

Guatemala: National and International Organizations Condemn Approval of NGO Law and Urge Use of the Presidential Veto to Guarantee Fundamental Rights

We urge the President of the Republic of Guatemala to exercise the presidential veto on Decree 04-2020, given that the law poses serious threats to the exercise of the right of association, freedom of expression and the defense of human rights. Among other aspects, the reform of the Law on NGOs authorizes powers that could be used arbitrarily to inhibit the work of civil society organizations.

The Americas, February 13th, 2019.- The signatory national and international organizations express our profound rejection of the adoption of Decree No. 04-2020, which introduces reforms to the Law on Non-Governmental Organizations for Development (Decree 2-2003), popularly known as the NGO Law, and the Civil Code (Decree Law 106). We urge the President of the Republic of Guatemala to exercise the presidential veto on the decree.

At the Plenary session of the Congress of the Republic on February 11th, the reforms, arising from the 5257 initiative, were surreptitiously approved after being introduced by three congressmen during a discussion of emergency measures to confront the coronavirus, thus deceiving all transparency and debate in the parliamentary process.

Since its creation, the reforms proposed in law 5257 [were condemned by the Inter-American Commission on Human Rights \(IACHR\) and the Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#) for being contrary to the international obligations of the State of Guatemala. At the time, human rights agencies denounced that the "proposal would seek to implement limitations and controls in the registration and operation of NGO functions in an inconsistent manner with the rights to freedom of expression and association."

Despite these recommendations and multiple complaints from civil society organizations, law 5257 was passed with 86 votes in favor and 53 against. Its entry into force would impose a regime that exceeds the powers of the State to regulate the exercise of its functions and that violates the freedoms of expression and association, restricts civic space, limits the right to defend human rights and creates a hostile environment for civic participation in matters of public interest.

This decree establishes a legal system that seeks to impose centralized and excessive control over the registration, administration, operation, oversight, financing, and cancellation of national and foreign non-governmental organizations, considering that regulations on its operation already exist in the country.

Among the most worrying aspects of Decree 4-2020, we denounce the power given to the Executive branch to cancel the legal personality of NGOs that are deemed to engage in activities contrary to "public order", to be intervene "when the public order requires it" and to cancel their registration for "any violation of the regulations." These powers could be used arbitrarily to limit the work of organizations that represent spaces for criticism and complaint about government actions.

In addition, the reform extends accountability for all of an organization's responsibilities to all associated people rather than just the person representing the organization, thereby

discouraging participation in organizations and limiting the constitutionally envisaged freedom of association. In addition, it imposes disproportionate penalties for its associates such as preventing them from integrating another organization within "a term of no less than two years" when they are deemed to "use donations or external financing to engage in activities that alter the public order."

As these examples show, the approved regulation creates risks of persecution based on dissent, aims to deter public criticism and eliminates any possibility of accountability to the public, thereby perpetuating schemes of corruption and impunity.

Thus, [as the IACHR has done](#), the signatory organizations reiterate our call to President Alejandro Giammattei to veto Decree 4-2020 in the exercise of the power conferred on him by the Political Constitution of the Republic, to ensure the exercise of fundamental rights that have been put at risk by the action of the National Congress, which could also generate international responsibility for the State.

We also demand that, in compliance with its international obligations, Guatemala recognizes the fundamental work that civil society organizations play in strengthening of democracy and the rule of law by publicly denouncing institutional corruption, promoting initiatives to strengthen justice institutions, and addressing the needs of communities and sectors of the population that are highly vulnerable and have been historically ignored by the State. We also require that the State take all necessary measures to guarantee the rights to freedom of expression, association and the defense of human rights in the country.

Finally, the signatory organizations support the valuable work of Guatemalan NGOs in building democracy and defending the human rights of all people, and we reaffirm our solidarity in the face of the regressive measures.

Organizaciones firmantes:

Internacional:

Lawyers without Borders Canadá
Amnesty International
American Jewish World Service
International Institute on Race, Equality and Human Rights (Race & Equality)
OXFAM
The International Platform against Impunity
Robert F. Kennedy Human Rights

Regional:

Center for Justice and International Law (CEJIL)
Latin American and Caribbean Committee for the Defense of Women's Rights
Guatemalan Human Rights Commission (GHRC/USA)
Impunity Watch
Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IM-Defensoras)
Due Process of Law Foundation (DPLF)
Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)

Bolivia:

Fundación Construir

Fundación Tribuna Constitucional
Oficina Jurídica para la Mujer
ONG Conexión, Capacitación y Derechos Ciudadanos
Veeduría de DDHH de Bolivia
Fundación INTERNET Bolivia

Ecuador:

Fundación Ciudadanía y Desarrollo
Observatorio Derechos Humanos y Justicia

Estados Unidos:

Center for Gender and Refugee Studies (CGRS)
Committee in Solidarity with the People of El Salvador (CISPES)
Denver Justice and Peace Committee (DJPC)
Kids in Need of Defense (KIND)
Kickapoo/Guatemala Accompaniment Project
Latin America Working Group (LAWG)
Network in Solidarity with the People of Guatemala (NISGUA)
Unitarian Universalist Church of Arlington
Washington Office on Latin America (WOLA)

El Salvador:

Asociación Azul Originario
Asociación Mujeres Transformando
Agrupación por la Despenalización del Aborto en El Salvador
Centro para la Promoción de los Derechos Humanos Madeleine Lagadec
Jóvenes Voceras y Voceros en Derechos Sexuales y Reproductivos

Honduras:

Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús en Honduras

Nicaragua:

Centro Nicaragüense de Derechos Humanos (CENIDH)
Colectivo de Derechos Humanos Nicaragua Nunca +
Comité de América Latina y el Caribe para la Defensa de los Derechos Humanos
Movimiento Autónomo de Mujeres (MAM)
Unidad de Defensa Jurídica (UDJ)

Perú:

Asociación Pro Derechos Humanos (APRODEH)
Movimiento Manuela Ramos
Paz y Esperanza

Guatemala:

Convergencia por los Derechos Humanos (CAFCA, CALDH, CIIDH, ECAP, ICCPG, ODHAG, SEDEM, UDEFEGUA, UNAMG)