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## A starting point for justice in Guatemala

### Valuing trade unionists and their vital role in building a democratic society

A high-level [international delegation of trade union leaders](#) has gained a commitment from Guatemala's President that he will publicly speak out about the need to respect and protect the lives of union members and to recognize the crucial role of public service workers in forming a democratic society.

President Otto Pérez Molina acknowledged that, "It is very shameful for us that our country is the most dangerous country in the world for trade unionists today."

Rosa Pavanelli, leader of the global union federation Public Services International which organized the mission, told the President and his Labour, Health and Interior Ministers that, "Defending the rights of our affiliate trade union members in Guatemala is our top priority – and it will remain so until the situation for trade unionists and workers in this country improves. More must be done. Not a single person has yet been sentenced in any of the cases of the 58 trade union leaders who have been murdered in recent years."

Pavanelli said, "We have to underline the total absence of the rule of law, which means that in a power relation the worker always loses. The state fails to provide protection and support to its citizens and as a result is an accomplice of the crimes that are committed every day. The denial of justice is a crime against humanity."

Pavanelli further noted the alarming epidemic of femicide. Women's organizations report that 412 women have been killed in Guatemala, to date this year. At the same time, in an apparent perverse misapplication of what is otherwise a well-intentioned law, some 30 health union members may have been imprisoned on charges related to the femicide law, including in cases linked to deaths of patients caused by the lack of medicines and other deplorable healthcare and working conditions.

"This means that a good law is not used to protect women, but to attack union activists. We pledge to expose this practice as part of an international campaign to end violence against women," Pavanelli said.

"The criminalization of social conflicts and blacklisting of unionists must end. We ask for your commitment to engage in meaningful collective bargaining in the public sector. We demand the implementation of collective agreements that have been signed and are not being carried out. We also decry the widespread use of outsourcing and short-term contracts. Such practices lead to further inequalities in the workplace and in society, in a country that is already among the most unequal in the world," Pavanelli stressed.

The delegation also called on the government to extend and strengthen the mandate of the Attorney General's special unit to investigate crimes against trade unionists.

"It is our government's policy to respect union rights including freedom of association," Guatemala's President responded. "We don't promote violence against trade unionists or have an anti-union policy."

Besides the major issue of impunity, the delegation noted that, without consulting social partners, the Guatemalan government has presented a package of draft Labour Code reform laws to Congress which will dismantle the few protections that apply to Guatemalan workers. The delegation urged the government to instead fight precarious work and promote inclusive measures to reduce discrimination against women,

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young people, and indigenous workers. The delegation spoke to the need for the application of labour legislation to be strengthened – by raising awareness of the right to freedom of association and other rights of workers, and the sanctions that may be imposed by labour inspectors.

**Pavanelli noted that a number of immediate outcomes have been achieved as a result of the delegation's meetings with numerous authorities in the past week.**

SNTSG leader Dora Regina Ruano obtained a promise from the President that he would write a memo to all hospital directors to stop the widespread practice of corruption and political interference, according to the whims of Congress members and mayors, in the hiring and deployment of health workers. Further, that the President would instruct joint management-union tables to begin good faith discussions to improve working conditions and best health practices in all of the health districts. Ruano noted that health indicators are improving in the few districts where joint tables are operating free of political interference.

Guatemala's Attorney General has agreed to meet with SNTSG to review a list of 221 names of trade union and community leaders who have been threatened, and to hear new evidence in murder cases including those of prominent trade union and community leader [Carlos Hernandez, health worker Santa Alvarado, and library worker Kyra Zulueta Enríquez Mena](#), who were assassinated in separate incidents in March 2013.

The Office of the UN High Commissioner for Human Rights has agreed to provide training to PSI affiliate members on how to more effectively document and report threats and attacks against trade unionists.

Delegation members from Argentina, Brazil, Mexico, France, Germany, Denmark, Sweden, Belgium and the United States are following up with their respective governments to inform them of labour rights concerns, particularly in regard to trade deals between Guatemala and the European Union, and the United States. PSI will meet with Members of the European Parliament in late September to request that special trade status with Guatemala not be implemented until there is an end to impunity and full respect for international trade union rights conventions.

Pavanelli noted in her presentation to Guatemala's elected leaders that, "Experience in other Latin American countries, such as Uruguay, Argentina, Brazil, and most recently Colombia, show that profound steps forward can be made in terms of peace, social dialogue and real measures to improve the economic and social well-being of citizens, by working with trade unions."

She also urged that, "To finance the public services such as healthcare and education that are essential for development, a fair taxation system should be put in place so that the rich pay their fair share and the poor are not burdened by regressive taxes."

Pavanelli concluded by saying, "We ask for your commitment for a change of culture, a change that will allow Guatemala to grow and flourish. Ensuring best practices in the public sector is an essential part of that effort. Public-public partnerships should be promoted to improve water, sanitation and energy service delivery. Combating corruption across the economy must be a priority.

"We demand respect for the right to life, the recognition that there is an anti-union campaign in this country, and that there must be an end to impunity. A holistic approach to building effective social dialogue can be achieved, in full respect of international labour standards and human rights."

PSI will return to Guatemala for a major regional meeting of PSI affiliates in March 2014, and will ask the government to report on its progress to end impunity in the cases of attacks on and murders of trade unionists, and the implementation of collective bargaining agreements and effective social dialogue.

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Public Services International is a global trade union federation representing 20 million working women and men who deliver vital public services in 150 countries. PSI champions human rights, advocates for social justice and promotes universal access to quality public services. PSI works with the United Nations system and in partnership with labour, civil society and other organisations