 Annual Action Programme in favour of Guatemala for sustainable and inclusive economic growth in the Guatemalan adjacency zone (AZ) and its vicinity and for support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG),
- having regard to the signing of an agreement of advice between the CICIG and the Supreme Court of Guatemala in August 2017,
- having regard to the statement by the Spokesperson of the European External Action

¹ OJ C 301 E, 13.12.2007, p. 257.

² OJ C 434, 23.12.2015, p. 181.

³ OJ C 252, 18.7.2018, p. 196.

⁴ OJ C 215, 19.6.2018, p. 125.

Service (EEAS) of 2 September 2018 on the decision of the Guatemalan Government not to renew the CIGIC mandate,

- having regard to the joint letter from the President of the UN Working Group on Enforced or Involuntary Disappearances and the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, to the President of Guatemala, of 6 April 2018,
 - having regard to the statement of 10 September 2018 by the UN High Commissioner for Human Rights, Michelle Bachelet, on the decision of the Guatemalan Government not to extend the mandate of the CICIG,
 - having regard to the declaration of 6 March 2019 by the UN High Commissioner for Human Rights, Michelle Bachelet, on the Guatemalan Law on Non-Governmental Organisations for Development,
 - having regard to the latest Human Rights Watch report on Guatemala,
 - having regard to the Constitution of Guatemala,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas owing in significant part to the collaboration between the Guatemalan Attorney General's office and the UN-backed International Commission against Impunity in Guatemala (CICIG), which was established in 2007 to investigate organised crime and reinforce local efforts to strengthen the rule of law, Guatemala had continued to make some progress in prosecuting human rights and corruption cases;
- B. whereas the number of killings of and attacks against defenders, organisations and communities that work on economic, social, cultural and environmental rights has increased in Guatemala over the past few years; whereas in 2018 the overall number of attacks against human rights defenders and indigenous people, in particular attacks against those working on land and territorial rights, was 391, according to a report by the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA), including 147 cases of criminalisation and 26 assassinations, a 136 % increase on 2017;
- C. whereas human rights defenders also face threats, intimidation, stigmatisation, defamation campaigns by private actors and the Guatemalan authorities, and judicial persecution; whereas the misuse of criminal procedures against human rights defenders in order to prevent or sanction their work remains a matter of concern;
- D. whereas the number of attacks against journalists is also very worrying, with 93 attacks, including four killings, recorded in 2017; whereas given the ongoing concentration of media ownership in the hands of a few companies, independent media outlets and journalists continue to be subjected to attacks and threats;
- E. whereas violence against women remains a grave problem in Guatemala, as evidenced by the fact that violent deaths of women rose by 8 % to 662 cases; whereas on

International Women's Day 2017, 41 girls died, having been locked in 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 %;

- F. whereas since 2007, the CICIG has been fighting corruption and impunity at the invitation of the Guatemalan Government and in close collaboration with the national institutions in the country, in order to identify and help dismantle para-state institutions, and have been contributing to strengthening the capacities of the country's judicial and security institutions;
- G. whereas after four extensions of successive two-year mandates of the CICIG, the Guatemalan Government requested from the UN Secretary General that its mandate be renewed once again until September 2019, thereby further strengthening governance through the CICIG's high-impact investigations and support for the rule of law in Guatemala, and consolidating its achievements in significantly reducing corruption and challenging the impunity of non-state activities with links to the State (CIACS);
- H. whereas in April 2018, the CICIG and the Public Ministry presented the outcome of new investigations into the illegal financing of the ruling FCN party during its electoral campaign; whereas in July 2018, the Supreme Court of Justice planned an investigation into the activities of President Jimmy Morales with regard to the illegal financing of his electoral campaign;
- I. whereas at the end of August 2018, the Guatemalan Government announced the cancellation of the CICIG's mandate as of September 2019; whereas shortly afterwards, the government also prohibited the return to the country of CICIG director Iván Velásquez and subsequently cancelled visas for 11 CICIG employees who had been investigating high-level cases of corruption; whereas in January 2019, the government unilaterally cancelled the agreement with the UN on the CICIG with immediate effect and requested that the CICIG leave the country; whereas Iván Velásquez is also facing charges and is the subject of ongoing smear campaigns;
- J. whereas these measures have been contested and annulled by the Constitutional Court of Guatemala; whereas the Constitutional Court ordered, in a unanimous vote, that the government had to allow Iván Velasquez to enter the country; whereas these rulings have been ignored by the government; whereas the Congress has prepared action against the Constitutional Court and its members, giving rise to a flagrant conflict with the rule of law;
- K. whereas Reform Bill 5377 amending the National Reconciliation Law, which passed Congress in the second out of three readings in early March 2019, would extend an amnesty for all crimes committed by the domestic security forces and individuals acting on behalf of the government, including crimes against humanity, such as torture, forced disappearance and genocide; whereas the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights (IACHR) have expressed their concerns over the bill and have called for the existing law not to be amended;

- L. whereas according to the IACHR, Reform Bill 5377 fails to comply with Guatemala's international commitments, is allegedly in violation of international law, and violates Article 171(g) of the Guatemalan Constitution, as all persons in prison who had been found guilty of political crimes and crimes against humanity committed during the armed conflict, and were convicted for them, would be freed within hours;
- M. whereas people in Guatemala are having to endure an extremely high level of insecurity, and whereas the National Civil Police (PNC) has been severely undermined in recent years; whereas there have been allegations of intimidation and threats against magistrates, judges, prosecutors and judicial actors that have cooperated with the CICIG;
- N. whereas access to justice, prison conditions, police conduct and allegations of torture, issues compounded by widespread corruption, collusion and impunity, remain a matter of serious concern;
- O. whereas the Guatemalan Human Rights Ombudsman, whose 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 the rule of law;
- P. whereas according to the UDEFEGUA, the victims of attacks 'have been mostly indigenous leaders who defend the right to land and territory'; whereas the UN Special Rapporteur has expressed concerns on indigenous rights following complaints about hydroelectric, mining and agro-industrial projects, the licenses and operations of which have caused the rights of indigenous peoples to be violated; whereas the UN Special Rapporteur has also stated that it is worrisome that peaceful protests by communities are being treated by the state and the third parties involved as situations of criminal conflict that affect public safety; whereas Aura Lolita Chávez, the Guatemalan indigenous environmental defender and 2017 European Parliament Sakharov prize finalist, left her country after serious attacks, murder threats and defamation, and faces various judicial processes were she to return;
- Q. whereas on 9 October 2018, members of the Peaceful Resistance of the Ixquisis Microregion movement, among others, were attacked by anti-riot agents from the PNC, leaving six protestors injured;
- R. whereas the Swedish Ambassador to Guatemala has been declared persona non grata (a declaration subsequently annulled by the Constitutional Court) for allegedly supporting the work of the CICIG in the country;
- S. whereas general and presidential elections in Guatemala are planned for 16 June and 11 August 2019;
- T. 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 concluded between the EU

and the countries of Central America in 2012; whereas this agreement includes a democratic clause, which is an essential element thereof; whereas Guatemala is the EU's third-largest recipient of bilateral development assistance in Central America, with this assistance amounting to EUR 167 million over the 2014-2020 period and focusing on food security, conflict resolution, peace, security and competitiveness;

1. Expresses its deep concern at the increased number of killings and acts of violence and at the 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; regrets the fact that the Guatemalan Government continues to breach the rule of law and the separation of powers; recalls that an essential principle of liberal democracies is the separation of powers and respect for the rule of law;
2. Calls on the Guatemalan authorities to cease all acts of intimidation against Guatemalan civil society, and human rights organisations in particular, to respect the constitutional order and to guarantee the fundamental rights of all Guatemalan citizens; underlines the fact that a vibrant civil society is essential to make the state more accountable, responsive, inclusive and effective at all levels, and thus more legitimate; insists that all institutions that defend constitutional democracy and human rights in Guatemala need to be supported and strengthened; recalls that guaranteeing an independent judiciary and respecting its independence, as well as ensuring an impartial legal system, is essential; stresses that these are key to consolidating efforts to combat corruption and impunity; considers that allegations of intimidation and threats against magistrates, judges and prosecutors should lead to immediate action to protect the country's judicial institutions and their representatives; urges the Guatemalan Executive to immediately ensure independence of the judiciary and guarantee freedom of the press and the media;
3. Is convinced that the CICIG has played a vital role in Guatemala and that its work in fighting impunity and corruption and preparing investigations for trials to be carried out by Guatemalan institutions is crucial to upholding the rule of law; expresses its deep concern about the current situation that the CICIG faces in Guatemala and asks the Guatemalan Government to cease all illegal attacks against the CICIG and its national and international staff;
4. Welcomes, in this context, the Commission Implementing Decision from September 2018 to support the extended mandate of the CICIG with an additional EUR 5 million from the Development Cooperation Instrument (DCI) for the 2018 Guatemala Annual Action Programme.; calls on the Commission to disburse the EUR 5 million as agreed as a matter of urgency, and to continue all approved programmes with the CICIG; asks the Commission to stand ready for a continuation of its cooperation with and funding of the CICIG after September 2019, and actively supports such a prolongation;
5. Is convinced that the proposed amendment of the National Reconciliation Law poses a significant threat to the rule of law in Guatemala and would drastically undermine the important progress achieved through the work of the national courts in their fight against impunity; shares the view of the UN High Commissioner that the amnesty for

violators of human rights, perpetrators of crimes against humanity and war criminals provided for in the bill would fuel even more violence in the country; notes that such action might include retaliation by released prisoners, which could lead to societal destabilisation; therefore urges the Guatemalan Congress not to adopt the bill;

6. Calls for an independent study to be carried out, under the auspices of the United Nations, which should reflect the final impact of the CICIG's work on the justice system in Guatemala and its contribution to the country's political stability, and the result of the agreement signed between the CICIG and the Supreme Electoral Court;
7. Is concerned about the proposed Law on Non-Governmental Organisations for Development; asks the Guatemalan Congress, in line with the technical advice provided by the Office of the UN High Commissioner for Human Rights, to refrain from adopting this bill which, if adopted, could restrict freedom of expression and the freedom of assembly of NGOs, could limit their access to funding and narrow their definition, thereby limiting their scope and hampering their activities, and could open the door to their being arbitrarily banned; reminds the authorities and institutions of Guatemala 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;
8. Expresses its concern about the complaints made regarding the lack of free, prior and informed consultations (ILO Convention 169); recalls the recommendation of the UN Special Rapporteur that the rights of indigenous peoples should be fully respected in accordance with international standards, which include the right to free, prior and informed consultation; recalls that national and international corporations are directly bound by treaties and other national and international rules on human rights and environmental rights throughout their value chains, and that, if companies are found to have caused or contributed to harm, they must provide for or participate in effective remedy processes for the individuals and communities affected; notes that this includes restitution, compensation, rehabilitation and guarantees of non-recurrence; recalls that governments have the responsibility to protect human rights and to bring those who violate such rights to justice;
9. Reiterates its request for the protection of human rights defenders, in particular female human rights defenders; welcomes and supports the action undertaken thus far by European embassies and the EU Delegation to Guatemala; requests that the European Union maintain and, if necessary, step up projects to support the work of national and international organisations in Guatemala;
10. Insists that Guatemalan authorities must declare and ensure the legal and physical safety of the Sakharov finalist Lolita Chávez, should she decide to return to her home country;
11. Urges that the elections in Guatemala should take place in a peaceful and transparent manner, and that security should be provided for all candidates; emphasises that the Supreme Electoral Court must act independently and with no interference from state institutions or actors; offers to send an Election Expert Mission from the EU;

12. Deplores the fact that after more than 20 years, the Guatemalan Peace Accords still have not been implemented, and indeed are at risk of being dismantled; strongly encourages all national and international actors to do everything possible to accelerate their full implementation; calls on the Guatemalan Government, to this end, to ensure the democratic and political control and the professionalisation of the PNC and other institutions such as CONRED, the national coordinator for disaster reduction, in order to prevent their militarisation and the channelling of humanitarian funds through the army, as this is not consistent with the goals of the Peace Accords;
13. Reminds the Guatemalan Government that the EU-Central America Association Agreement includes a human rights clause as an essential element and that membership may be suspended in the case of its violation; calls for the European Union and its Member States to use the mechanisms laid down in the Association Agreement and the Political Dialogue and Cooperation 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 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 International Commission against Impunity in Guatemala (CICIG), the Secretary of Economic Integration of Central America (SIECA), the Central American Parliament and the co-presidents of the Euro-Latin American Parliamentary Assembly.