

Murder and Impunity of Guatemalan Trade Unionists

November 2010: Prepared by [USLEAP](#)

I. Guatemala: the Second Most Dangerous Country to be a Trade Unionist

16 trade unionists were assassinated in Guatemala in 2009.¹

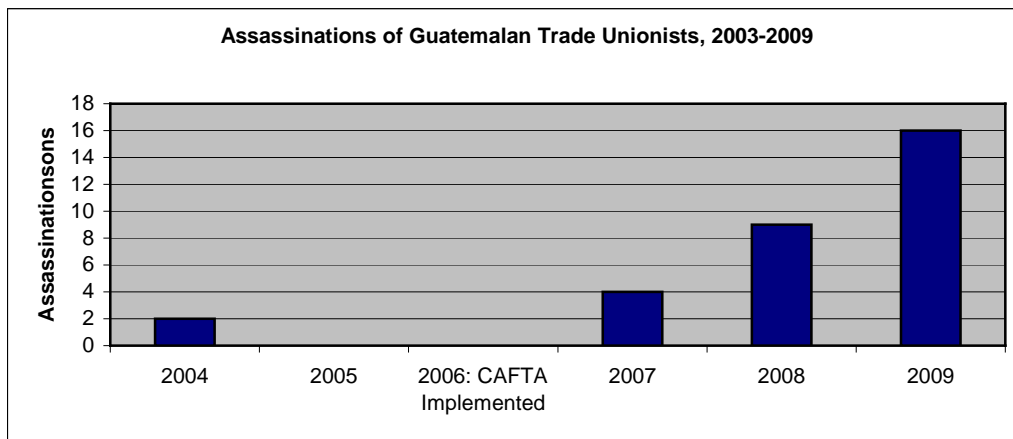
31% of assassinated trade unionists worked in the public sector, 69% in the private.

76 violent, non-deadly acts were committed against trade unionists in 2009, an increase of **475%** from the 16 acts committed in 2008.

75% of union leaders were threatened prior to their assassinations.

98% of unionists were assassinated within a few weeks of advocating for worker rights.

- Violence has increased staggeringly following the ratification of the Central American Free Trade Agreement (CAFTA) in 2006. No trade unionists were murdered in 2006, the year of CAFTA's implementation. In 2009, there were 16.² Illegal detentions of unionists and violence directed towards the families of trade leaders have also increased.



II. Impunity Reigns

100% of assassination cases from 2005-2010 remain in impunity.

23% of assassination cases are believed to involve ties to security forces or the governing municipality.

- The Special Prosecutor for Crimes against Journalists and Trade Unionists has refused repeatedly to investigate crimes against trade unionists, unilaterally determining, without investigation, that the individual or family was attacked and/or assassinated for non-union activity.

¹The Guatemalan Labor, Indigenous, and Campesino Movement (MSICG) provided most of the above statistics, primarily in their January 2010 report, [The Cost of Union Freedom](#). The Protection Unit for Human Rights Defenders ([UDEFEGUA](#)) and the International Trade Union Confederation ([ITUC](#)) also track trade unionists murders, often recording different numbers. As a result of the increasing violence, groups have only just begun to develop accurate systems of documentation and chose different standards for categorization. Assassination statistics from 2004-2009 were provided by the [ITUC](#).

² In January of 2009, the AFL-CIO and six Guatemalan unions filed a [CAFTA complaint](#) with the U.S. Office of Trade, calling on the U.S. to demand that the Guatemalan government take all possible steps to end violence against trade unionists.

III. Labor Courts Virtually Useless

- The labor courts report a backlog of applications for the reinstatement of workers that could last more than 10 years.
- Labor courts, not labor inspectors, sanction employers who violate labor laws. The Labor Inspectorate turned over 8,606 cases to labor courts in 2009. Employers rarely abided by the relatively few court decisions that ruled in favor of workers, and authorities almost never sanctioned employers for ignoring the ruling.³

Not just numbers: *On March 10, 2009, Maritza Elosay Pérez Carrillo, the wife of César Orlando Jiménez Méndez, the General Secretary of the Hermano Pedro de Betancourt Hospital, affiliated with Guatemalan Labor, Indigenous, and Campesino Movement (MSICG), was abducted and tortured. Abductors sent a message to Mr. Orlando Jiménez that read: "Keep away from the union or your children will be next".*⁴

IV. Restrictions on Trade Union Rights

8% of the *formal*-sector workforce was unionized in 2009.

2% of *all* Guatemalan workers were unionized in 2009; 75% work in the informal sector.

- *Freedom of Association Curtailed:* The International Labor Organization (ILO) reports that barriers to freedom of association include state-permitted impunity, insufficient labor inspections, and weak judicial power.⁵
- In order to block unions, companies fire or harass workers attempting to organize; create company-endorsed “yellow” unions or solidarity organizations that undermine democratic union participation; blacklist union organizers; threaten to or close factories; prevent labor inspectors from entering the work place; and ignore judicial rulings such as the reinstatement of fired union leaders.⁶
- Unions report that companies increasingly use thugs to intimidate workers from joining unions.
- *Right to Strike Extremely Limited:* A person charged with “paralyzing or disrupting” Guatemala’s economic development can receive 1 to 5 years in jail. There was only one legal strike in 2009.
- No education, postal, transport, or energy workers are permitted to strike, and other industries can do so only if the action is approved by 51% of the workforce.
- The Guatemalan president and cabinet can stop any strike deemed to be “gravely prejudicial to the country’s essential activities and public services.” Essential services are broadly defined.

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³ The lack of enforcement extends to workers in the apparel-for-export industry (maquilas) and the Export Processing Zones (EPZs). In 2008, the U.S. Dept. of State reported that only 2 out of the 216 companies operating in the EPZs and maquila sector had recognized unions, and none had collective bargaining agreements. Abuse and sexual discrimination are frequent.

⁴ [ITUC 2010 Impunity Report](#). Of the 16 unionists assassinated in 2009, 14 of them were affiliated with the MSICG.

⁵ For more information, see the U.S. State Department’s [Human Rights Report](#) (2009).

⁶ For example, according to the International Trade Union Confederation, between January of 2008 and January of 2010, 60 members of the Zaragoza Municipal Workers’ Union were fired for “forming a trade union organization”.