



Declaration from the II International Conference against Impunity in Guatemala for the respect of human, labour and trade union rights.

The assassination of our trade union Sisters, **LESBIA ELÍAS** from the Frente Nacional de Lucha on 21 July and **SONIA MARIA SANTOS MEJÍA**, Organising and Minutes Secretary of the Sindicato de Maquilera de Mixco on 22 July, highlight the urgency of this the *II Conference against Impunity*.

Almost 4 years since the first ITUC International Conference on impunity, delegates from the national and international trade union movement, affiliated to the International Trade Union Confederation – the ITUC and to the Trade Union Confederation of the Americas – the TUCA, met in Guatemala City on 21 and 22 July 2011.

AFFIRM THAT:

In January 2008, the ITUC organised in collaboration with Guatemalan trade union and social organisations, the I Conference on the “*Role of trade union organisations in the fight against impunity*” during which President Colom gave a firm commitment to take action to promote trade union rights, to fight anti-trade union violence and to put an end to impunity,

EXPRESS their grave concern at the worsening human rights situation and the criminalisation of social protest and highlight the lack of political will by the Government and the Political System to guarantee the full exercise of human, labour and trade union rights in the country,

REGRET that the human and trade union rights’ situation in Guatemala, which far from improving, has disimproved. Trade union and civil organisations continue to exist in an atmosphere of extreme violence. Guatemala is one of the countries in the Americas with the highest number of murders and assassinations of trade unionists in the exercise of their trade union activities, acts that remain buried in impunity. This situation in particular, contributes to bringing the country closer to the most serious levels of poverty and inequality on a national level,

REGRET that the Ministry for Labour and Social Welfare has failed completely in its responsibility to promote and protect workers’ rights. Furthermore, it has been an additional aggravating factor in many labour disputes and inevitably is co-responsible for the failure to create conditions that favour dialogue, negotiations, cohesion and social justice,

STATE that the government and multinationals continue to violate the indigenous people’s most fundamental rights, including the right to consultation, in violation of Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries ratified by Guatemala. The Government does not consult with or inform the communities about large projects, nor does it carry out studies on the environmental impact and to date has not developed or regulated suitable consultation processes with the affected indigenous people and ignores the consultations carried out by the indigenous communities themselves. The delegates question the socio-economic model founded on indiscriminate exploitation of the natural resources which constitutes an attack on the ancestral peoples,



DEPLORE that despite the passing of a law against Femicide, a law against Human Trafficking and a law against Inter-Family violence, the number of women murdered in Guatemala in 2010 continued to increase with 695 women suffering violent deaths. 99% of these deaths took place in a climate of total impunity,

CONSIDER that in the wake of the first ITUC Conference against impunity, the Guatemalan trade union movement conducted a campaign denouncing this situation which was recognised at the 100th ILO International Conference in June 2011, which included Guatemala amongst the 25 most violating countries, prompting the ILO Standards Committee to include a paragraph dedicated to Guatemala in its final report which will ensure continuous and rigorous follow-up by the ILO,

HIGHLIGHT the efforts of the International Committee against Impunity in Guatemala – the CICIG and the Attorney General’s Office to optimise the limited human, technical and financial resources available to the judiciary, obtained to a large extent as a result of pressure exerted by the national and international trade union movement,

RECOGNISE also the efforts and the challenges faced by the Attorney General’s Office to reform this Office, to fight organised crime, to protect officials of the Courts and also to create a Special Office to prosecute anti-trade union crimes. For the latter, the government needs to commit the necessary funds to strengthen this office and the will must exist to maintain and respect the Independence of the judiciary, in the hope that they will adopt adequate and effective policies which will ensure that impunity is abolished in anti-trade union crimes,

The delegates at the II Conference therefore **REITERATE**:

1. The national and international trade union movement’s strong **POSITION** in relation to the eradication of violence in all its forms, violations of fundamental rights and impunity in Guatemala,
2. Their **DECISION** and commitment to continue to accompany and support the independent Guatemalan trade union movement to develop areas and forums of unity which collectively will help to face up to the challenges posed by the human rights’ violations that affect both men and women,
3. Their **SOLIDARITY** and full political support to strengthen the CICIG’s mandate in all relevant areas, particularly in the fight against impunity and strengthening the judicial system, reiterates their support for the Committee and rejects the attempts by the corporate sector to disempower the Commissioner. They also reiterate the fundamental need for close cooperation between the CICIG and the Attorney General’s Office in the investigation and solving of assassinations of trade union leaders, country and indigenous peoples and trusts that this process will deepen and extend,
4. **CALL ON** the government to undertake in-depth reform of the judicial system that will guarantee the independence and the strengthening of institutions responsible for administering the law,
5. **POINT OUT** the current relationship between poverty and inequality, poverty and violence, as well as the link between trade union freedom and democracy, the respect for civil liberties and the right to life, which are necessary for just development,



6. **AFFIRM** that in order to fight against the high levels of poverty, misery and exclusion experienced by the majority of people, the Guatemalan State should drive and implement a **progressive fiscal policy** that will guarantee and make social justice a reality, in the sense that, **those who have more, pay more taxes**. These inequalities can only be overcome with a strong understanding and practice of **solidarity**. Similarly, they demand that those that temporarily shape the country's destiny, use healthy, coherent and transparent means to administer the country's resources to regain the citizens' **confidence** and re-establish their **credibility**,

7. **SUPPORT** the proposal to introduce a legal bill to create the Instituto para la Defensa Pública de los Trabajadores, an independent Institute with its own budget, to strengthen the defence and the protection of labour and trade union rights,

8. **REJECT** discrimination and exclusion that the independent trade union centres, affiliated to the ITUC and the TUCA are victims of in tripartite dialogue forums,

9. **SUPPORT** the efforts and priority commitment of trade union organisations, civil society and women's groups to ensure the observance of the law against femicide,

10. **COMMIT** to implementing with the independent Guatemalan organisations, the ITUC/TUCA and their affiliates an action plan with concrete proposals reflecting the priorities of this Conference,

With the deep feelings of solidarity achieved in this the **II International Conference against Impunity in Guatemala**, we state these commitments in Guatemala City on 22 July 2011.