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*Delegation for relations with the countries of Central America*

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20.01.2019

## MISSION REPORT

following the delegation visit to Guatemala, which took place in Guatemala City from 28 October to 1 November 2018

Delegation for relations with the countries of Central America

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## **I. Introduction**

The Delegation for relations with the countries of Central America, which visited Guatemala from 28 October to 1 November 2018, was led by Ms Sofia SAKORAFI (GUE, Greece) and composed of three other MEPs: Mr Nikos ANDROULAKIS (S&D, Greece), Mr Xabier BENITO ZILUAGA (GUE, Spain), Ms Tilly METZ (GREENS/EFA, Luxembourg).

The Delegation was assisted by Mr Helmut WEIXLER and Ms Frédérique ALBERT, representing Parliament's General Secretariat and a team of interpreters made up by Ms Christianna YACOUMI, Mr Veniamin DASKALAKIS and MS Verónica ORTIZ ZAPATER.

According to the programme (see annex) the delegation addressed a broad variety of issues during its visit to Guatemala, ranging from economic and political aspects, to the social and human rights situation, and the fight against corruption and impunity. The programme of the visit comprised meetings with the Foreign Affairs Minister, Home Affairs Minister, the Vice-Minister for Economy, the Attorney General and the Attorney General for Human Rights, civil society and indigenous organisations, the lawyers of Human Rights Defenders, representatives of CICIG (International Commission against Impunity in Guatemala), and the private sector.

This visit offered an opportunity to the Delegation Members to get a comprehensive understanding of the current situation in times of strained relations of Guatemala with the international community and the European Union. The government insists on "national sovereignty" and sees intervention on behalf of human rights defenders as interference in internal matters. Moreover, the conflict around the future of the CICIG, whose mandate President Jimmy Morales has not prolonged, poisoned the relations with CICIG's donor countries and in particular with the European Union. Since the last delegation visit in 2015, the human rights situation has been deteriorating considerably with 24 human rights defenders murdered this year (until October 2018).

Economically, Guatemala is doing well with high growth rates and low inflation. Persisting problems are the extreme unequal distribution of income and wealth and a very low tax collection rate that restricts the funding for public and social services.

The visit also included one important inter-parliamentary event, the meeting with the new President of Parlacen (Central American Parliament), Ms Irma Segunda Amaya Echeverría (FMLN, El Salvador). The Delegation discussed with her the roadmap for the establishment of the future Joint Parliamentary Committee.

Exercising its power to scrutinize, the EP Delegation visited two project-sites, allowing the MEPs to have a look at the implementation of EU funded projects. The first visit went to a prison for women with children under 4 years old who can stay with their mothers while serving their sentence. The second visit was to a youth employment project at INTECAP (Centro de Capacitación Guatemala), which provides young people with vocational education training.

Annex I Participants in the meetings

Annex II Reporting sheets

## II. Meetings

During this visit, a diversity of topics were discussed in depth and from various angles of analysis. This is why this report is structured thematically, with the following sections: Political situation, economic situation, human rights, fight against impunity and corruption, citizens' security, migration, EU-Central America Association Agreement, Parlacen and scrutiny activities.

### **Political situation:**

The visit took place in a very strained political environment. The increasing conflict of the President and the government with CICIG (International Commission against Impunity in Guatemala) led to an increasingly hostile environment towards all international organisations. The EU is considered an enemy as it advocates for protection of human rights and cooperates with the social sectors of Guatemala. In the course of the conflict over CICIG, the government wanted to expel the Swedish ambassador and at some point sent military vehicles to patrol the diplomatic quarter. At the time of the visit, tensions between the government and the European Union had eased a bit.

President Jimmy Morales replaced some independent ministers, who did not agree with his political stance towards CICIG - notably the Foreign Affairs Minister and the Home Affairs Minister. Consequently, the current government is dominated by hardliners who defend “national sovereignty” and consider any support for human rights as an interference in internal affairs and a leftist idea. It is common practice in Guatemala to label any political adversary as a “communist” to discredit them. Generally, we see a regression to authoritarianism, violence, impunity and corruption. A month after taking office, the new Home Affairs Minister Mr Degenhart fired the well regarded police chief Nery Ramos and his top aides, and also promoted several dozens of police officers without following the regulations for promotions.

However, freedom of the press is still respected, though several government members harshly criticised the role of the press in the CICIG affair in the meetings with the Delegation. The Constitutional Court is still upholding the constitutional order, for example by annulling the decision of President Morales to forbid the re-entry of the Head of the CICIG, Mr Ivan Velásquez, into the country.

Civil society representatives indicated that the relationship of the international community with the government and Congress should be a direct, forceful, less diplomatic relationship. It was also advised to consider economic measures and make better use of the G13 group of donors, a forum of countries and multilateral organisations representing the largest donors to the development of Guatemala<sup>1</sup>. Organisations such as the World Bank and the Inter-American Development Bank are part of the G13 and could link their loans to certain conditions regarding the fight against corruption.

Guatemala will hold general elections in June 2019 with a second round of the Presidential

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<sup>1</sup> The Donors Group G13 is an instance of coordination between countries, bilateral and multilateral agencies, made up of the nine countries that allocate most resources of cooperation to Guatemala: Canada, Germany, Italy, Spain, France, Sweden, Switzerland, United States, United Kingdom and by the following multilateral organisations: Inter-American Development Bank (IDB), World Bank (WB), International Monetary Fund (IMF), the United Nations System (UNS), the Delegation of the European Union (EU) and the Organization of American States (OAS).

elections to be held in August if no candidate wins a majority in the first round. The Foreign Affairs Minister, Sandra Jovel, confirmed that observers of the OAS would be invited to observe the elections, but she did not mention the EU implying that the EU will not be included as an electoral observer.

Observers doubted that these elections will be able to change a lot in the country. In Guatemala, no real political parties exist and a system of clientelism is currently prevailing. Civil society representatives described the context of the elections as adverse given the fact that the electoral rules have not changed. Civil society representatives stated that a broad alliance of the left in the country would be necessary to enact real political transformation in the country, but find this event highly unlikely in the short term. One glimmer of hope is the creation of a cross party group in Congress dedicated to the fight against corruption, the “Parliamentary Front for Transparency and Democracy in Congress” (Frente Parlamentario por la Transparencia y la Democracia en el Congreso).

As regards to foreign policy, Guatemala is aligning itself with the Trump administration, in the hopes of gaining the support of the US in the conflict with CICIG. Like the U.S., Guatemala transferred its embassy in Israel from Tel Aviv to Jerusalem. Foreign Affairs Minister Jovel defended this decision and said that the embassy was already based in Jerusalem 20 years ago and that the government is in favour of a Judaeo-Christian Jerusalem.

### **Economic situation**

The economic situation of the country is remarkably stable over the last few years, with good growth rates (2017: +2.8%), low debt and low inflation (2017: 4.4%). However, the EU ambassadors warned that the ongoing conflicts could have a negative effect on foreign investments.

Income distribution in the country is extremely unequal with 60% of the population living in poverty or extreme poverty, and 40% of children suffering from malnutrition - a paradox as Guatemala is a relatively rich country with a GDP rate per capita of USD 4,470 in 2017. Though malnutrition is one of the biggest problems in Guatemala, the government was not enthusiastic of an offer from the EU to support a programme against malnutrition.

Tax collection in Guatemala remains very low, amounting to only 10% of the national income. This means the government cannot sufficiently finance core tasks of the state such as education and health. The business sector (CACIF) said they fund many activities such as education and healthcare privately.

The Vice-Minister for Economic Affairs, Ms Gloria Zarazua, pointed out that the government is focussing on the support for the so-called *MIPYMES* (micro-, small- and medium-sized enterprises, *las microempresas y las empresas pequeñas y medianas*). The government also aims at promoting the participation of women in the economy. Today, 40% of entrepreneurs are women and 25% of all credits go to women.

The President of the Congress, Mr Arzú, said that Congress has passed a law to benefit micro-enterprises. The law favours the strengthening of entrepreneurship and helps enterprises to enter the formal sector of the economy. Mr Arzú estimated that 75-80% of the economy is informal, which poses a huge problem as these enterprises do not pay taxes and thus do not contribute to the State budget and social security.

The government has launched the programme “trabajo digno” (dignified work) in order to

support the transfer of jobs from the informal to the formal sector of the economy and to create decent jobs. The programme is in cooperation with the Ministries of Economy, Social Development and Education and the private sector.

## **Human rights**

The human rights situation in Guatemala is further deteriorating. Human rights organisations handed over a list with the names of 24 human rights activists who were murdered this year before 10 October 2018. The criminalisation and stigmatisation of human rights defenders is increasing. The leaders of indigenous communities are systematically targeted and most of the crimes committed against human rights defenders are not thoroughly investigated and remain unpunished. Land conflicts in connection with mining, hydroelectric or agroindustry projects are at the root of many conflicts and are the main reason for the killings. The representatives of the indigenous people complained that the promises for a fair land reform after the peace agreement of 1996 were not kept, a fact which lies at the root of today's conflicts.

Civil society and indigenous organisations asked to fully implement the ILO convention 169, which Guatemala has ratified and which stipulates a prior, transparent and informed consultation with the local population for such projects. Civil society representatives as well as human rights lawyers confirmed that the EP resolution of February 2017 and its recommendation were very helpful. They asked to consider ways in which the EU could impose sanctions on enterprises involved in human right violations.

Civil society representatives stressed that the increasing criminalisation of human rights defenders is restricting the role of civil society. They fear that the situation of civil society would worsen if the proposed law of NGOs is approved in Congress. This law would not only affect Guatemalan civil society but also international organisations. The latter have the responsibility to operationalise international mechanisms in human rights affairs.

The EU ambassadors in Guatemala as well as the human rights lawyers said that to improve the human rights situation it was necessary to implement:

- The recommendations of the Universal Periodic Review (UPR) of Guatemala by the UN Human Rights Council of 8 November 2017;
- The recommendations of the Inter-American Commission on Human Rights (IACHR) in its Report on the Human Rights Situation in Guatemala of 27 March 2018;
- The recommendations of the European Parliament in its resolution on Guatemala of 16 February 2017.

Government Members and Congress played down the assassinations of human rights defenders by alleging that some of the human rights activists were killed because of private conflicts. The President of Congress, Mr Arzú, stated that there are not more human rights defenders killed than the normal murder rate. Public declarations by President Jimmy Morales in spring 2018 that the indigenous organisation are terrorist organisations led to a rise in attacks against human rights defenders in the country.

Mr Augusto Jordán Rodas Andrade, Attorney General for Human Rights, criticised the government and Congress for viewing the assassination of HRDs with much indifference. Mr Jordán has not been intimidated by the hostile attitude of the government and instead has remained very active on protecting human rights defenders and defending human rights. He and his family were threatened. Currently, he is a beneficiary of precautionary measures of

the Inter-American Human Rights Court. The government and part of Congress consider Rodas as a "political activists" and relations between Government and Ombudsman are very conflictual. Mr Rodas warned that this is a moment where there is a big risk of authoritarianism.

Civil Society representatives pointed out that progress on human rights was reached through the funding by the international community. Under difficult circumstances and in a hostile environment, the EU Delegation in Guatemala is doing an excellent job in supporting human rights defenders and civil society organisations. Civil society and the indigenous organisations underlined the importance of the EU, which is a strong global power, for defending human rights in Guatemala. It is important to maintain or increase political and financial support for the EU Delegation in Guatemala, because in recent times financial support has decreased, especially for human rights programs. They said that they need the international community to speak out. They confirmed that the presence of the delegation of the European parliament has been helpful.

Government and Congress are trying to limit the space of Civil Society by a series of law proposals. According to Civil Society representatives, at least 15 legal proposals to limit the space of Civil Society are on the table.

For instance, the Congress is discussing a bill that would allow the closure of NGOs that affect "the order in the country." Moreover, the initiative for a "Law Against Terrorist Acts" would penalise the right to demonstrate. Reforms to the "Law of Non-Governmental Development Organizations" aim at restricting freedoms of speech and association as well as the right of CSOs and their members to petition, in order to restrict their work only to altruistic activities.

The representatives of the indigenous people proposed to establish an EU reporting system on human rights violations in their country. Furthermore, they asked to consider ways in which the EU could impose sanctions on enterprises involved in human right violations. EU representatives are sceptical about the feasibility of introducing sanctions, but a better system of information transfer could be possible. The EEAS said that they are activating a dialogue on human rights with the government, and that they are prepared to receive complaints on human rights violations.

Though the indigenous people form the majority of the population in Guatemala, at around 60%, they barely participate in the political decision process. They suffer from poverty, exclusion, and lack of education. Many of the indigenous leaders are imprisoned, if they are not killed. The representatives of the indigenous people delivered a document to the EP Delegation spelling out eight rights. They are 1) the right to be consulted; 2) the right to land and territory; 3) cultural rights; 4) political rights, 5) right of the indigenous women; 6) economic rights; 7) right to education; 8) right to justice.

Human rights lawyers as well as the General Attorney, Ms Porras, said that land disputes are the major source of conflict. They criticised that religious beliefs of the indigenous population, especially as regards their relationship to the Earth, are often disregarded. In their protest, the indigenous peoples are acting within the framework of national laws and international mechanisms, but they are facing unfair trials and murders.

The indigenous organisations complained about shortcomings in the Guatemalan judiciary system, which they describe as corrupt, since only people with money have access to justice. Furthermore, they deplored a selective justice system, which singles out certain activists for persecution. It is important to have observers at legal proceedings but according to the EU ambassadors, the EU presence in such proceedings is not well seen by the authorities.

The next elections in 2019 could be an opportunity to get a stronger representation of the indigenous population in Congress, if they are able to organise themselves. To win the elections, it is indispensable to create an alliance of the centre left, which includes indigenous people, young people and women.

In the meeting with the EP Delegation, the General Prosecutor, Ms Porras, underlined the importance of the conciliation process with the indigenous population in order to control conflicts.

Guatemala is experiencing a regression against women's rights and constant attacks against feminists. Sexual violence is widespread and sexual rights are not respected. Teenage pregnancy is on the rise, 1810 girls between 9 and 14 years have become pregnant in 2017.

There are no public funds for the organisations to support women. A sad symptom of the grievances as regards women's rights and the protection of children and youth was the fire at the Virgen de la Asunción Safe Home on 8 March 2017, in which 41 girls perished. Religious groups, especially the evangelical churches, exercise a strong influence on gender issues, LGBTI rights, reproductive rights and abortion.

### Lolita Chávez Ixcaquic

The Delegation found that for the time being a return of the human rights defender, Lolita Chávez, finalist for the Sakharov Prize 2017, does not seem possible. The human rights lawyers also said they consider her return to be possible for the time being. Although her safety could probably be guaranteed in the capital, Guatemala City, returning to her home region in El Quiché, as she desires, would be too dangerous. Moreover, human rights organisations warned that made-up legal charges could be brought against her once she is in the country. The Vice Minister for Foreign Affairs, Mr Pablo García Sáenz, confirmed that legal charges are still pending against Ms Chavez and are being examined. The Minister for Foreign Affairs, Ms Sandra Jovel, and the President of the Congress, Mr Álvaro Arzú Escobar, alleged they did not know who Lolita Chávez was.

### **CICIG and the fight against impunity and corruption**

The fight against impunity and corruption, which has made considerable progress since the establishment of the "International Committee against Impunity in Guatemala" (CICIG) in 2007, has stalled. CICIG has been key in Guatemala's fight against corruption. The UN-backed body has taken on complex tasks that the state recognised could not be accomplished independently: It has investigated the operation of illegal security forces and illicit economic political networks; it has collaborated with state institutions to dismantle these networks; and it has promoted the prosecution of related crimes. Working outside government, without attending pressures from interest groups, CICIG has exposed scandals involving presidents, ministers, congressional representatives, business executives, military officials, judges, and others close to political power.

President Jimmy Morales, who ran his presidential election campaign under the slogan "Not corrupt, nor a thief" was a strong supporter of CICIG at the beginning of his presidency. He turned against CICIG after an accusation of fraud against his brother and his son in September 2016 and after being himself charged, in August 2018, with receiving illicit campaign funding during his 2015 election campaign. Consequently, he replaced all government members who

were not in line with his Anti-CIGIG campaign - foremost the Foreign Affairs Minister and the Home Affairs Minister. The new Foreign Affairs Minister, Ms Sandra Jovel stressed that the Guatemalan government considers CICIG an internal matter.

On 17 May 2018, Ms Consuelo Porrás replaced the successful Attorney General Ms Telma Aldana, who was cooperating well with CICIG. In her first months in office, Porrás was cautious (perhaps even slow) to react, which provoked doubt about the direction her administration was heading. However, on 10 August, Ms Porrás presented new charges against President Morales for having received Illicit Campaign Funding from the country's top businessmen during his presidential campaign in 2015.

On 31 August 2018, President Jimmy Morales announced that he would not prolong the mandate of the “International Committee against Impunity in Guatemala” (CICIG), which will end in September 2019. Previously, he had declared CICIG Chief Ivan Velásquez a “persona non grata” and banned him from re-entering the country. President Morales proceeded to ignore a ruling by the Constitutional Court, who had overturned his decision. Furthermore, eleven international staff members did not get their working visa permit renewed.

The government accuses the CICIG to have produced no results and to have overstepped its competences laid down in the agreement on the establishment of the CICIG. In fact, as the acting head of CICIG, Ms Loreto Ferrer, pointed out the work of the CICIG was very successful, it brought more than 300 cases to the justice and got former President Otto Pérez Molina and Vice President Roxanna Baldetti sentenced on corruption charges. Nevertheless, the government has become bolder in its actions against CICIG as US support to CICIG is less reassuring under the Trump administration. Nevertheless, the US paid its USD 6 million financial contribution to CICIG for 2018.

In the meeting with the EP Delegation, Ms Jovel listed the arguments of the government against CICIG. She first reminded the EP Delegation that CICIG was established in 2007 for a period of two years and that since then its mandate has been prolonged five times. She said that CICIG had overstepped its mandate because in the agreement for the establishment of CICIG its objective is stipulated only as fight against impunity (and not against corruption). The Foreign Affairs Minister accused Mr Velásquez to be the source of all problems and alleged that CICIG has played a fateful role by politicising the subject of corruption and polarising the Guatemalan society. She claimed that a lot of false information about CICIG is circulating and strongly criticised the role of the media.

The Home Affairs Minister, Mr Degenhart, in his meeting with the EP Delegation, echoed the arguments of Ms Jovel and said the question is rather how the CICIG should be dissolved. He said Iván Velásquez will not return and the government is waiting for the UN Secretary General to name the replacement for Velásquez for the remaining 9 months.

Ms Jovel confirmed that CICIG will continue its work until the end of its mandate in September 2019. She dismissed the withdrawal of visas of 11 CICIG staff and said that would not impede the work of CICIG as there were 80 other foreign staff in CICIG in addition to 200 domestic staff.

For the EP Delegation it became clear that a reversal of these decisions is very unlikely. The opinion of Ms Jovel and Mr Degenhart were also shared by the President of Congress, Mr Arzú. Therefore, the main task of the CICIG until the end of his term will be to train domestic staff at the “Ministerio Público” to take over the anti-corruption activities currently being carried out by CICIG. The Attorney General Ms Porrás confirmed that a special prosecutor



would take over the work of CICIG.

The business community initially supported the CICIG and the fight against corruption until some enterprises were also accused of being involved in corruption cases and CICIG began to examine the links between politics and business more closely. Observers say that Mr Velásquez made to many enemies and committed strategic errors when he advanced in certain investigations, which affected the entrepreneurs or the President's family.

However, despite the conflict, the cooperation of CICIG with the "Ministerio Público" continues to be smooth, as acting CICIG Chief Ms Loreto Ferrer confirmed. Weekly meetings are held to present cases, though the style of the Attorney General Ms Consuelo Porras, is very different from her predecessor. From her side, Ms Porras underlined that the cooperation with CICIG continues to be extremely good and an important part of the fight against corruption.

### **Citizens Security**

The homicide rate in Guatemala is further declining. In the last 10 years, there has been a substantial reduction in the homicide rate:

2008: 40 homicides/100,000 inhabitants

2018: 22.9 homicides/100,000 inhabitants

The Home Affairs Minister, Mr Enrique Degenhart, affirmed that citizen security is measured recurrently. There are weekly indexes that serve as a guide for the axes of action that are implemented in the different ministries. Statistics also show a reduction of injuries (injured with a firearm) as well as property crimes (less 14% stolen cars). However, the rate of extortion has not been reduced, which poses a problem, as this is one of the main causes of migration.

A priority in the Security Council is the problem with the maras (criminal youth gangs). The main goal of these armed gangs is the generation of economic resources. Mr Degenhart stated that they are transnational criminal structures (United States, Mexico, Northern Triangle) dedicated to drug trafficking, money laundering, human trafficking, extortion and drugs. There are gang branches in Europe too.

In Congress, an anti-gang law is being prepared: since most of the gangs are made up of minors, it is necessary to do preventive work in schools (the average age of gang members is 16). Medium and long-term sustainability is required because the phenomenon of maras cuts the country's development capacity and deters investments.

The prisons in Guatemala are overcrowded: there are 22,500 prisoners in the penitentiary system (50% for serving a sentence and another 50% are in preventive detention). Mr Degenhart said that 5% of the inmates come from the maras, but they generate 98% of problems. Home Affairs Minister Degenhart hinted that the government is planning to construct a new high security prison, though he would not give any details on this project.

The fight against corruption also raised the awareness of a problem of the Guatemalan justice system: preventive custody. As many members of the elite of the country were charged and taken into preventive custody, finally the abuse of this measure is being denounced. The President of Congress, Mr Arzú, said that the Public Ministry is preparing two initiatives to limit the preventive detention.

Attorney General Ms Consuelo Porras is implementing a new model of administration of the justice sector in Guatemala. She will establish prosecutors' offices in all districts, there will be 25 new prosecutors' offices in border regions and mobile prosecutors' offices.

## **Migration**

The "Caravana", a group of 7400 people mainly from Honduras, crossed the border from Guatemala to Mexico a few days before the EP Delegation visit, heading for the United States. The "Caravana" in fact consists of three groups travelling with 4000, 3000 and 400 persons.

Foreign Affairs Minister Ms Jovel underlined that Guatemala could not stop them as the Constitution stipulates to treat the citizens of any Central American state the same way as Guatemalan citizens. She said in the caravan there are not only people from Central America, but also people from Cuba and other countries. There are many children and unaccompanied minors, old and handicapped people. The Foreign Affairs Minister told the EP Delegation that she and the First Lady of Guatemala visited some (detention) centres in the United States to see under which conditions the children live there.

According to the UN International Organization for Migration more than 3,016 million people from the Central America Northern Triangle (Guatemala, Honduras, El Salvador) are living in the U.S, regardless of their migratory status. This is one tenth of the regional population of 32.9 million inhabitants. Remittances of Guatemalan workers are an important economic factor for the country, amounting to 8.2 Billion US dollar in 2016, or 10.4% of the GDP.

The numbers of asylum seekers worldwide from the Northern Triangle increased sharply from 2015 to 2017: El Salvador +163%, Guatemala +118%, and Honduras +112%. In 2017, more than 36.000 persons from Guatemala asked for asylum in other countries (El Salvador 60.000, Honduras 35.000)

On the other hand, the number of returning migrants to the Northern Triangle also increased, from 102,019 migrants in the period of January - September 2017 to 146,892 in the period of January - September 2018, which means an increase of 44.0%. For Guatemala alone, the number increased for the same period by 54.8% from 45,791 to 70,907 returning migrants. Representatives of the International Organization for Migration IOM (Spanish: OIM) underlined the need to strengthen the state's services to receive the people who return to Guatemala.

Migration from Guatemala to the United States has a long history: an estimated 1.5 million Guatemalans live today in the US, of whom less than 400,000 have a legal status. The reasons for migration are violence, poverty, a lack of economic opportunities and family reunion. Representatives of the UNHCR (Office of the United Nations High Commissioner for Refugees, in Spanish: ACNUR) said that many young people flee to escape the forced recruitment by criminal gangs. Families pay up to USD 6.000,00 to bring their Children out of the country.

The government has launched a campaign called "Quédate" ("Stay!") to motivate young people to stay in the country and to continue their studies. The programme tries to get the young people into jobs and to show them different options.

Civil society representatives underlined that the scourge of migration is a consequence of poverty and extreme poverty and insecurity in the region. Governments do not have the

capacity or willingness to respond to the basic needs of the population and this lack of a response has been aggravated by structural corruption.

MFA Jovel described migration as a cultural phenomenon and said that family reunification is a strong reason for migration.

The representatives of the UN International Organization for Migration pointed out that Guatemala was very active in the elaboration of the global compact for migration.

### **EU-Central America Association Agreement**

The trade pillar of the EU-Central America Association Agreement is in force since 2013, but three EU countries have still not ratified the Agreement, so the political dialogue pillar and the cooperation pillar cannot be applied. The Guatemalan side expressed its hope that the entire agreement enters in force soon. The application of the whole Association Agreement will be important as the political dialogue pillar provides better instruments for human rights questions.

Because of the regional Association Agreement with the EU, exports from Guatemala have increased in the last 4 years but foreign investment remains low in comparison with its neighbours, mostly due to the fragile legal certainty and the social conflict. Trade flows between the Parties have continued to grow despite a less than favourable global economic environment, thereby reflecting the increased market access and more predictable trade and investment relationship created by the Agreement. In talks with the EP Delegation, the business sector and the economy ministry confirmed the positive effects of the agreement on bilateral trade.

Guatemala's imports from the EU in 2017 grew at the fastest rate of any country in Central America, up 9.5% on the previous year to € 1,033 m. Guatemala's exports to the EU grew by 14% from € 908 million in 2016 to € 1,033 million in 2017. In 2017, the trade balance of the EU with Guatemala was even.

Guatemala's implementation of multilateral environmental agreements (MEAs) is hindered by capacity constraints, but no major shortcoming has been identified. On the labour front, the general climate of impunity and weak rule of law in Guatemala that has allowed for intimidation and even murder of human rights activists has also affected trade union leaders. Guatemala was identified in the November Governing Body meeting of the ILO as a serious and urgent case regarding freedom of association and the right to collective bargaining. Child labour is also an issue, particularly in the agricultural sector and amongst indigenous communities, although actions are being taken to address this.

Civil Society and the indigenous organisations insisted in talks with the EP Delegation that it was necessary to revise the free trade agreement as it promotes business projects, which lead to human rights violations. They asked if there was any EU mechanism for a revision of these agreements. The Head of the EU Delegation responded that a revision of the treaty is complex, and that it has not yet entered into force completely.

Civil society advisory mechanisms under the Trade and Sustainable Development (TSD) chapter are now established in all Central America countries, as well as in the EU. These mechanisms have an important role to inform and involve civil society groups in the application of the TSD chapter. However, civil society involvement in the implementation of the Association Agreement can still be improved, especially regarding the choice of

representatives on the Central American side.

For more details, see the reporting sheet in annex.

## **Parlacen**

The delegation met with the new President of the Central American Parliament (Parlacen), Ms Ms Irma Segunda Amaya Echeverría (FMLN, El Salvador), who took office on 28 October 2018 for the period 2018-2019.. Ms Amaya said that Parlacen will soon enter in direct talks with the Legislative Assembly of Costa Rica to resolve the open questions as regards the rule of procedures for the future EU-Central America Joint Parliamentary Committee. Ms Amaya proposed to hold a tripartite high-level meeting (EP, Parlacen, Legislative Assembly of Costa Rica) to conclude the negotiations on the rules of procedure in the near future.

Other points addressed in the agenda were:

- Proposal for a Bilateral Agreement between the Central American Parliament and the European Parliament
- Proposal for an Inter-institutional Cooperation Agreement between the Parliament of the Kingdom of Morocco, the Central American Parliament and the European Parliament
- Resolution of the PARLACEN urging the SICA States that have not adhered to the Convention on Cybercrime to do so.

Ms Amaya reported on a successful meeting Parlacen held with the Moroccan parliament and proposed that the European parliament participate in this cooperation. She pointed out that Morocco is an observer in Parlacen.

## **Scrutiny**

The Delegation visited two EU-funded projects. The first visit took place at the “Centro de Orientación Feminino” where the EU funded the construction of a prison for women with children under 4 years, which enables the children to stay with their mothers while their mothers serve their sentences. Project costs are one million euro in the framework of SEJUST programme (Support to the justice and security sector in Guatemala).

The second project was a youth employment project at INTECAP (Centro de Capacitation Guatemala), which provides young people with vocational education training. The EP Delegation assisted the graduation ceremony of 45 young people. In total, more than 12,000 young people have already been trained under this programme.

For more details, see the reporting sheets in annex.

## **Conclusions**

The support of the EU and the international community for the protection of human rights and human rights defenders is crucial to avoid a further deterioration of the situation in Guatemala. In order to do this, sufficient funding of the activities of the EU Delegation in Guatemala has to be ensured as well as political support. The EU should intensify its recently launched dialogue on human rights with the Guatemalan government.

As land conflicts in connection with mining, hydroelectric or agroindustry projects are at the root of most of the conflicts with the indigenous population, the EU must urge the Guatemalan government to fully apply the ILO convention 169, which Guatemala has ratified and which stipulates a prior, transparent and informed consultation with the local population for such projects.

The EU should examine how to establish an EU reporting system on human rights violations in Guatemala and possible involvement of European companies in human rights violations.

CICIG has contributed a lot to the fight against corruption and impunity but there is no hope that the government would prolong its mandate. Therefore, the EU must support those bodies in Guatemala, which will take over the tasks of CICIG, for example the future special prosecutor in the Public Ministry.

To achieve improvements in the fields of human right and the fight again impunity and corruption, the EU and the international community has to pursue a direct, forceful, and less diplomatic relationship with the government and Congress, which are controlled by hardliners.

As malnutrition is one of the biggest problems of the country, the EU should step up its efforts to help to improve the situation, even if the government does not seem very interested to solve this problem.

The EU-Central America Association Agreement has had positive effects on trade. It is important that the three EU member states, which have not ratified the Agreement yet, do this as soon as possible so the whole Agreement with its three pillars (trade, political dialogue and cooperation) can enter into force.

## ANNEX I

List of participants in the meetings:

Monday, 29 October 2018

### **Working breakfast with EU Head of Delegation and Ambassadors of EU Member States in Guatemala**

1. Stefano Gatto (EU), Head of The EU Delegation
2. Jean François Charpentier (FR), ambassador
3. Oliver Jüngel, (DE), chargé d'affaires
4. Edoardo Pucci (IT), ambassador
5. Alfonso Manuel Portabales Vázquez, (ES) ambassador
6. Anders Kompass, (SE) ambassador
7. Carolyn Davidson (UK), ambassador

### **Meeting with lawyers of human rights defenders**

1. Ramón Cadena, Comisión Internacional de Juristas
2. Edgar Pérez, Bufete de Derechos Humanos
3. Christian Otzín, Abogados y Notarios Mayas de Guatemala
4. Juan Castro, Bufete de los Pueblos Indígenas
5. Sergio Beltetón, Comité de Unidad Campesina CUC

### **Meeting with President of the Congress**

Mr Álvaro Arzú Escobar, President of the Congress, Partido Unionista

### **Meeting with Directive Board and Heads of the Political Groups in Congress**

1. Mr Manuel Conde, Partido de Avanzada Nacional (PAN)
2. Mr Raúl Romero, Fuerza
3. Mr Fernando Linares Beltranena, Partido de Avanzada Nacional (PAN)
4. Mr Orlando Blanco, Unidad Nacional de la Esperanza - UNE
5. Mr Oliverio García Rodas, Diputados Independientes - IND
6. Mr Erwin Enrique Alvarez Domínguez, Convergencia

### **Meeting with Vice Minister of Economy – Mipyme –**

H.E. Ms Gloria Zarazua, Vice Minister of Economy

### **Meeting with Minister for Home Affairs**

H.E. Mr Enrique Degenhart, Minister for Home Affairs

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### **Meeting with Public Attorney**

1. Ms Maria Consuelo Porras Argueta, Public Attorney
2. Mr Rony Eulalio López Contreras, Secretary General
3. Ms Maria Teresa Cwntero, First Secretary General
4. Mr Julio César Cordón Aguilar, Secretary for
5. Ms Claudia Lisette Arrecis Mena, Secretaria Privada y de Asuntos (?)
6. Mr Herberth Morales, Head of the Cooperation Department

### **Meeting with Representatives of the International Commission against Impunity in Guatemala (CICIG)**

Ms Loreto Ferrer, Acting Head of CICIG

### **Meeting with Representatives of the “Procuraduría de Derechos Humanos” (Attorney General for Human Rights)**

Mr Augusto Jordán Rodas Andrade, Attorney General for Human Rights

### **Working lunch with private sector (CACIF - Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations)**

1. Mr Carlos García Noriega, President CACIF
2. Mr Roberto Ardón, Executive Director CACIF
3. Mr José Pivaral Guzmán, President for Finance of the Agro Chamber
4. Mr Carlos Bran, CACIF, Director for International Relations
5. Mr Javier Ruiz Asmor, President of the Building Chamber
6. Mr Armando Boesche, Vice-president of the Agro Chamber
7. Mr Carlos Cuellar, Vice-president CECOMS (Commerce and Services Chamber)

### **Meeting with ACNUR and OIM on question of migration**

1. Mr Shant Dermegerditchian, UNHCR (ACNUR)
2. Mr Jorge Peraza Breedy, OIM
3. Mr Antonio Meoño, OIM
4. Mr Marcelo Pisani, Director Regional OIM

### **Meeting with Indigenous Organisations**

1. Miguel De León, Primer Alcalde, Alcaldía Ixil
2. Rigoberto Juárez, Gobierno Plurinacional
3. Juana Sales, Movimiento de Mujeres Indígenas Tzununijá
4. Omar Jerónimo, Comité Indígena Campesino Chortí Nuevo Día
5. Thelma Cabrera, Comité de Desarrollo Campesino CODECA
6. Cristina Ardón, Comité Campesino del Altiplano CCDA
7. (Carlos Morales)/ Andrea Calel, Unión Verapacense de Organizaciones Campesinas UVOC

8. Udiel Miranda, COPAE
9. Daniel Pascual, Comité de Unidad Campesina CUC
10. Rubén Samayoa, Consejo de Pueblos de Kiche
11. Domingo Hernández, Asociación Maya Uk'ux B'e
12. Marta Quib, ADICI
13. Fermina López, IXMUCANE
14. Esperanza Tubac, AGIMS
15. Patricia Mélendez, Pastoral de la Tierra de la Diócesis de San Marcos

### **Meeting with Civil Society Organisations**

1. Jorge Santos, Unidad de Protección de Defensoras y Defensores de Derechos Humanos de Guatemala UDEFEGUA
2. Anabella Sibrian, Plataforma Internacional contra la Impunidad (FONGI)
3. Ada Valenzuela, Unión Nacional de Mujeres Guatemaltecas UNAMG
4. (Francisco Soto) /Héctor Reyes, Centro para la Acción Legal en Derechos Humanos CALDH
5. Lissette Vásquez, Fundación Myrna Mack
6. Iduvina Hernández, Seguridad en Democracia SEDEM
7. Sandino Asturias, Centro de Estudios de Guatemala CEG
8. (Johanna Van Strien)/Florinda Yax Tiu, Bread for the World
9. Manfredo Marroquín, Acción Ciudadana
10. Berta Zapeta, We Effect (FONGI)
11. Susana Navarro, ECAP
12. Helmer Velásquez, CONGCOOP
13. Jonathan Menkos, ICEFI
14. José Cruz, Madreselva
15. Padre Tomas Racnjoc, Diócesis del Quiché

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### **Meeting with Ms Irma Segunda Amaya Echeverría, President of Parlacen**

1. Ms Irma Segunda Amaya Echeverría, President of Parlacen
2. Mr Anselmo Navarro, Vice-President for Guatemala
3. Ms Nadia de León, Secretary for Guatemala.
4. Mr Haroldo Rodas, Coordinator EuroLat
5. Ms Beatriz Herrera, Director of the Secretariat of the Bureau.
6. Mr Alejandro Bravo, Secretary for Parliamentary Affairs

### **Meeting with Ministry of Foreign Affairs**

1. HE Ms Sandra Jovel, Minister of Foreign Affairs
2. HE Mr Pablo García Sáenz, Vice Minister of Foreign Affairs