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Plenary sitting

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<Date>{14/02/2017}14.2.2017</Date>

<TitreType>MOTION FOR A RESOLUTION</TitreType>

<TitreSuite>with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law</TitreSuite>

<TitreRecueil>pursuant to Rule 135 of the Rules of Procedure</TitreRecueil>

<Titre>on Guatemala, notably the situation of human rights defenders</Titre>

<DocRef>(2017/2565(RSP))</DocRef>

<RepeatBlock-By><Depute>Marina Albiol Guzmán, Malin Björk, Tania González Peñas, Miguel Urbán Crespo, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Merja Kyllönen, Marie-Christine Vergiat, Paloma López Bermejo, Younous Omarjee, Javier Couso Permuy, Dimitrios Papadimoulis, Kostadinka Kuneva, Stelios Kouloglou, Kostas Chrysogonos, Patrick Le Hyaric</Depute>

<Commission>{GUE}on behalf of the GUE/NGL Group</Commission>

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B8‑0166/2017

European Parliament resolution on Guatemala, notably the situation of human rights defenders

(2017/2565(RSP))

*The European Parliament*,

- having regard to the United Nations Universal Declaration of Human Rights of 1948,

- having regard to Article 21 of the Treaty of the European Union;

- having regard to Article 208 of the Treaty on the Functioning of the European Union,

- having regard to the European Consensus on Development of December 2005;

- having regard to prior resolutions on Guatemala, particularly the resolution of 15th of March 2007 on impunity;

- having regard to the Political Dialogue and Cooperation Agreement between Central America and the EU of 2003;

- having regard to the Human Rights Clause in the Association Agreement EU-Central America

- having regard to ILO Convention 169 and the Declaration on the Rights of Indigenous Peoples,

- having regard to the 'EU Guidelines on Human Rights Defenders', the Strategic Framework on Human Rights,

- having regard to the open letter of the EU Delegation and several European embassies to the Government of Guatemala from 10th of December 2016

- having regard to the Declaration of the High Representative of the European Union on behalf of the International Day of Indigenous People from August 2016

- having regard the report of the INTER-AMERICAN COMMISSION ON HUMAN RIGHTS about the Situation of Human Rights in Guatemala OEA/Ser.L/V/II.Doc. 43/15 from December 2015

- having regard to the EU Action Plan on Human Rights and Democracy (2015-2019);

- having regard to the Programs of Support to Justice Sector, particularly SEJUST, of the European Union to Guatemala in the years before,

- having regard to EU´s Local Statement on the concern for the attempt to impose sanctions and to suspend Judge Yassmin Barrios from her professional functions of April 2014,

- having regard to DCAM delegation report visit to Guatemala and Honduras on 16-20 February 2015;

- having regard to the visit of a delegation of the Subcommittee for Human Rights of the European Parliament to Guatemala in February 2016

- having regard to Rule 135 of its Rules of Procedure,

1. Whereas between January and November 2016, fourteen murders and seven attempted murders of human rights defenders in Guatemala were reported, pointing to an escalation of attacks against human rights defenders;
2. whereas these murders seem the final blow of a long and repetitive cycle of violence against the defenders, which was not duly dealt with by the Guatemalan authorities;
3. whereas since 2013, when trade pillar of the EU-Central America Association Agreement provisionally entered into force, attacks against human rights defenders have increased significantly;
4. Whereas as stated expressively in the DCAM delegation study visit report to Guatemala and Honduras on 16-20 February 2015, violence is generated by the state in connection with mining activities or hydroelectric projects;
5. Whereas 2016 saw more broadly a serious pattern of escalating aggression against human rights defenders in Guatemala, where overall 223 aggressions against HRDs including 68 new legal cases launched against HRDs (alongside already ongoing cases) were reported being environmental and land rights defenders and those working on justice and impunity the most targeted categories of HRD;
6. Whereas 2017 is starting with alarming levels, with further assassination, several cases of legal files opened against human rights defenders, and at a time where the State removes precautionary measures for human rights defenders;
7. Whereas information on smear campaigns, intimidation and trumped-up legal complaints against judicial operators, directed at any step forward in emblematic cases of corruption and transitional justice such as those of Molina Theissen and CREOMPAZ, as well as those involving judicial steps to clarify the legal files on corruption in the La Linea y Coparacha cases and others;
8. Whereas serious risks for justice operators put into question the very viability of the rule of law and of an independent judicial system in Guatemala;
9. Whereas Union's action on the international scene shall be guided by principles like democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law; whereas Article 208 of the Treaty on the Functioning of the European Union reaffirms that the Union must take account of the objective of development cooperation in the policies that it implements which are likely to affect developing countries;
10. Whereas the EU is the main donor of official development aid to Guatemala;
11. Whereas the EU has a long-standing relations with Guatemala which is mainly governed by the Political Dialogue and Cooperation Agreement between Central America and the EU of 2003, which is based on political dialogue, cooperation and a free trade area; whereas on 29 June 2012, the EU signed an Association Agreement with six Central American States (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama): whereas all six Central America countries have already ratified the Agreement; whereas still 8 EU countries have not conclude the ratification procedure, not allowing, therefore, to give full effect to the Political Dialogue and Cooperation pillars of the Agreement;
12. Condemns the recent murder of Sebastian Alonso Juan -72 year old community leader in the micro region of Ixquisis (Huehuetenango)- during a demonstration against the hydroelectric project *Pojom II,* as well as for each of the previous murders, including the 14 assassinations of HRDs in Guatemala in 2016; adds its condolences to the family and friends and encourages them and all HRDs to continue their courageous fight for their rights;
13. Is deeply concerned of the dramatic situation that human rights defenders are facing in Guatemala and the economic and social situation facing by the population of Guatemala as a whole, in particular women, rural population, LGTBI people and indigenous people, given the dramatic human rights situation in the country;
14. Pays tribute to all HRD in Guatemala who despite the risks and reprisals to their legitimate human rights work dedicate their life to the pursuit of a more democratic society and a functioning rule of law in their country;
15. Expresses grave concern that Guatemala is yet to implement a Public Policy for the Protection of Human Rights Defenders and calls on the Guatemalan authorities to ensure that the public policy is developed in a wide participative process and is not limited to protection measures, but also addresses the structural causes increasing the vulnerability of the defenders;
16. Urges the Guatemalan government to establish a mechanism for the effective protection of human right defenders, journalists, media workers and justice operators; urges for the urgent mandatory implementing of the precautionary measures recommended by the Inter-American Commission on Human Rights and to take diligent, impartial and effective investigations into the murders and assaults committed against Human Rights defenders and Journalists; calls for the provision of all the necessary resources for the effective implementation of the Law on Protection for Human Rights Defenders;
17. Calls the international community to effectively guaranty the work and safety of Human Rights Defenders in Guatemala and to participate in the clarification of serious cases of attacks such as the forced disappearance of 20 year old HRD Ovidio Xol within the framework of land negotiations with the Hydroelectric company *RENACE* in 2014;
18. Expresses its concern on the particular situation of HRDs opposing hydroelectric projects in Santa Cruz Barillas, Santa Eulalia, Ixquisis, San Mateo Ixtatán and San Pablo (San Marcos) who are facing a criminalization campaign and suffering permanent attacks to their rights;
19. Denounces the negative effects of the activities of EU multinationals' in Guatemala, such as general impoverishment and systematic violation of human rights due to the exploitation of their human and natural resources under the supervision of the UN Office of the High Commissioner for Human Rights-Guatemala: is concerned by the pervasive link between business and politics in Guatemala; asks for an international independent inquiry on EU companies’ involvement in human rights violations, in particular related to Hydroelectric projects *Pojom II* and *RENACE,* the mining project *FeNix and the oil company PERENCO*; strongly condemns the, consequent, impunity of transnationals operating in Guatemala;
20. Calls on the European Commission to introduce a legislative proposal for binding and enforceable mechanisms on enterprises and Human Rights, especially in case of EU based companies operating in third countries;
21. Calls on the European Commission to immediately suspend the provisional application of the trade pillar of the Association Agreement EU-CA;
22. Highlights its deep concern at the climate of harassment and destabilisation against human rights defenders working against impunity and corruption, including justice operators such as the General Attorney Thelma Aldana, the judges Miguel Ángel Gálvez and Yasmín Barrios or the lawyers Miguel Moerth, Ramón Cadena, Alejandro Rodríguez and Rafael Maldonado; calls on the Guatemalan authorities to take concrete steps to guarantee the independence of the judiciary;
23. Calls on the General Attorney’s Office to adopt as soon as possible the General Instruction on Criminal investigation of attacks against human rights defenders and to train prosecutors so they can effectively implement it;
24. Calls on the highest authorities of Guatemalan Public Ministry to support and back up judicial operators from all types of pressure and intimidation, in order to guarantee that only the principles of legality and objectivity guide their judicial acts.
25. Calls the EU to ensure through the political dialogue instruments that Guatemalan judicial authorities carry out their duties to effectively and promptly investigate each attack against HRD, in cooperation with international investigations;
26. Urges the Guatemalan government to meet its obligations under the IACHR, regarding the prior, free and informed consultation of indigenous people regarding projects underway on their land and territories, affecting their natural resources; urges Guatemalan Government to respect the rights of workers and effectively fulfil with ILO core conventions, in particular of article 15 of ILO Convention 169 (C169), respecting the result of the 93 communitarian consultations in good faith undertaken in 2014 and 2015;
27. Calls the EU bodies to ensure that no European assistance or support promotes or permits development projects without meeting the obligation for prior, free and informed consultation with indigenous communities, nor without ensuring meaningful consultation of all affected communities and that strong human rights, labour rights and environmental safeguards are in place;
28. Urges all other Development Finance Institutions to suspend all their activities in Guatemala which are linked to human rights abuses;
29. Expresses its deep concern at the climate of extreme violence and systematic attacks against migrant people in Guatemala; denounces that most of those attacks and violations of human rights are carried out by Guatemalan law enforcement officials;
30. Instructs its President to forward this resolution to the Council, the European External Action Service, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe, the UN Human Rights Council, the Government and Parliament of Guatemala, the concerned private companies and European and Guatemalan Human Rights Organizations.