

**TECHNICAL INFORMATION SHEET**  
**PETITION 1287-19 ROBERTO MOLINA BARRETO, ZURY MAYTE RÍOS SOSA Y MWR**  
**FRIENDLY SETTLEMENT REPORT No. [61/22](#)**  
**TOTAL COMPLIANCE**  
**(GUATEMALA)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Roberto Molina Barreto, Zury Mayte Ríos Sosa y MWR

**Petitioner(s):** Angela Margarita Rey Anaya y Jose Estuardo Cordova Guirola

**State:** Guatemala

**Beginning of the negotiation date:** August 25, 2001

**FSA signature date:** December 28, 2021

**Friendly Settlement Agreement Report No.:** [61/22](#) published on April 24, 2022

**Estimated length of the negotiation phase:** 4 months

**Related Rapporteurship:** N/A

**Topics:** Freedom from Ex Post Facto Laws / Freedom of expression / Rights of the child / Right to participate in government / Equal protection / Judicial guarantees / Judicial protection

**Facts:** As alleged by the petitioners, on January 19, 2019, general elections were called for the offices of President and Vice President of the Republic, among others, and the political party Valor, through the General Assembly, reportedly designated Mrs. Zury Mayté Ríos Sosa, and Mr. Roberto Molina Barreto as its candidates for the Presidency and Vice Presidency of the Republic, respectively. [...] As indicated by the petitioners, on January 28, 2019, the Office of The Citizen Registry of the Supreme Electoral Tribunal, would have issued a resolution rejecting the registration of Mr. Roberto Molina Barreto and Mrs. Zury Mayté Ríos Sosa, as candidates to participate in the electoral contests for the offices of President and Vice President. Likewise, the petitioners noted that, on February 1, 2019, the Supreme Electoral Tribunal denied the appeal filed against the decision adopted on January 28, 2019, confirming the decision to reject the registration of the nominated candidates. On the other hand, on February 13, 2019, the Supreme Court of Justice of Guatemala reportedly issued its decision on an appeal for annulment filed, granting a provisional injunction, and ordering the registration of the proposed candidacies. As alleged by the petitioners, although the Supreme Electoral Tribunal advanced the registration of the candidates, at the same time it would have filed an appeal against the decision adopted by the aforementioned court on February 13, 2019. [...] Subsequently, without revoking the registration of the candidates for the positions of presidency and vice presidency, on March 12, 2019, the Constitutional Court of Guatemala reportedly revoked the provisional injunction. According to the petitioner, the decision adopted in 2019 by both bodies, the Supreme Electoral Tribunal, and the Constitutional Court, ignored not only the constitutional history of the aforementioned rule, but also the scope granted to it by the Constitutional Court in 1989, interpreting that the normative provision in question cannot be applied in a timeless manner, or otherwise it would imply politically sanctioning a person for acts of third parties. [...]

**Alleged rights:** On May 24, 2019, the IACHR received a petition filed by Zury Mayté Ríos Sosa, alleging the international responsibility of the Republic of Guatemala for the violation of human rights enshrined in Articles 5 (personal integrity), 8 (judicial guarantees), 9 (freedom from ex post facto Laws), 11 (protection of honor and dignity), 13 (freedom of expression), 19 (rights of the child), 23 (right to participate in government), 24 (equal protection), and 25 (guarantees of judicial protection), in relation to Articles 1 (obligation to respect) and 2 (obligation to adopt domestic legal effects) of the American Convention on Human Rights, to her detriment, that of her daughter and of Roberto Molina Barreto.

## II. PROCEDURAL ACTIVITY

1. On December 28, 2021, the parties signed a friendly settlement agreement.
2. On April 24, 2022, the Commission approved the friendly settlement agreement in Report No. 61/22.

## III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT

Clause of the Agreement	Status of Implementation
<b>4. AGREED COMPREHENSIVE REPARATION MEASURES</b>	
<b>4.1. INTERNATIONAL RECOGNITION</b>	
<b>4.1.1.</b> The State of Guatemala, through its representative, the Attorney General of the Nation, Jorge Luis Donado Vivar, recognizes the importance of reaching a friendly settlement agreement in the present case, based on respect for the human rights established in the American Convention on Human Rights and the International Covenant on Civil and Political Rights. <b>4.1.2.</b> In this regard, the State of Guatemala recognizes the human right of political participation of the applicants, which is regulated and protected by the Political Constitution of the Republic of Guatemala, the American Convention on Human Rights and the International Covenant on Civil and Political Rights, therefore the exercise of this universal right may not be limited or restricted for any reason, based on the equal rights that assist men and women to participate in (sic) to get involved in the political life of the Nation, as long as the enabling requirements that must be qualified by the corresponding entities are met, prior to participating in a position of popular election.	<b>Declarative clause</b>
<b>4.2. NON-REPETITION MEASURE</b>	
<b>4.2.1.</b> The State of Guatemala undertakes to carry out 02 awareness-raising campaigns through the Presidential Commission for Peace and Human Rights, in order to promote equality in the political participation of women in the political life of the State of Guatemala; being this case and other cases that have been known under the control of conventionality the object of study.	<b>Total<sup>1</sup></b>
<b>4.2.2.</b> The State of Guatemala, through the Presidential Commission for Peace and Human Rights, will promote 02 forums with the different private and public educational institutions in order to promote equality in the political participation of women in the political life of the State of Guatemala; in which these cases will also be analyzed and studied.	<b>Total<sup>2</sup></b>
<b>5. ECONOMIC REPARATION MEASURE 5.1.</b> The victims of this case renounce the economic compensation generated by the affectation to their conventional rights.	<b>Declarative clause</b>

## IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the 2023 Annual Report.

<sup>1</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_2\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF)

<sup>2</sup> See IACHR, *Annual Report 2023*, Chapter II, Section C. Advances and regressions on negotiation and Implementation of Friendly Settlement Agreements. Available at: [https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023\\_Cap\\_2\\_ENG.PDF](https://www.oas.org/en/iachr/docs/annual/2023/chapters/IA2023_Cap_2_ENG.PDF)

**V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE**

**A. Individual outcomes of the case**

- The State of Guatemala recognized the petitioners' human right to political participation and the inadmissibility of its unfounded limitation or restriction. The State agrees that women and men enjoy an equal right to participate and engage in the political life of the country, provided that they meet the established criteria as determined by the relevant authorities before running for any office that is elected through popular vote.

**B. Structural outcomes of the case**

- Two awareness campaigns were conducted to foster women's equal right to political participation in the State of Guatemala. The project "Mujer, participa y empodérate" was thus promoted, the campaigns were disseminated through mass media outlets, which included official government websites and social media platforms, such as Facebook, Instagram and WhatsApp.
- On July 28 and September 29, 2022, two forums were conducted in Guatemala City and the department of Quetzaltenango, respectively. Several public and private educational institutions took part in said forums to foster women's equal right to political participation in the State of Guatemala. 483 high school students, college students and members of the general public participated in the forums.
- On July 14 and August 25, 2022, in the municipalities of Cobán and Antigua Guatemala, department of Sacatepéquez, respectively, two public discussions titled "*Participación política de la mujer*" were held in an interactive manner. The activities carried out reached 919 participants in total. Of these, 87 per cent were women, 57 per cent were between 13 and 30 years old, 61 per cent identified themselves as ladino/mestizo, and 39 per cent identified themselves as Mayan.