



Governing Body

323rd Session, Geneva, 12–27 March 2015

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Institutional Section

INS

Date: 16 March 2015

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SIXTH ITEM ON THE AGENDA

Complaint concerning non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), made by delegates to the 101st Session (2012) of the International Labour Conference under article 26 of the ILO Constitution

Purpose of the document

This document follows up on the request from the Governing Body in November 2014 to put this matter again before it at its March 2015 session.

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Policy implications: These will depend on the decision taken.

Legal implications: None.

Financial implications: These will depend on the decision taken. The cost of a Commission of Inquiry would need to be approved by the Governing Body.

Follow-up action required: This will depend on the decision taken.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.316/INS/15/2; GB.317/INS/6; GB.319/INS/7(& Corr.); GB.320/INS/9; GB.322/INS/8.

1. At its 322nd Session (November 2014), the Governing Body decided to defer, until its 323rd Session (March 2014), the decision on the appointment of a commission of inquiry to examine the complaint made by various Workers' delegates to the 101st Session (June 2012) of the International Labour Conference under article 26 of the ILO Constitution concerning the non-observance by Guatemala of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The decision of the Governing Body was based on the information gathered by the Office mission headed by Ms Cleopatra Doumbia-Henry, Director of the International Labour Standards Department, which took place from 8 to 11 September 2014, in relation to the follow-up to the roadmap adopted on 17 October 2013 by the Government of Guatemala in consultation with the national social partners, with a view to expediting the application of the Memorandum of Understanding concluded on 26 March 2013 between the Workers' group of the Governing Body of the ILO and the Government of Guatemala.
2. Furthermore, the Governing Body requested the Office to provide it, at its 323rd Session (March 2015), with updated information on the progress made, including information provided by the Government and the employers' and workers' organizations of Guatemala, in particular on the follow-up given to the elements of the roadmap.
3. In communications dated 5 and 11 February 2015, the Government of Guatemala sent its observations concerning the implementation of the roadmap. The Autonomous Popular Trade Union Movement and the Global Unions of Guatemala sent their observations in a communication dated 2 February 2015. The Indigenous and Rural Workers' Trade Union Movement of Guatemala (MSICG) sent its observations in a communication dated 3 February 2015. The Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) sent its observations in a communication dated 2 February 2015. A summary of this information is presented below. The full text of these communications is available to constituents.

I. Information on the follow-up to the roadmap

Point 1. Follow-up of the investigation into the 58 murders of trade union members reported to the ILO

(The Public Prosecutor's Office shall follow up and complete the investigation into all 58 cases and the other cases reported with the support of the corresponding international bodies. It shall strengthen the capacities of investigators with the involvement of the ILO Country Office in Guatemala with a view to ensuring that the principles of freedom of association and collective bargaining are fully observed; the Public Prosecutor's Office will continue providing information and processing all cases through the tripartite body set up for that purpose.)

Time frame: 90 days.

Government of Guatemala

4. The Public Prosecutor's Office of Guatemala provided information on 70 cases of murder (the 58 cases examined by the Committee on Freedom of Association at the time of the adoption of the roadmap by the Government of Guatemala in October 2013, and 12 further cases), reporting that 42 cases are at the investigation stage; convictions have been handed down in eight cases; acquittals have been issued in three cases; arrest warrants have been issued in 11 cases; arrest warrants have been requested in two cases; in two cases the criminal proceedings have expired; one case resulted in a decision to close the case; and

one case is awaiting the beginning of court proceedings. The Government stated that the most recent conviction was handed down on 30 October 2014 against the perpetrators and instigators of the murders of Ms Lucila Martínez Zúñiga and Ms Maura Antonieta Hernández Cortez, which were committed on 18 October 2008.

The Autonomous Popular Trade Union Movement and the Global Unions of Guatemala

5. The representatives of the trade union confederations stated that no recent information had been received from the authorities on determining the criminal, material or intellectual responsibilities in the 58 murders reported to the Committee on Freedom of Association at the time of the adoption of the roadmap. They indicated that 17 murders of union members were reported during 2013 and 2014, and that those crimes also benefit from a prevailing situation of impunity.

MSICG

6. The MSICG stated that, to date, the State of Guatemala has not brought to justice those who planned and carried out the murders of the trade union officials and members. It highlighted the case of the murder of Mr Manuel de Jesús Ramírez, which remains unsolved despite the fact that the State has recognized the anti-union nature of the crime and that the victim's employer was a public institution (the Public Criminal Defence Institute). The MSICG stated that in 2014 at least six trade union officials were murdered, added to which other acts of anti-union violence took place, in which Guatemalan state forces had allegedly been involved.

CACIF

7. The CACIF reiterated its statement made to the ILO mission in September 2014, expressing its appreciation for the information provided in the 2014 report of the International Commission against Impunity in Guatemala (CICIG), which states that only six of the cases involving the death of trade union officials and members examined by the CICIG are linked to the trade union roles of the victims, whereas the other cases are the result of a widespread problem of criminality affecting the entire Guatemalan population. The CACIF reiterated the importance of continuing to investigate all the deaths reported to ensure that they do not go unpunished.

Point 2. The timely trial and conviction of the perpetrators and instigators of the crimes in order to ensure intolerance towards impunity

(The Public Prosecutor's Office will request the Supreme Court of Justice that cases involving the murder, torture, abduction or kidnapping of trade union members be heard specifically by the high-risk courts or panels; the Public Prosecutor's Office will request the national Parliament to grant a specific budget increase for this roadmap, to ensure that the trade union sector can fulfil its mandate effectively and efficiently.)

Time frame: 90 days.

Government of Guatemala

8. The Government stated that the new Chief Public Prosecutor continues to promote the strengthening of the Special Investigation Unit for Crimes against Trade Unionists, which currently boasts a highly-qualified team of 12 criminal investigation professionals. To ensure greater monitoring and objectivity in criminal investigations, the Public Prosecutor's Office ordered the cases, which were being processed in the country's various public prosecution offices, to be transferred to the Special Investigation Unit for Crimes against Trade Unionists. In addition, the Public Prosecutor's Office, in coordination with the ILO, has organized a series of training programmes, especially targeted at Special Investigation Unit staff (for further details of these training programmes, see the information on point 8 of the roadmap).
9. The Government emphasizes that the investigations carried out by the Public Prosecutor's Office into the acts targeting the trade union movement and its members are not confined to the murder cases, but also cover other types of offences. In this respect, it noted that a conviction was handed down on 13 January 2015 for offences committed against members of the trade union of the municipal authority of Guanagazapa, Escuintla, which imposed sentences of one year and four months' imprisonment for the offence of assault under aggravating circumstances, and a one-year prison term and fine of 500 quetzals (approximately US\$58) for the offence of discrimination.

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10. The trade union confederations stated that there had been no substantive progress in the reported cases of violence against trade union officials and members.

MSICG

11. The MSICG denounced the inaction of the Public Prosecutor's Office with respect to the numerous cases of threats against trade union officials that had occurred since the last session of the Governing Body.

Point 3. Strengthen the prevention, protection and response mechanisms in respect of threats and attempts against trade union leaders, unionized workers and others seeking to organize themselves in trade unions

(The Ministry of the Interior, in consultation with the tripartite constituents, shall strengthen and improve the warning and protection mechanisms of the Human Rights Unit for the Protection of Journalists and Trade Union Leaders. The Ministry of the Interior, in consultation with the tripartite constituents, will develop and adopt protocols and manuals providing guidance for and defining the actions of this Unit.)

Time frame: 30 days to strengthen the mechanisms and 90 days to prepare the protocols.

Government of Guatemala

12. The Government recalled that, in August 2014, the Ministry of the Interior adopted Ministerial Agreement No. 550-2014, which grants union officials the status of members of the Standing Trade Union Technical Committee on Comprehensive Protection, and that, on 18 August 2014, the Ministry of the Interior submitted to that committee the Protocol for the Implementation of Immediate and Preventive Security Measures for Human Rights Activists in Guatemala.
13. As for the number of threatened union officials and members who benefit from state security measures, it reported that: (i) seven union officials continue to be covered by protective measures decided upon before the entry into force of the 18 August 2014 Protocol; and (ii) since the entry into force of the Protocol, five more union officials have been covered by immediate and preventive security measures.
14. Furthermore, the Ministry of the Interior is taking the necessary steps to set up the free 1543 hotline to enable human rights activists (including members of the trade union movement) to report cases of violence directly. On 27 January 2015, the Department of Telecommunications approved the Ministry of the Interior's request for the abovementioned telephone number to be allocated.

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15. The trade union confederations indicated that the Ministry of the Interior's Standing Trade Union Technical Committee on Comprehensive Protection, established in 2013, was not operational between March and August 2014. The trade union sector had requested that it be reconvened in a letter dated 7 August 2014. They stated that the Protocol for the Implementation of Immediate and Preventive Security Measures for Human Rights Activists in Guatemala, presented by the Minister of the Interior on 18 August 2014, was a copy of an existing generic protocol for human rights activists, but no adjustment had been made to ensure it applied specifically to trade unionists.
16. The trade union confederations also stated that, after repeated announcements by the Ministry of the Interior regarding the launch of a hotline for complaints about offences against union members, the Deputy Labour Minister advised on 18 August 2014 that the hotline could not be set up due to a budget shortfall. Since then, no specific progress has been made in the protection of trade unionists and trade union activities.

CACIF

17. The CACIF requested that the employer sector be included in all entities established for the prevention of and protection against acts of anti-trade union violence.

Point 4. Promote the direct participation of the victims and of the trade union organizations throughout the criminal investigation and proceedings

(The Public Prosecutor's Office will continue providing information and processing all the cases through the tripartite body established to that end; the trade union members and leaders and their institutions shall be allowed to participate as adhering complainants.)

Time frame: 60 days.

Government of Guatemala

18. The Government of Guatemala stated that the Trade Union Committee of the Public Prosecutor's Office remains fully active, having held six meetings in 2014, during which the creation of the Public Prosecutor Office's general directive for the effective criminal prosecution of crimes committed against trade union members and their organizations and other labour and trade union activists was discussed. The discussions continued in January 2015 and led to the signing of the directive by all sectors involved on 4 February 2015 and its adoption by the Public Prosecutor's Office.

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19. The trade union confederations stated that the former modalities of participation of the victims' families have been maintained, but that no specific action has been taken to promote other forms of participation in criminal proceedings, and that trade union organizations have not been called upon at any stage in the proceedings, nor have they been able to act as the complainant parties.
20. With regard to the Public Prosecutor's Office's general directive for the effective criminal prosecution of crimes committed against trade unionists, members of workers' organizations and other labour and trade union activists, the trade union confederations stated that: (i) under the leadership of the previous Chief Public Prosecutor, the Trade Union Committee of the Public Prosecutor's Office had approved a text for the directive on 24 February 2014. However, its adoption was deferred by the new Chief Public Prosecutor, who took up her post in May 2014; (ii) following repeated calls from trade unions, discussions on the directive recommenced and a text was agreed with the Public Prosecutor's Office on 16 October 2014, which was forwarded to the Chief Public Prosecutor for her official signature; (iii) the Public Prosecutor's Office convened a session on 20 January 2015, at which a new text was presented, with a number of changes that undermine the objectives of the directive as a tool to protect against offences against workers and trade union members; (iv) trade union members issued a statement rejecting the document and supporting the text that was approved on 16 October 2014; and (v) after more than a year of efforts, the directive had still not been adopted when the trade union confederations produced their report.

CACIF

21. The CACIF stated that, in accordance with the principle of social dialogue, it had been consulted on the content of the directive and that it had forwarded its respective comments. The CACIF again requested that the employer sector be included in all entities established for the prevention of and protection against acts of anti-union violence.

Point 5. The Government shall take urgent action, in consultation with the tripartite constituents, to propose amendments to the Labour Code and the other relevant laws, incorporating the amendments which have long been proposed by the ILO supervisory bodies

(The Executive Body, through the Ministry of Labour and Social Welfare, will present to the national Parliament, after prior consultation with the tripartite constituents, the bills designed to bring the national legislation in line with Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), taking into account the recommendations of the ILO supervisory bodies.)

Time frame: The Government will submit the draft reforms to the Tripartite Committee within 60 days. The national Parliament will adopt the corresponding legislation within 120 days.

Government of Guatemala

22. The Government stated that the Ministry of Labour and Social Welfare coordinates efforts in the study and review of amendments to national legislation, requested by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in reference to the Criminal Code and the Labour Code. In this context, the Parliamentary Labour Commission held two working sessions in October and November 2014 with the trade union confederations and the employer sector respectively. Employer sector members expressed the need to continue with the study, review and sustainability of the recommendations of the experts, while the representatives of the union confederations are in agreement with all of the CEACR recommendations and have voiced the need to make other amendments to the Labour Code in order to take full account of the comments raised.

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23. The trade union confederations indicated that no bill had been submitted to bring national legislation into line with the ILO recommendations.

CACIF

24. The CACIF stated that, as a follow-up to the tripartite working sessions with the Parliamentary Labour Commission to review the amendments requested by the CEACR, the employer sector will organize an internal seminar to draw up its criteria on all of the points where it would be possible to make amendments to the Labour Code that are compatible with Guatemalan constitutional provisions.

Point 6. Labour inspection: Legislative reforms to enable the general labour inspectorate to fulfil its mandate of effectively ensuring the application of labour legislation

Time frame: 90 days.

Government of Guatemala

25. The Government reiterated the information provided to the September 2014 ILO mission, indicating that: (i) on 12 December 2013, the executive presented the Guatemalan legislative reform bill to the Tripartite Committee on International Labour Affairs, in compliance with point 6 of the roadmap (Bill No. 4703); (ii) after the trade union confederations and the employer sector submitted their respective proposals, a process of discussion and deliberation began, eventually reaching the conclusion that there were two different approaches to conducting the process leading to penalties for misconduct; (iii) in view of these divergent approaches, the Ministry of Labour and Social Welfare decided to declare the consultation period closed and it sent the proposals of the different sectors to the national Parliament on 23 January 2014; and (iv) on 14 May 2014, the Parliamentary Labour Commission issued a favourable opinion on Bill No. 4703, on the reform of the Labour Code (disciplinary proceedings), particularly bearing in mind that the proposed amendments comply with the National Constitution and with the international treaties

ratified by Guatemala. The Government states that the proposed amendments provide that labour disciplinary proceedings consist of an administrative stage, followed by a judicial stage, that labour inspectors are given clearer and speedier actions to take, and that proceedings to impose sanctions will commence automatically once violations of labour laws and regulations have been established.

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26. The trade union confederations stated that Bill No. 4703 forwarded by the executive to the national Parliament still grants the power to impose sanctions exclusively to the judiciary, contrary to the recommendations of the ILO, which is why the trade union organizations expressed their opposition to this bill on a number of occasions.

MSICG

27. The MSICG expressed its opposition to Bill No. 4703 and stated that it is legally possible to grant labour inspectors direct authority to impose penalties without contravening articles 103 and 203 of the Guatemalan Political Constitution.

CACIF

28. The CACIF stated that Bill No. 4703 addresses the substantive concerns expressed by the high-level ILO mission of 2013 in that it establishes an expeditious process for sanctions in which the general labour inspectorate enjoys more extensive powers. The fact that the judiciary retains its power to make the final decision on imposing a sanction means that the constitutional rule is upheld, in compliance with the Constitutional Court's jurisprudence on this matter.

Point 7. In order to strengthen the rule of law in Guatemala, it is important and urgent that the rulings of the labour courts are observed and executed

(The competent state institutions shall adopt measures, with the technical assistance of the ILO, to ensure the effective execution of court rulings; the judiciary will, via the Reinstatement Verification Unit, ensure compliance with court rulings. It shall report on the number of rulings which are duly enforced.)

Time frame: 60 days.

Government of Guatemala

29. The Government stated that: (i) there was a substantial increase in the 2013 and 2014 budget of the Unit for the Enforcement and Verification of Reinstatements and Special Labour-related Measures, which was established in 2012 and serves as an auxiliary to the judiciary in the enforcement of its rulings; (ii) between 2011 and 2014 the budget allocation to the labour justice administration was increased overall, although the amounts allocated for 2015 were reduced, due to the budgetary and financial crisis facing the judiciary; (iii) the Directorate for Labour Management was established, with a mandate to monitor, within the judiciary, projects designed to strengthen labour justice administration; (iv) the Fifth Chamber of the Labour and Social Welfare Appeals Court was inaugurated on 29 January 2015, which will help reduce pressure on other judicial chambers; (v) in

October 2014, the judiciary and the Supreme Court of Justice published the Digest of Case Law Criteria in Labour Matters, with increasing the effectiveness of the enforcement of rulings as one of its main objectives; (vi) the various initiatives mentioned above have been reflected in a marked increase in the number of rulings handed down on labour matters in recent years in general and in orders for the reinstatement of workers in particular; and (vii) in 2014, the number of checks carried out by the judiciary on the enforcement of reinstatement orders also increased significantly.

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30. The trade union confederations stated that no significant progress had been made on this point of the roadmap.

Point 8. It is necessary to take measures to strengthen state institutions, including the Ministry of Labour and Social Welfare, the Public Prosecutor's Office, the Specialized Human Rights Unit of the Ministry of the Interior, the judiciary, the legislature, the Human Rights Ombudsman, as well as the social partners, in the areas of freedom of association and collective bargaining, and in matters related to social dialogue

(The Ministry of Labour and Social Welfare, with the support of the ILO, will hold workshops on strengthening social dialogue with the employer and worker sectors and government entities.)

Time frame: 60 days.

Government of Guatemala

31. The Government provided information on the planning and implementation of training and international cooperation programmes, in collaboration with the ILO, to strengthen the capacities of the Ministry of Labour and Social Welfare, the Public Prosecutor's Office, the Ministry of the Interior and the judiciary:

- Ministry of Labour and Social Welfare: In order to strengthen its capacity to respond to the requests of the ILO supervisory bodies, in August 2014 the ministry's International Affairs Office received guidance from the Director of the Office for Cooperation and International Relations of the Ministry of Labour of Colombia. In addition, from 2 to 6 March 2015, two officials from the unit would complete a work placement in the International Affairs Department of the Ministry of Labour and Social Security of Costa Rica.
- Public Prosecutor's Office: Staff from the Special Investigation Unit for Crimes against Trade Unionists of the Human Rights Ombudsman's Office, representatives of district public prosecution offices and public prosecution offices responsible for offences against life, and technical specialists from the Criminal Investigation Department took part in the course entitled "Legal Technical Aspects to Consider in the Investigation of Offences Committed against Trade Unionists", which was held in October and November 2014.
- Ministry of the Interior: A workshop on human rights and freedom of association was held in December 2014, with the following taking part: (i) officials from the Human

Rights Division and the Trade Unionist Unit of the Public Prosecutor's Office; (ii) investigators from the Investigation Unit for Offences against Human Rights Activists; and (iii) the Human Rights Unit of the Ministry of the Interior.

- Judiciary: The specialized diploma course on international labour standards and the International Labour Organization's supervisory mechanisms ended on 20 September 2014, and all the country's labour and social welfare magistrates and judges participated. As part of this training, meetings and discussions took place between the justice sector and the trade union sector, and with representatives from the business sector. A second and third specialized diploma course are being planned for 2015, with ILO support.

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32. The trade union confederations stated that no significant progress had been made on this aspect of the roadmap. They stated in particular that: (i) although the Tripartite Committee for the Settlement of Disputes before the ILO in the area of Freedom of Association and Collective Bargaining has been established, it has not solved any cases yet; (ii) the number of officials in the Ministry of the Interior's Human Rights Directorate has been increased, but no information has been provided on how many and which ones are working in the specific area of trade unionists; (iii) time spent by the Human Rights Ombudsman on cases of possible violations of labour rights has been reduced and, in fact, the Special Ombudsman for Labour Rights was dismissed on 30 January 2015; and (iv) they are unaware of any specific steps taken to strengthen the capacities of the social partners in the areas of freedom of association, collective bargaining and social dialogue.

CACIF

33. The CACIF stated that the Tripartite Committee for the Settlement of Disputes before the ILO has begun to deal with a number of cases, in both the private and public sectors, and that progress has been made in the discussion of these cases.

Point 9. A major awareness-raising campaign on freedom of association, the right to work and the right of workers and employers to organize should be launched throughout the country

Time frame: 60 days.

Government of Guatemala

34. The Government indicated that the Ministry of Labour and Social Welfare, with the cooperation of the International Labour Organization, took part in the workshop entitled "Dialogue and Negotiation Techniques" from 19 to 21 January 2015, to which the ministry invited the following: (i) the various government ministries; (ii) the Institute of Municipal Development; (iii) the municipal mayors of Masagua (Escuintla), Estanzuela (Zacapa), Santa Cruz Balanyá (Chimaltenango) and Palencia (Guatemala); (iv) the National Association of Municipalities; and (v) representatives of the Tripartite Committee for the Settlement of Disputes before the ILO in the area of Freedom of Association and Collective Bargaining.

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35. The trade union confederations stated that no significant progress had been made on this point of the roadmap.

CACIF

36. The CACIF expressed its willingness to meet and work with the ILO consultant appointed to draw up proposals for the abovementioned campaign.

Point 10. Proposed reform of the judiciary

(Amend Decree No. 41-99, the Judicial Service Act, including a specific sanction that the disciplinary board of the judicial service will impose on labour judges if they are found guilty of negligence in carrying out orders to reinstate workers dismissed illegally or other decisions; implement new ethical and disciplinary procedures for labour judges; improve the training and professional evaluation of judges, lawyers and other officials involved in administering labour law, including a continuous and intensive training programme on international labour standards.)

Time frame: 60 days.

Government of Guatemala

37. The Government indicated that: (i) Bill No. 4775, which contains amendments to the Civil Service Act and provides for new ethical and disciplinary procedures for labour judges and magistrates, received a favourable opinion from the Parliamentary Special Committee on Justice Sector Reforms on 14 May 2014; (ii) Bill No. 4691, which contains amendments to the Judicial Service Act and includes a specific sanction for labour judges if they are found guilty of negligence in carrying out orders to reinstate workers dismissed illegally, received a favourable opinion from the Parliamentary Special Committee on Justice Sector Reforms on 27 May 2014; and (iii) Bill No. 4691 was introduced in a first reading on 3 September 2014 and is currently awaiting a second reading.

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38. The trade union confederations stated that no significant progress had been made on this aspect of the roadmap.

MSICG

39. The MSICG stated that many labour judges continue to hand down rulings that depart from the legal guidelines, in some instances resulting in illegal actions. However, criminal proceedings against the judicial officials involved flounder because the Supreme Court of Justice refuses to give authorization for them to be criminally investigated.

Point 11. The ILO Country Office in Guatemala shall build its capacity and support tripartite constituents in implementing the roadmap. The international community is encouraged to make the necessary resources available to enable the ILO to provide the required support and assistance

(Active participation of the ILO in order to ensure the effective implementation of the roadmap.)

Time frame: Immediately.

40. Both the Government and the social partners expressed appreciation for the actions taken by the representative of the ILO Director-General, and requested that the presence and actions of the ILO in the country be extended and strengthened.

Final considerations of the social partners

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41. The trade union confederations stated that 15 months after the adoption of the roadmap and almost a year after the deadline agreed for its implementation expired, the overall assessment of its implementation remains undeniably negative. The key commitments outlined in the roadmap, which include providing the country with an adequate legal and institutional framework for the protection of individual and collective labour rights, solving the murder cases of trade union officials and members, conducting awareness-raising campaigns on freedom of association and labour rights, and institutional strengthening, have not been fulfilled. There have been further murders of union officials, numerous attacks on freedom of association have been reported, and little progress has been made in collective bargaining. In the light of the foregoing, they requested the appointment of a commission of inquiry.

MSICG

42. The MSICG requested the appointment of a commission of inquiry. It stated that, in addition to the violations of freedom of association related to the different points of the roadmap, significant problems persist in the registration of trade union organizations.

CACIF

43. The CACIF expressed its recognition of and appreciation for the tripartite efforts to offer tangible solutions to the issues raised in the complaint made under article 26 of the ILO Constitution concerning the non-observance by Guatemala of Convention No. 87. The CACIF reaffirmed its commitment to contributing to the efforts required to align Guatemalan legislation with the ILO Conventions ratified by Guatemala in the area of freedom of association, while respecting Guatemalan constitutional provisions.

II. Summary of the initiatives adopted since November 2014

44. According to the information provided:

- (i) on 4 February 2015, the Public Prosecutor's Office adopted a general directive for the effective criminal investigation and prosecution of crimes against trade unionists, members of workers' organizations and other labour and trade union activists;
- (ii) since August 2014, the number of union officials covered by state protective measures has increased from seven to 12; and
- (iii) training activities on freedom of association and collective bargaining have been organized, with ILO support, for various national public institutions.

III. Priority points identified in November 2014 that still require additional and urgent actions

- The investigation, prosecution and conviction of the perpetrators responsible for all of the murders of trade union officials and members and for other acts of violence against trade union officials and members that were reported to the ILO.
- To continue to adopt and implement measures for the protection of all trade union officials and members who have been threatened.
- The adoption of legislative reforms recommended by the ILO supervisory bodies in order to align legislation with Convention No. 87.
- The launch of a major awareness-raising campaign on freedom of association and collective bargaining, and the training of social partners in this regard.

Draft decision

45. *Taking into account the information communicated by the Government and workers' and employers' organizations of Guatemala in relation to all of the points in the roadmap,¹ the Officers of the Governing Body recommend that the Governing Body should:*

- (a) *request the Government to take, without delay with the assistance of the Office and in consultation with the social partners, all the measures necessary to fully implement the roadmap, including measures to address the priority areas that continue to require additional and urgent action;*
- (b) *request the Office to provide the Officers of the Governing Body, at its 324th Session (June 2015), with updated information on the progress made based on clear indicators and results achieved, including information provided by the Government and employers' and workers' organizations of Guatemala, in particular on the follow-up given to the points of the roadmap;*

¹ GB.319/INS/7(&Corr.).

- (c) include this item on the agenda of its 324th Session (June 2015) in order to decide whether other measures need to be adopted in relation to this complaint;*
- (d) defer until its 325th Session (November 2015) the decision on the appointment of a commission of inquiry; and*
- (e) invite the international community to facilitate the necessary resources to enable the ILO Country Office in Guatemala to continue to support the tripartite constituents in the implementation of the Memorandum of Understanding and the roadmap.*