

117TH CONGRESS
2D SESSION

H. RES. 1481

Urging United States policy toward Guatemala to support the rule of law and address challenges of kleptocracy, organized crime, private and public sector corruption, illicit campaign financing, criminalization of and attacks on justice operators, journalists, and human rights defenders, and restrictions resulting in the closure of civic space.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2022

Mrs. TORRES of California (for herself, Mr. SIRES, Mr. CASTRO of Texas, Mr. MCGOVERN, and Mr. GARCÍA of Illinois) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Urging United States policy toward Guatemala to support the rule of law and address challenges of kleptocracy, organized crime, private and public sector corruption, illicit campaign financing, criminalization of and attacks on justice operators, journalists, and human rights defenders, and restrictions resulting in the closure of civic space.

Whereas in the June 2021 United States Strategy on Countering Corruption, President Joe Biden stated that “Corruption threatens United States national security, eco-

conomic equity, global anti-poverty and development efforts, and democracy itself”;

Whereas, according to the Department of State report for 2021 on Human Rights Conditions in Guatemala, corruption and impunity continue to be serious problems in Guatemala, asserting that “prominent anticorruption prosecutors were fired or removed from significant cases, and corrupt actors threatened independent judges by filing complaints based on spurious charges to strip them of immunity to prosecution”;

Whereas the Department of State included Guatemalan Attorney General Maria Consuelo Porras on the Undemocratic and Corrupt Actors list released September 20, 2021, due to her “involvement in significant corruption” and pattern of obstructing justice, including by reportedly “ordering prosecutors in Guatemala’s Public Ministry to ignore cases based on political considerations and firing prosecutors who investigate cases involving acts of corruption”;

Whereas, on May 16, 2022, after President Alejandro Giammattei reappointed Maria Consuelo Porras as Attorney General, the United States deemed her ineligible for entry into the United States “due to her involvement in significant corruption”;

Whereas, as of June 2022, at least 24 justice operators involved in fighting corruption, including public prosecutors, judges, a magistrate from the Constitutional Court, and two former attorneys general had been forced into exile;

Whereas, as of May 2022, at least 6 anticorruption prosecutors have been detained by Guatemalan authorities based on spurious or frivolous charges;

Whereas, according to the Inter-American Commission on Human Rights 2021 Annual Report on Guatemala, the weakening of human rights institutions and setbacks to the fight against corruption and impunity have a disproportionate impact on women, children, indigenous peoples, and other historically marginalized populations;

Whereas the United Nations High Commissioner for Human Rights reported that “throughout 2021, attacks and judicial persecution against justice operators for their legitimate work continued” in a pattern that “undermines the rule of law and judicial independence”;

Whereas, on June 21, 2021, a law entered into force in Guatemala which imposes onerous administrative requirements for nongovernmental organizations (NGOs), making it difficult or impossible for them to operate and giving the government the ability to close NGOs at will;

Whereas the excessive and unjustified use of states of exception has created a situation in which numerous warrantless arrests are conducted, often targeting indigenous community leaders defending their rights to land;

Whereas Guatemalan human rights group La Unidad de Protección a Defensoras y Defensores de Derechos Humanos—Guatemala (UDEFEUGUA) documented over 589 acts of violence and aggression against human rights defenders, justice operators, and journalists from January to June 2022;

Whereas, in 2021, at least 179 attacks were reported against indigenous and campesino leaders who defend land, territory, and the environment; and

Whereas since January 1, 2021, after receiving threats that led them to fear for their lives, 6 journalists have fled into exile, and on July 29, 2022, award-winning journalist José Rubén Zamora, founder and president of the newspaper El Periódico, was arrested at his home and remains detained: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) commends the bravery, endurance, and re-
3 solve of the prodemocracy, anticorruption movement,
4 those who risk life and livelihood to bring a better
5 future to Guatemalans;

6 (2) condemns the attacks and abuses per-
7 petrated by those few who act with impunity against
8 the majority of Guatemalan society and against
9 judges, anticorruption prosecutors, human rights de-
10 fenders, and journalists; indigenous communities
11 protecting land, women escaping sexual violence,
12 LGBTQ individuals seeking safety, and youth un-
13 able to access career opportunities;

14 (3) reaffirms its support for rule of law and de-
15 mocracy in Guatemala, and recognizes corruption
16 and impunity among the root causes of irregular mi-
17 gration to the United States;

1 (4) calls on the Department of State and the
2 Treasury to ensure United States resources are not
3 used to support corrupt actors by undertaking inves-
4 tigations of Guatemalan Government officials, judi-
5 cial personnel, legislators, security force members,
6 and private sector individuals who have participated
7 in significant acts of corruption or human rights
8 abuses, and to act expeditiously to issue targeted
9 sanctions, including under the Global Magnitsky
10 Human Rights Accountability Act, and to inves-
11 tigate and, where appropriate, freeze economic as-
12 sets in the United States;

13 (5) reiterates the United States commitment to
14 combating corruption in Guatemala and working to
15 provide support for international financial institu-
16 tions to ensure loans and assistance are not granted
17 to individuals or entities responsible for corruption,
18 illicit political campaign financing, or human rights
19 violations, and to ensure that all loans or assistance
20 have safeguards and oversight mechanisms to ensure
21 they do not permit or facilitate corruption or human
22 rights abuses;

23 (6) calls on the United States Development Fi-
24 nance Corporation to review current and pending
25 loans and grants to ensure such loans and grants do

1 not go to projects that might put human rights de-
2 fenders at risk and are not channeled through enti-
3 ties whose leaders have engaged in corruption or
4 human rights abuses;

5 (7) urges all United States Government initia-
6 tives promoting United States investment in Guate-
7 mala to ensure that such investment does not violate
8 human rights, including labor rights, disregard in-
9 digenous or Afro-descendant community land rights,
10 or benefit corrupt actors;

11 (8) urges the Department of State and the De-
12 partment of Defense to review and defer assistance
13 and training to the Guatemalan Armed Forces and
14 National Civilian Police until such reviews indicate
15 the Guatemalan Government is taking effective steps
16 to investigate and prosecute security forces impli-
17 cated in significant acts of corruption and human
18 rights abuses, including those committed against in-
19 digenous communities and human rights defenders,
20 and is taking effective steps to curtail the role of the
21 military in public security;

22 (9) calls on the United States Trade Represent-
23 ative and Department of Labor to review the extent
24 to which Guatemala is in compliance with the Do-
25 minican Republic-Central America-United States

1 Free Trade Agreement, including the provisions that
2 require governments to establish procedures to dis-
3 qualify suppliers that engage in fraudulent or illegal
4 activities and the provisions related to labor rights;

5 (10) calls on the Secretary of State to engage
6 with the Government of Guatemala to emphasize the
7 importance of progress in ensuring—

8 (A) an independent judiciary with trans-
9 parent and merit-based selection procedures;

10 (B) free and transparent elections, includ-
11 ing prevention of illicit campaign financing;

12 (C) respect for freedom of expression and
13 association;

14 (D) promotion of community-led develop-
15 ment policies to encourage private sector actors
16 to comply with environmental and labor stand-
17 ards and the right of communities to free,
18 prior, and informed consent; and

19 (E) improving access to justice for victims
20 of gender-based and sexual violence;

21 (11) urges the Department of State to engage
22 with like-minded countries to collaborate on sus-
23 tained, effective, anticorruption policies, with respect
24 to Guatemalan Government officials and private sec-

1 tor individuals who have engaged in or facilitated
2 corruption or human rights violations; and
3 (12) encourages the Department of State and
4 the United States Agency for International Develop-
5 ment efforts to provide long-term support, including
6 financial, psychological, and legal support, for justice
7 operators, human rights defenders, trade union lead-
8 ers, and journalists precluded from carrying out
9 their activities due to persecution or forced into exile
10 from Central America.

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