



Governing Body

325th Session, Geneva, 29 October–12 November 2015

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Institutional Section

INS

Date: 9 November 2015

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EIGHTH 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

Information on progress achieved

Purpose of the document

This document provides follow-up to the Governing Body's March and June 2015 request that this matter be brought before it again at its November 2015 session.

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

Policy implications: This will depend on the decision taken.

Legal implications: None.

Financial implications: This 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; GB.323/INS/6(Rev.); GB.324/INS/4.

1. Bearing in mind that, at its 325th Session (November 2015), it would consider the decision to establish a commission of inquiry, the Governing Body, at its 324th Session (June 2015):
 - (i) urged the Government to take, without delay, with the assistance of the Office, all the measures necessary to fully implement the key indicators and the roadmap, including the priority areas that continue to require additional and urgent action; and
 - (ii) requested the Office to provide the Officers of the Governing Body, at its 325th Session (November 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 key indicators and the points of the roadmap.
2. By communications dated 30 September and 1 and 30 October 2015, the Guatemalan Government and social partners sent information on the follow-up given to the key indicators and the points of the roadmap. The following is a summary of this information, structured around a list of nine key indicators adopted on 5 May 2015 by the Guatemalan tripartite constituents. This document also contains a summary of the principal measures and initiatives taken since June 2015, as well as a summary of the priority issues that continue to require further urgent action. The full text of the communications from the Guatemalan Government and social partners is available to constituents.

I. Information on progress measured against the key indicators

Key indicator 1: Significant increase in the number of cases of killings of union officials and members reported to the ILO that have been investigated and have led to convictions (before 31 October 2015) – related to points 1 and 2 of the roadmap

(Follow-up of the investigation into the 58 murders of trade union members reported to the ILO; the timely trial and conviction of the perpetrators and instigators of the crimes in order to ensure intolerance towards impunity.)

The Government

3. The Government 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: (i) on 25 September 2015, 13 verdicts, including nine convictions, had been handed down: (ii) of those convictions, seven involved perpetrators and two involved instigators; (iii) six of the 13 verdicts had been handed down between 2007 and 2012, five had been handed down in 2014 and two had been handed down between 1 January and 25 September 2015.
4. In addition, within the framework of the cooperation agreement between the Special Investigation Unit for Crimes against Trade Unionists and the International Commission against Impunity in Guatemala (CICIG), investigation records on 12 of the murders reported by the trade union movement in Guatemala had been submitted to the CICIG on 15 June 2015 so that the Commission could make recommendations on the conduct of those investigations.

5. The Government reported that Public Prosecutor's Office General Directive No. 1-2015 on the investigation and criminal prosecution of crimes committed against union members and other labour and trade union activists had been disseminated and implemented. The Government also reported that the Trade Union Committee in the Public Prosecutor's Office had met ten times in 2015 and had facilitated both the provision to the trade union confederations of information on progress in the inquiry into the murders of the union officials and members and the confederations' provision of additional information that had been useful to the inquiry.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

6. The representatives of the trade union confederations stated that, despite the opportunities for dialogue with the Public Prosecutor's Office and the adoption of Directive No. 1-2015, there had been no progress towards the ultimate goal: shedding light on the 74 murders of trade union officials and members reported to the ILO in order to assign responsibility and punish the guilty. They expressed regret at the fact that that Office had not provided information on the progress of the inquiry and the judicial proceedings and that some of the documents that the Government had sent to the ILO were an attempt to make the trade unions themselves responsible for investigating the murders of their members.
7. They also reported that, on 24 September 2015, a member of the Jalapa Municipal Trade Union (SITRAMJ), Mynor Rolando Ramos Castillo, had been murdered. The victim had been one of the group of municipal employees who were awaiting compliance with the labour court's reinstatement order.

Indigenous and Rural Workers' Trade Union Movement of Guatemala (MSICG)

8. The MSICG stated that: (i) all the instigators of the murders of union officials and members were still at large with impunity; (ii) over 97 per cent of the perpetrators were at large with impunity; (iii) there was total impunity for all the acts of anti-union violence; (iv) the Government's position, which was to deny that there were anti-union motives for many murders of union members, and the fact that there had been no final verdicts against perpetrators and instigators of those acts, even though it had not been proved that the crimes were motivated by factors other than the victims' trade union activities, were unacceptable; (v) in the case of recent murders of employers in acts of common criminal violence, the Public Prosecutor's Office and the criminal courts had shown themselves capable of identifying and punishing the guilty parties quickly and efficiently.
9. The MSICG specifically mentioned the murder of Manuel de Jesús Ramírez, a public servant employed by the Public Criminal Defence Institute, in whose case the Government had recognized the anti-union nature of the crime. The Special Unit for Crimes against Trade Unionists in the Public Prosecutor's Office had not taken the necessary steps or conducted an inquiry with a view to identifying the perpetrators and instigators of the murder and the case was not being given serious attention.
10. The MSICG also stated that Public Prosecutor's Office Directive No. 1-2015 was not being implemented in practice and that the attitude of the official who headed the Special Unit for Crimes against Trade Unionists in the Public Prosecutor's Office, hindering the relevant inquiry rather than facilitating it, was proof of the Government's anti-union policy. Lastly, the MSICG described several recent cases involving threats against union officials and members, for which the Public Prosecutor's Office had conducted no investigation whatsoever.

Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF)

11. The CACIF again emphasized the importance of the executive report of the CICIG entitled “Status of investigations into the deaths of trade unionists in Guatemala”, submitted on 31 July 2014, and said that the report showed that there was no climate of anti-union violence in Guatemala, but rather unfortunate isolated incidents that should be clarified as quickly as possible. It drew attention to the adoption by the Public Prosecutor’s Office of Directive No. 1-2015 on the investigation and criminal prosecution of crimes committed against union members and other labour and trade union activists, noting that the employer sector had been consulted on its provisions.

Key indicator 2: Conduct, together with the relevant trade union organizations, of risk studies for all threatened union officials and members and the adoption of appropriate protection measures (before 30 June 2015) – related to point 3 of the roadmap

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

The Government

12. The Government submitted information from the Ministry of the Interior describing the procedure followed when conducting risk studies. The Ministry had received 72 requests for security measures and, as a result, had authorized nine personal security measures and 63 perimeter security measures.
13. The Ministry had also reported on progress with regard to the draft protocol for the implementation of immediate and preventive security measures for trade union members and officials. Seven joint working meetings with trade union organizations, of which three (as from 2 July 2015) had been devoted to approval of the final document, had been held. According to the Ministry, however, the approval meetings had been suspended at the organizations’ request because they had decided to submit their own draft document before continuing with the approval process.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

14. The trade union confederations said that risk studies had not been conducted for all the union officials, or, to their knowledge, for the threatened union members. They also stated that, in July 2015, after several months of meetings, the Ministry of the Interior had sent them the draft protocol for the implementation of immediate and preventive security measures for trade union members and officials. The confederations had made a series of suggestions for improving that document, including, among other things, by providing for the conduct of proactive risk studies for at-risk union officials and members.

The CACIF

15. The CACIF said that it had reiterated to the Tripartite Committee on International Labour Affairs its request that the employer sector be included in all dialogue forums for the prevention of and protection from acts of anti-union violence.

Key indicator 3: Setting up of a hotline for reporting acts of violence and threats against union officials and members (before 31 May 2015) – related to point 3 of the roadmap

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

The Government

16. The Government reported that the free telephone number (15 43) for reporting threats and attempts against human rights activists, including union members, had been in operation since 14 May 2015. Since then, in addition to numerous hoax calls, the number had been used to report 11 acts directed against union officials or members and four directed against journalists.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

17. The trade union confederations said that the long-requested activation of the hotline was a step forward. However, it was extremely important to improve the referral of complaints to the proper authorities and cooperation between the Ministry of the Interior, the Public Prosecutor's Office and the other relevant institutions.

The CACIF

18. The CACIF stressed that, during the three weeks following activation of the hotline, 700 hoax calls and one real call had been received.

Key indicator 4: Drafting and tabling before Congress of a bill, based on the comments of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), ensuring the conformity of national legislation with Conventions Nos 87 and 98 (before 30 September 2015) – related to point 5 of the roadmap

(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 Government

19. The Government stated that: (i) on 10 December 2013, it had submitted a bill to the tripartite constituents and on 22 August 2014, having received no reply from the social partners, had tabled it before Congress; (ii) the Congressional Labour Committee had held two meetings with the social partners to consult them on the bill; (iii) the employer sector had called for continued study of the feasibility of the recommendations made by the CEACR, while the worker sector had approved all the recommendations but stressed the need for additional amendments to the Labour Code; (iv) on 3 September 2015, the worker sector had sent the Office of the Minister of Labour a new set of draft amendments to the Labour Code, which included both the reforms requested by the CEACR and those requested with a view to enabling the labour inspectorate to ensure the effective application of the labour laws; (v) the employer sector had agreed that comprehensive legislative reform was needed; (vi) on 24 September 2015, it had sent the Special Representative of the Director-General for Guatemala a request that he appoint an expert who could provide the constituents with technical assistance for that purpose; and (vii) on 29 September 2015, under the auspices of the Special Representative, the representatives of the social partners, the Ministry of Labour and Congress had met to exchange views on their proposals and had decided to establish an ad hoc tripartite committee to consider them in depth.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

20. The trade union confederations said that a key element of the roadmap had not been implemented; neither the Government nor Congress had submitted even a preliminary draft of a bill in implementation of the repeated recommendation of the CEACR that national legislation be harmonized with Convention No. 87. As no action had been taken in that regard, the confederations had submitted such a bill to the Tripartite Committee on International Labour Affairs in August 2015.

The MSICG

21. The MSICG said that, over 60 years after the ratification of Convention No. 87, there had been no progress whatsoever in bringing domestic law into line with the Convention; the Government and the employer sector had not even announced their intention to adopt harmonization legislation.

The CACIF

22. In March 2015, the CACIF drafted preliminary comments on the reforms requested by the CEACR in respect of Convention No. 87, which were submitted to the Ministry of Labour and Social Welfare, Congress and the trade union organizations during the following months. In September 2015, the organizations submitted their own proposals concerning the observations made by the CEACR and, on 24 September 2015, the Tripartite Committee on International Labour Affairs signed a tripartite letter requesting the ILO to provide technical assistance with the drafting of a bill in response to the experts' request for reforms.

Key indicator 5: Significant increase in the percentage of reinstatement orders actually implemented for workers victim of anti-union dismissals (by 31 October 2015) – related to point 7 of the roadmap

(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 Government

23. The Government submitted information from the Judicial Directorate for Labour Management on progress in monitoring the execution of sentences (procedures and verification) and on the coercive measures that can be ordered by the criminal courts (the “certified reports” procedure). The statistics submitted by the Government show that while a significant percentage of the judiciary’s efforts to monitor the execution of sentences (over 20 per cent) involve reinstatement orders, employers have agreed to comply with these orders in only 21 per cent of the reinstatement proceedings. Furthermore, out of 1,448 cases of criminal proceedings for failure to comply with a court order, there have been four convictions to date; the vast majority of the cases are still under investigation.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

24. The trade union confederations maintained that they had received no information on any of the areas for monitoring implementation of the roadmap and that there had been no changes in legislation, institutions or practices that would improve the execution of orders for the reinstatement of workers who were victims of anti-union dismissals. They also drew attention to recent cases in which court reinstatement orders had not been executed or workers had been reinstated and then immediately dismissed.

The MSCIG

25. The MSCIG stated that: (i) the long backlog in the courts’ consideration of applications for the reinstatement of workers who had been dismissed for anti-union reasons had not significantly improved; (ii) when the courts ordered reinstatement following anti-union dismissal, they systematically neglected to refer the case to the criminal courts, even though such conduct constituted discrimination and was thus criminalized under the Penal Code; and (iii) judges who failed to respect the right to freedom of association still enjoyed impunity since the Supreme Court systematically prevented them from being brought before the criminal courts.

Key indicator 6: Review and resolution of conflicts by the Committee for the Settlement of Disputes before the ILO in the Area of Freedom of Association and Collective Bargaining (by 31 October 2015) – related to point 8 of the roadmap

(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 Government

26. The Government reported that the Conflict Resolution Committee on Freedom of Association and Collective Bargaining (“the Conflict Resolution Committee”) had held mediation sessions in five cases that were the subject of complaints submitted to the Committee on Freedom of Association (Cases Nos 2811, 2978, 3040, 3062 and 3094) and three other disputes in which complaints had not been submitted to the ILO. The Government stated that the two cases had been satisfactorily resolved through the efforts of the Conflict Resolution Committee. Concerning anti-union dismissals in the municipality of Chimaltenango (which the Committee on Freedom of Association had considered in Case No. 2811), the Conflict Resolution Committee’s independent mediator had met with the Mayor of Chimaltenango and the local trade union. The parties had stated that all of the workers who had been dismissed had been reinstated; the only remaining issue involved the non-payment of one woman worker’s wages and the parties had undertaken to sign an agreement requesting withdrawal of the complaint before the Committee on Freedom of Association. With regard to Case No. 3040, also before the Committee on Freedom of Association, on 7 September 2015, as a result of the Conflict Resolution Committee’s efforts, the Supreme Court had approved an agreement whereby the lower criminal courts and magistrates’ courts would hear class actions involving economic and social matters on a daily basis and that the Koas Moda company had already reinstated 39 of the 42 workers who had been dismissed.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

27. The trade union confederations said that, despite their representatives’ proactive efforts to ensure the functioning of the Conflict Resolution Committee, its performance had been disappointing. The most recent report of the mediator showed that none of the 17 cases that it had considered to date had been resolved by the Conflict Resolution Committee and the fact that progress had been made in its consideration of three cases was a result of factors external to the Committee’s work. The confederations called for an in-depth assessment of the Committee in order to improve its functioning and achieve the objectives for which it had been established.

The CACIF

28. The CACIF mentioned the 11 September 2015 report of the Conflict Resolution Committee mediator, which stated that that Committee was considering six of the complaints that had been submitted to the Committee on Freedom of Association (Cases Nos 2203, 2811, 2978, 3040, 3062 and 3094). Of the six, only Case No. 3040 involved the private sector and, according to the Conflict Resolution Committee, “this resolution to the case, which concerns a violation of the right to freedom of association, is very encouraging”. The last seven planned meetings of the Conflict Resolution Committee had been cancelled, six of them because the labour sector had not been represented and one because the employer sector had not been represented.

Key indicator 7: Launch of a wide-scale awareness-raising campaign on freedom of association and collective bargaining (by 30 June 2015) – related to point 9 of the roadmap

(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.)

The Government

29. At the request of the tripartite constituents, a consultant contracted by the ILO had prepared campaign slogans and posters; their content had been approved by all members of the Tripartite Committee on International Labour Affairs on 3 September 2015. The Government launched the campaign using the national media on 30 October 2015.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

30. The trade union confederations said that, as at the time of submission of the present report, no awareness-raising activities on freedom of association had been carried out and, in particular, the campaign prepared by the ILO consultant had not yet been launched. On the contrary, the Government was still carrying out anti-union activities with an impact on the public, such as the criminal complaint that the then Minister of Public Health had filed against the National Health Workers' Union of Guatemala and the former Minister of Health in July 2015 because they had signed a collective agreement on working conditions in 2013. That criminal complaint was part of a growing trend towards denigration of the activities of trade unions in general and public sector trade unions in particular, as seen from the state authorities' attacks on collective agreements that had already been signed with respect to the national Property Registry and the Planning and Programming Secretariat in the Office of the President.
31. The confederations maintained that, generally speaking, many influential sectors, including the employer sector, had taken advantage of the serious institutional crisis in Guatemala to blame the unions for the nation's problems; the media were claiming that public sector collective agreements were the cause of the government deficit, corruption and the lack of efficiency in the public service.

The MSICG

32. The MSICG said that the Government and the employer sector were conducting a national press campaign in an effort to stigmatize and criminalize freedom of association and collective bargaining. The campaign had been launched on 24 May 2015 with an article on the collective dispute between the Human Rights Ombudsman and the trade union for the Ombudsman's Office, accusing the officials of the MSICG of being members of the crime network known as La Línea ("The Line") (the investigation of which had led to the detention of the Vice-President and the resignation of the President of Guatemala and the President of the Guatemalan Social Security Institute (IGSS) in the Pisa pharmaceutical company case). The MSICG also maintained that the newspapers in question had not allowed the targeted union officials to exercise their constitutional right to provide clarification and that the courts had been prevented from investigating. In addition, since

late July 2015, many articles criticizing collective bargaining in the public sector had been published in the press.

The CACIF

33. The CACIF said that it had helped to prepare the content of the awareness-raising campaign but that tripartite approval of the campaign had been delayed by the fact that the labour sector's representatives had failed to attend four of the planned meetings of the Tripartite Committee on International Labour Affairs in August 2015.

Key indicator 8: Unimpeded registration of trade union organizations without hindrance in the Trade Union Register of the Ministry of Labour and Social Welfare (with an indication of the number and dates of the registration applications and the number and dates of both rejected and approved applications)

The Government

34. The Government maintained that there was no arbitrariness in the registration of trade union organizations. The cases in which such organizations had been denied registration had been checked and it had been demonstrated that the organizations had not met the legal requirements. The Government provided statistics on the registration of unions since 2013. During that year, there had been 52 applications for registration, of which 17 had been approved; in 2014, there had been 35 applications, of which 19 had been approved; and in 2015, there had been 56 applications, of which 30 had been approved.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

35. The trade union confederations said that the Ministry of Labour and Social Welfare did not provide information on the registration of trade union organizations and, in direct contradiction to the observations made by the CEACR in respect of Guatemala, was continuing its anti-union practices by being extremely – and often unlawfully – rigorous in considering applications and refusing to allow some categories of state employees, such as security personnel (even those who were not members of the police) and employees with temporary or open-ended contracts, to organize.

The MSICG

36. The MSICG stated that the systematic violation of the right of trade union organizations to register had been worsening since 2012; the Government's strategy was to strengthen the trade union organizations that it controlled while hindering the independent organizations. That strategy, which was being implemented by the Ministry of Labour and Social Welfare with support from the Constitutional Court, entailed: (i) refusing to allow certain categories of workers, such as public sector employees recruited under budget lines 021, 022, 029, 031 and 189, to join a trade union; (ii) sending employers a list of their workers who had joined unions and allowing them to designate the workers in positions of trust who are not permitted to join, which amounted to requiring prior authorization before exercising the right to freedom of association; (iii) imposing unreasonable and unlawful requirements; (iv) requiring the constant renewal of their constituent acts (assembly); (v) making it

impossible to lodge administrative or judicial appeals against Ministry of Labour and Social Welfare orders requiring changes in the constituent acts of trade union organizations; and (vi) failing to give workers access to a rapid, effective judicial mechanism ensuring their enjoyment of the right to freedom of association. The MSICG included an account of various recent cases, most of which had given rise to complaints before the Committee on Freedom of Association.

Key indicator 9: Trends in the number of applications for approval of collective agreements on working conditions, with an indication of the industry concerned

The Government

37. The Government provided statistics on the number of collective agreements on working conditions approved since 2012: (i) 36 approvals in 2012; (ii) 24 in 2013; (iii) 35 in 2014; and (iv) 15 between January and August 2015.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

38. The trade union confederations stated that, owing to the serious violations of freedom of association in Guatemala, compounded by the aforementioned violently anti-union media campaign, the number of collective agreements was on the decline.

II. Other information provided by Guatemala's tripartite constituents

The Government

39. The Government highlighted that: (i) in September 2015 the country's tripartite constituents, gathered in the Tripartite Committee on International Labour Affairs, had formally requested the ILO to extend indefinitely the presence of the Special Representative of the Director-General for Guatemala; and (ii) in a letter dated 29 October 2015, the President of the Republic of Guatemala had requested the members of the Governing Body of the ILO to consider strengthening and increasing the scope of the ILO's action in the country.

Autonomous Popular Trade Union Movement and Global Unions of Guatemala

40. The trade union confederations urged the Governing Body to establish a commission of inquiry; they consider that the undermining of institutions in Guatemala over the past few months makes such a decision more necessary than ever. Without prejudice to the foregoing, they also consider it necessary to establish a permanent ILO office in the country so that it can play an even greater support and advisory role than at present; this request has the support of the country's tripartite constituents.

41. The confederations stated that there has been no progress with regard to point 6 of the roadmap (legislative reforms to enable the labour inspectorate to fulfil its mandate of effectively ensuring the application of labour legislation), as a result of which the labour inspectorate was still unable to have a real impact on compliance with the labour legislation. Therefore, in light of the inefficiency of the labour courts, the organizations ultimately requested that the CICIG, within the framework of its mandate, investigate all cases of obstruction of the work of the courts.

The MSICG

42. In relation to point 6 of the roadmap (legislative reforms to enable the labour inspectorate to fulfil its mandate of effectively ensuring the application of labour legislation), the MSICG said that the Government's Bill No. 4703 on labour inspections had further undermined implementation of the roadmap. The Bill would weaken the labour inspectorate by eliminating the presumption of the accuracy of labour inspections and the ability of inspectors to prevent acts or situations that violate the labour laws.
43. The MSICG also urged the Governing Body to establish a commission of inquiry.

The CACIF

44. The CACIF stressed that in September 2015, the members of the Tripartite Committee on International Labour Affairs had signed a tripartite letter requesting the expansion of Mr Sergio Paixão Pardo's mandate in Guatemala.

III. Measures and initiatives taken since June 2015

45. It is clear from the above that the following measures and initiatives have been taken since June 2015: (i) there have been two further convictions of the perpetrators of two of the murders of trade union officials and members that were reported to the ILO; (ii) investigation records on 12 of the murders of trade union officials and members were submitted to the CICIG on 15 June 2015 with a view to obtaining its assistance in conducting the investigations; (iii) the Tripartite Committee on International Labour Affairs and the President of the Republic requested, in September and October 2015 respectively, that the ILO's presence and representation in the country be extended and strengthened; (iv) on 24 September 2015 the tripartite constituents sent the ILO a request for technical support to bring Guatemalan legislation into line with Convention No. 87 and to enact legislative reforms that would enable the labour inspectorate to ensure the effective application of the labour legislation; (v) the Conflict Resolution Committee on Freedom of Association and Collective Bargaining has registered progress with regard to certain aspects of two cases currently before the Committee on Freedom of Association; and (vi) on 30 October 2015, the Government used the national media to launch an awareness-raising campaign on freedom of association, the content of which was created with assistance from the ILO and agreed on by the tripartite constituents.

IV. Priority issues that continue to require further urgent action

46. It is also clear from the information communicated that the following priority issues continue to require further urgent action: (i) the investigation, resolution and conviction of the perpetrators of all of the murders of trade union officials and members, as well as the other violent acts committed against trade union officials and members that were reported to the ILO; (ii) the conduct, together with the relevant trade union organizations, of risk studies for all threatened union officials and members and the adoption of appropriate protection measures; (iii) the adoption of legislative reforms recommended by the ILO supervisory bodies in order to bring the legislation into line with Convention No. 87; (iv) the guarantee of a significant increase in the percentage of reinstatement orders actually implemented for workers who were victims of anti-union dismissals; and (v) the unimpeded registration of trade union organizations by the Ministry of Labour and Social Welfare.

Draft decision

47. *Taking into account the above, and the information communicated by the Government and workers' and employers' organizations of Guatemala in relation to the key indicators and the roadmap, and noting in particular the request of the Tripartite Committee for International Labour Affairs and of the President of the Republic to extend the duration of, and to strengthen, the presence and action of the ILO representative in the country, the Governing Body decides to:*

- (a) urge the Government to take, without delay, all the measures necessary to fully implement the key indicators and the roadmap, including the priority areas that continue to require additional and urgent action;*
- (b) defer until its 326th Session (March 2016) the decision on the appointment of a commission of inquiry;*
- (c) place this item on the agenda of its 326th Session (March 2016);*
- (d) request the Office to provide the Officers of the Governing Body, at its March and November sessions, 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 key indicators and the points of the roadmap; and*
- (e) invite the tripartite constituents of Guatemala to agree with the Office by the end of 2015 on the nature of an expanded mandate for the ILO representative in the country and ask the Office to allocate resources in order to extend the duration of its representative's presence, as well as invite the international community to provide the necessary resources to enable the ILO office in Guatemala to strengthen its support for the tripartite constituents in the implementation of the Memorandum of Understanding and the roadmap.*