

EXECUTIVE SUMMARY

ANTI-UNION VIOLENCE

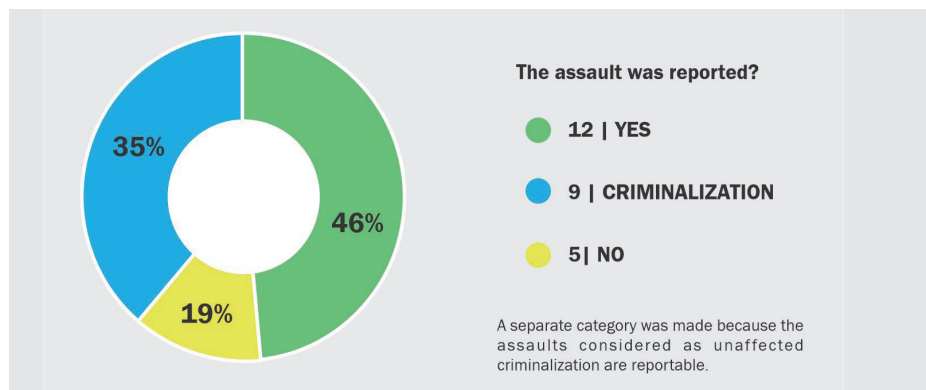
GUATEMALA | 2019

The *Red de Defensores de Derechos Laborales de Guatemala* [Network of Labor Rights Defenders of Guatemala] (REDLG) documented 26 cases of anti-union violence in 2019.



This number represents significant underreporting due to the various factors limiting documenting capacity. Noteworthy among them is the normalization of violence, lack of a documenting and systematizing culture, and isolation of many trade union or labor rights defense organizations. This is recognized as being underreported, given that the Public Prosecutor’s Office for Crimes against Trade Unions received 709 complaints over the course of the year.

The annual report on anti-union violence in Guatemala, based on what was reported and observed in 2019, highlights the fact that it deals with a complex social occurrence in Guatemala, of which we are far from knowing its depth.

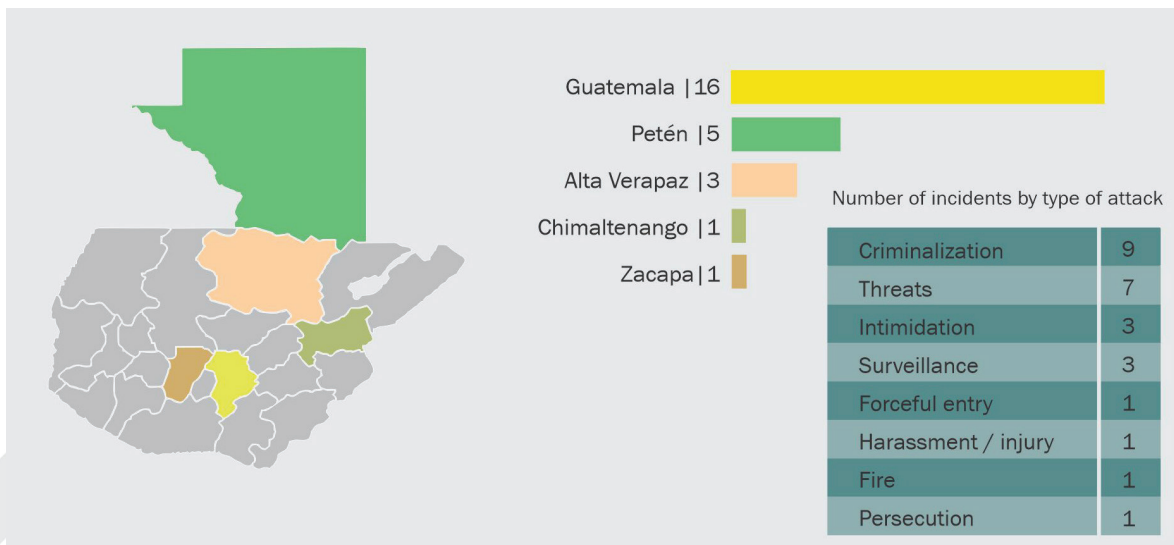


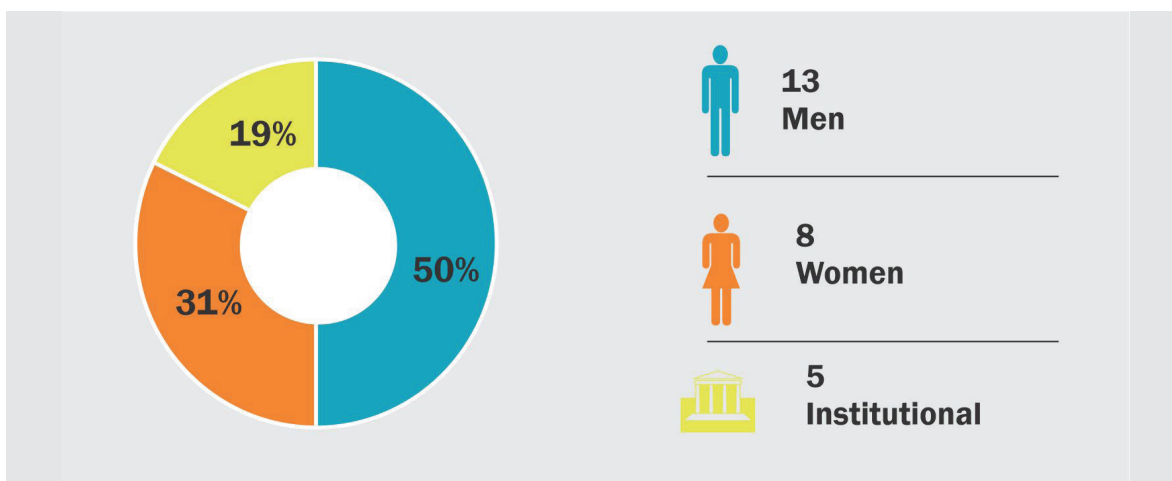
CONTEXT



Politically speaking, 2019 was framed within the context of the general elections. This was the second electoral process since the political crisis that began in 2015 and can be viewed as a return to traditional politics, in a bid to put an end to those circumstances.

In June, the Executive Branch published Governmental Decree 89-2019 which proposed regulating the application of International Labor Organization (ILO) Convention 175 regarding part-time work. This Convention seeks to ensure the protection provided by labor laws and social security for persons working less than a normal workday. Under the argument of formalizing informal work and ensuring legal security for investment, the Decree would produce a legal framework for precarious work with wages below the minimum wage, thereby contradicting the Political Constitution of the Republic. In response to an action challenging the Decree's unconstitutionality brought by the Labor Movement, the Constitutional Court partially suspended the Decree.





In September, the *Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras* [Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations] (CACIF) communicated its intention to present a proposal to reduce the minimum wage, arguing that, by not respecting the minimum wage, more informal work is generated and that the calculation of basic food staples [‘canasta básica alimenticia’] is incorrect.

The insistence on the part of the government and business sector to further reduce the value of labor became clear.

There is anti-union violence that is difficult to make visible when it occurs between peers or comes from other social spheres, such as familial relations. Peer violence, domestic violence, and defamation, among others, demonstrate a dynamic of loss of support from the societal grassroots due to the delegitimization of the movement’s actions and reason for being. The lack of grassroots support considerably limits the field of work of a labor union or labor rights defense organization. The union movement must develop the capacity to exert a counterweight to these actions of delegitimization.

It is essential to expand the focus of analysis, so as to understand anti-union violence in all of its manifestations, protect ourselves better from it, and, if possible, prevent it.

Cases Documented Since 2015	Documented Assassinations Since 2015	Cases of Assassination Since 2004 ¹
130	14	101

1) Entre 2004 y 2014 se contabilizaron 71 asesinatos en contra de sindicalistas y defensores de derechos laborales. Esta cifra alarmante motivó la creación, en 2015, de una Red de Protección para registrar y acompañar casos de violencia antisindical en Guatemala.

RECOMMENDATIONS

- **To labor unions:** Incorporate a gender-based focus when documenting and analyzing anti-union violence. Prioritize the call to report, record, and document actions that seek to obstruct the defense of labor rights.
- **To the Ministry of Labor:** Assume its appropriate role in promoting and protecting labor union freedom, collective bargaining, and the defense of workers' interests.
- **To the Public Ministry:** Take the necessary measures to ensure the effective implementation of Instructive 01-2015 and reactivate the *Mesa Técnica Sindical Permanente de Protección Integral* [Permanent Technical Labor Union Roundtable on Comprehensive Protection].
- **To the Ministry of Government:** Take the necessary measures to ensure the effective implementation of the *Protocolo de Implementación de Medidas de Seguridad Inmediatas y Preventivas* [Protocol for Implementing Immediate and Preventive Security Measures] in favor of labor rights defenders and reactivate the *Instancia de Análisis de Ataques contra Defensores/as de Derechos Humanos* [Agency for Analyzing Attacks against Human Rights Defenders].
- **To the Public Ministry, Ministry of Labor, and Judicial Branch:** Follow up on and monitor cases of disobedience of judicial rulings by individuals and civil servants in labor-related matters.

