



Guatemala's coffee plantations are marked by child labour, threats to union organisers, and signs of forced labour

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Contents

Chapter 1: Gourmet coffee picked by young children	4
Chapter 2: Young children pick coffee under armed guard	8
Chapter 3: Union organisers put their lives on the line	15
Chapter 4: Widespread indicators of forced labour on Guatemala's coffee plantations	18



About 10 percent of Guatemalan children between the ages of 7 and 14 work, and child labour is a widespread problem on coffee plantations. Photo: James Rodríguez.

I: Gourmet coffee picked by young children

A new Danwatch investigation of Guatemala's coffee industry reveals serious problems with illegal child labour and signs of forced labour such as armed guards, debt spirals, and confiscation of ID papers. Pricey, high-quality coffee is apparently no guarantee against violations.

Guatemala grows some of the world's best coffee for quality-conscious consumers, but some of it is produced under conditions that contravene both international conventions and the country's own laws, according to the results of Danwatch's latest investigation into conditions among coffee workers.

The investigation shows that illegal child labour and signs of forced labour are widespread. Furthermore, workers and union representatives who try to defend the rights of coffee workers risk not only being fired, but also threats and violence.

"Working conditions in Guatemala are characterised by extensive violations of the law. By and large, out on the plantations, no one knows anything about unions or labour ministry inspectors," says Jesper Nielsen, an international advisor at 3F.

Young children picking coffee

Danwatch visited Guatemala and obtained evidence of child labour in the form of both photographic documentation of young children picking coffee as well as of interviews with coffee workers who

stated that their own children, some as young as five years old, have worked picking coffee.

According to Mario Minera, National Director of Mediation and Conflict Resolution for the Guatemalan government's independent human rights ombudsman, child labour on coffee plantations is a consequence of the way in which the workers are compensated.

"The more coffee the workers pick, the more they earn. This is why they bring their wives and children to the plantations – so they can pick more coffee and earn more money," says Minera.

Even when coffee workers are helped by their wives and children, the whole family working together often cannot pick enough coffee to earn even one minimum wage. The workers interviewed by Danwatch say they go to bed hungry most nights.

Guatemala is one of the world's ten largest exporters of coffee. Most of its exports go to the United States and Europe, including Denmark, where it is often sold as a gourmet product.

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Working conditions in Guatemala are characterised by extensive violations of the law

- Jesper Nielsen, international advisor at 3F



Signs of forced labour

Many of Guatemala's coffee workers are internal migrants, who journey with their families to coffee plantations for work during the harvest. A large number are of Mayan descent, and do not necessarily speak Spanish. On some plantations, the workers end up in debt spirals. They pick coffee without receiving pay while they buy food on credit from the plantation owner. Despite poor working conditions, it is difficult for them to leave the plantations, because their identification papers have been withheld, they owe money to the plantation owners, and the plantations are guarded by armed men.

"If people end up in debt as a result of their employment, and if their personal identification papers are withheld, you've got both obvious violations of some of the most basic labour rights and indicators of forced labour. So these are very abusive conditions," says Anders Lisborg, an international expert in forced labour and human trafficking.

Union organising is dangerous

Because of armed attacks, murder, and a lack of due process, Guatemala is among the ten worst countries in the world in which to be a labourer, according to the International Trade Union Confederation (ITUC). According to their statistics, at least 53 union representatives have been murdered between 2007 and 2013; at least seven more have been killed since. Many more have been threatened or attacked.

The coffee workers interviewed by Danwatch in Guatemala say that they would be fired and prevented from working elsewhere if they complained about conditions on the plantations. They don't dare organise into unions for fear of being persecuted, threatened or killed.

Violations of international conventions

The UN's Convention on the Rights of the Child

According to the United Nations' Convention on the Rights of the Child, Article 32, children have the right "to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Guatemala has ratified the convention.

The ILO's conventions on child labour

The ILO's conventions 138 and 182 regarding child labour state that, as a rule, children should not work until they are over the mandatory school age. They also make it clear that children may not do work that can harm their health or development. Guatemala has ratified both conventions.

The ILO's conventions on forced labour

The ILO's conventions 29 and 105 forbid forced and mandatory labour, and require states that have ratified the conventions to abolish forced labour. Guatemala has ratified both conventions.

The ILO's conventions on the freedom to organise and unionise

The ILO's conventions 87 and 98 protect the freedom to unionise, including both the right to organise and the right to collective bargaining. Guatemala has ratified both conventions.

In part because the workers are not unionised, they lack written contracts, and frequently receive no formal pay slips.

Gourmet coffee does not ensure better conditions

According to José Chic, a member of the labour union Comité Campesino del Altiplano, child labour and minimum wage violations are found even on plantations where luxury coffee is grown.

“Just because a coffee plantation is wealthy and produces high-quality coffee does not mean that its working conditions are any different,” he says.

This was confirmed by one of the coffee workers Danwatch met in Guatemala. He recounted how he ended up in a debt spiral, and his personal ID papers withheld, on a Guatemalan coffee plantation that wins medals for the quality of its coffee.

Consumers are part of the solution

Danwatch sought comment from the coffee plantation owners’ trade organisation in Guatemala, Anacafé, regarding the problems of child labour, indicators of forced labour, minimum wage violations, and lack of contracts on coffee plantations in the country.

In its response to Danwatch, Anacafé wrote that it is unaware of the presence of forced labour in the coffee sector, but that it educates coffee plantation owners on the rights of workers and has been working to combat child labour.

“Anacafé acknowledges that there are significant challenges in the coffee value chain. Anacafé will continue to work and engage itself in the sector in an effort to make improvements as well as to foster social, economic and environmental sustainability,” writes the trade organisation.

According to Anacafé, however, its efforts to promote change will not be enough if consumers and businesses do not also become engaged.

“If Anacafé’s work to promote more sustainable coffee production is to succeed, it is imperative that the industry and coffee

consumers also become involved in the process,” the organisation writes. In its opinion, profits are distributed unequally in the coffee supply chain.

“Consumers don’t realise that less than one percent of their purchase price goes to the producer.” ■

How Danwatch investigated conditions for Guatemala’s coffee workers

- Danwatch travelled to Guatemala during the coffee harvest in November 2015. We visited coffee plantations and interviewed coffee workers, union officials, experts and local authorities.
- Danwatch has photographic documentation that proves that young children are picking coffee on Guatemalan coffee plantations. Danwatch also interviewed Guatemalan coffee workers who reported that their children also pick coffee.
- Danwatch compared information it collected from coffee workers, unions and experts with the International Labour Organisation’s indicators of forced labour, and can conclude that signs of forced labour are present at coffee plantations in Guatemala.
- All worker interviews took place far from the plantations where they worked, out of concern for their safety. To protect workers’ identities, the names of interviewees are not disclosed in the report, but they are known to Danwatch.
- Unlike Danwatch’s earlier investigations of the coffee industry, Danwatch has chosen not to map the supply chain from these plantations to coffee companies in Denmark, Europe and the United States, because we feared that the coffee workers we interviewed could be traced if we identified the plantations where they work.

Violations of Guatemalan law

The rights of employees in Guatemala are protected in its constitution, its labour laws, as well as in other laws and regulations. Danwatch’s investigation shows that Guatemala’s own laws regarding child labour, wage payments, and minimum wage are being broken on coffee plantations.



The high quality of Guatemalan coffee is due in part to the way the coffee berries are handpicked one by one as they ripen and become red. Photo: James Rodríguez.



Danwatch caught this picture of a little boy picking coffee in November 2015. The plantation is guarded by men with shotguns. Photo: James Rodriguez.

2: Young children pick coffee under armed guard

During the coffee harvest in Guatemala, whole families migrate to the coffee plantations. Young children six and seven years old pick coffee on plantations that are watched over by guards with shotguns. Even when the whole family pitches in, they cannot earn the equivalent of just one minimum wage, and the workers go to bed hungry most evenings.

A little boy in a faded purple t-shirt stretches out his right hand to pick the ripe red coffee berry from the bush. All around him, in the coffee field and along the road, there are families and small children carrying baskets for coffee picking. Our silver-grey four-wheel drive vehicle crawls slowly past the coffee plantation as our photographer snaps away behind tinted windows, so as not to be discovered by the plantation's armed guards. We cannot stop to interview the workers, as that would put lives at risk – theirs and ours.

The little boy picking coffee is not a rare sight in Guatemala, where child labour is widespread.

“It’s quite common to see children of six or seven years old picking coffee,” says Lesbia Amézquita, legal counsel with the labour organisation Movimiento Sindical, Indígena y Campesino Guatemalteco (MSICG), whose mission includes seeking improved conditions for Guatemala’s coffee workers.

Illegal child labour

It is not known exactly how many children work on Guatemala’s coffee plantations. In 2014, 10.7% of all Guatemalan children

between the ages of 7 and 14 worked; of these, 46.5% worked in agriculture, according to numbers from INE (Instituto Nacional de Estadística), Guatemala’s national institute of statistics. It is illegal for children under the age of 14 to work in Guatemala.

Even though child labour is illegal, most of the eighteen coffee workers interviewed by Danwatch in November 2015 report that children do pick coffee on the plantations. Many of the workers even said that their own children work as coffee pickers.

Their accounts are consistent with an investigation undertaken by the American NGO Verité in 2011, in which 87% of 372 coffee workers interviewed stated that children under the age of 14 worked at the last coffee plantation at which they were employed. Twenty-two percent of workers stated that children aged 5 to 8 years worked on the coffee plantations, while 12% reported seeing very young children, under the age of 5, at work.

In Guatemala, the government’s independent ombudsman is responsible for ensuring that human rights and labour rights are protected.

According to Mario Minera, National Director of Mediation and

Conflict Resolution for the human rights ombudsman, child labour on coffee plantations is a consequence of the way in which the workers are compensated.

“The more coffee the workers pick, the more they earn. This is why they bring their wives and children to the plantations – so they can pick more coffee and earn more money,” says Minera, who explains that one of the most common problems in the coffee sector is that workers are not paid the minimum wage.

Earning less than minimum wage

Coffee workers in Guatemala risk unemployment, intimidation and violence if they complain about working conditions on the plantations. In order not to endanger workers’ lives or livelihoods, Danwatch met them at secure locations, in towns far from the plantations.

In the town of Coatepeque, close to the Pacific Ocean, we meet with ten coffee workers. A woman in a pink t-shirt sits with her 5-year-old daughter on her lap. The little girl’s body is completely limp. She remains fast asleep as her mother describes how she herself has worked on coffee plantations since she was eight years old.

“I would rather have gone to school, but I had to do it,” she says.

Today, her own children work side by side with her on the coffee plantation. The 5-year-old girl collects fallen coffee berries from the ground, and the two other children, a girl, 11, and a boy, 9, also help with the work.

“If the children help, we can pick more coffee and earn just a bit more,” she says.

Coffee workers in Guatemala are typically paid a piece rate for

the amount of coffee that they pick. With the help of her three children, the woman can harvest enough coffee to earn about GTQ (Guatemalan Quetzal) 30-40 per day (about \$4-5). This is significantly under Guatemala’s minimum wage for a single worker, which in 2015 was GTQ 78.72 (\$10.30) per day. According to labour organisations and other experts, it is common for coffee workers to earn far less than the minimum wage.

To bed hungry

“I don’t earn enough to buy sufficient food for my children,” says the woman in the pink t-shirt.

The other mothers, who also take their children to work with them on the coffee plantations, say the same.

A woman in a blue tank top says that her two sons, aged 10 and 14, work alongside her on the plantation. Together they pick enough coffee each month to earn about GTQ 500 (\$66). According to INE, the national statistical institute, in November 2015, an average Guatemalan family with about 5 members needed to earn GTQ 3540.60 (\$464) per month in order to afford the most basic foodstuffs – in other

words, seven times as much as the woman and her two sons are able to earn. In order to afford clothing, gas, transport and other necessities, a family of five needed to earn GTQ 6,460.95 (\$847) – nearly thirteen times as much as this family.

A 41-year-old woman in a white spaghetti-strap shirt says that she takes her four children, aged 13, 10, 9 and 7, to work on the coffee plantation. Even though the five of them work all day long, she can only afford to buy vegetables every two weeks, and meat

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*If the children help, we
 can pick more coffee and
 earn just a bit more*

- coffee worker and mother of 3
 children – 5, 9, and 11 years old.



once a month. When they do have meat, she buys beef bones, which do not have much meat on them.

“Both my children and myself go to bed hungry almost every night. The hunger begins in the afternoon, but there is nothing to eat,” she says. Sometimes, when the family runs out of food altogether, they pick wild herbs, she explains.

No other options

According to the World Bank, 59.3% of the people in Guatemala live in poverty.

“The land is divided up among a very few,” says Ursula Roldán Andrade, director of the Institute for Research and Social Projection of Global and Territorial Dynamics at the Rafael Landívar University in Guatemala City. According to the United Nations’ Food and Agriculture Organisation, under two percent of farms account for over half of Guatemala’s arable land.

“Most ordinary people own little to no land,” says Gustavo Palma, a historian affiliated with the social science research institution Avancso.

Because of this, many Guatemalans – especially those of Mayan descent – travel throughout the country, living and working on different plantations during the harvest season. And with so many people living in poverty, the competition to get any kind of work and source of income is steep.

“There are so many people who want a job on the coffee plantations that the owners can offer whatever pay they want, despite the existence of an official minimum wage,” says Palma.

Migrant workers have it even worse

The coffee workers from Coatepeque live in their own homes and travel each day to work on the coffee plantations. Even though they are paid far below the minimum wage and must put their children

to work in order to feed them, another group of coffee workers endure even more difficult circumstances: internal migrant workers, who live and are housed with their families on plantations far from home for the duration of the coffee harvest.

In Huehuetenango, in western Guatemala, we meet a group of workers who have migrated to the coffee plantations to pick coffee during the harvest. All these workers are of Mayan descent and speak Mam.

A worker in a red baseball cap explains that the coffee workers are housed in a large concrete building called a *galera* (galley, ed.), which has a floor and a roof, but no outer walls. The workers sleep on the cold concrete floor.

“You take a piece of plastic and lay down on the floor,” says the worker in the red hat.

A young woman in red traditional attire jumps in. “You want the sun to come up as quick as possible. It’s unpleasant.”

“It’s very cold, because there are no walls, only the roof. And it’s jam-packed, you’re lying there together with other families, side by side,” says a third worker in a blue vest.

Children die on the plantations

Between 50-100 families often live together in a *galera*, explains José Chic, a member of the labour union Comité Campesino del Altiplano.

“They sleep like sardines in a can, pressed up against each other.”

He describes how there is usually no electricity in the workers’ living quarters, and there are often no toilet facilities either, so workers have to go into the bushes.

“There are significant hygiene problems,” says José Chic.

Even though the children work alongside their parents, there are no food rations for them.

“They don’t give food to the children, only to the parents. So-



Many coffee workers live on the plantations. In some places, they are cramped together in concrete buildings where they sleep on the floor. Photo: James Rodríguez.

metimes the parents get 3-5 corn tortillas that they have to share with their children,” says the young woman in the red Mayan dress.

If a child becomes ill, there is no way to see a doctor or get medicine.

“None of us would work on the coffee plantations if we could avoid it,” she says. “It brings much suffering. Sometimes children get sick and die, and they are buried on the plantations.”

Missing school

When the families migrate to the coffee plantations, children often miss out on their schooling.

“If the children go to school, they usually have to miss class in order to pick coffee,” says Lesbia Amézquita from MSICG.

In Guatemala, it is so common for children to work on coffee plantations that school vacations are planned around the coffee harvest. Even so, many students still leave before the school year ends and return after it has begun.

In the report by Verité, 113 out of the 372 coffee workers interviewed said that their children missed school days because of their work on the coffee plantations. Verité also interviewed teachers, who said that children’s schooling was disrupted by their work in the coffee harvest, and that many children fall behind, while some must repeat a year entirely.

The independent human rights ombudsman for the Guatemalan government has an office for the protection of children that deals with cases of child labour, especially those that involve high-risk work, according to the ombudsman’s director for mediation, Mario Minera.

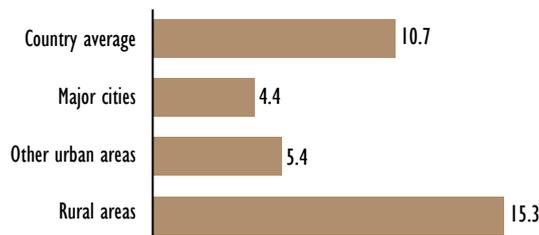
“Our standard is that children should go to school. But sadly, it is usually the head of the family – the man – who makes those decisions, and we can’t do much about it,” he says.

If workers’ rights are violated, they can complain to the ombuds-

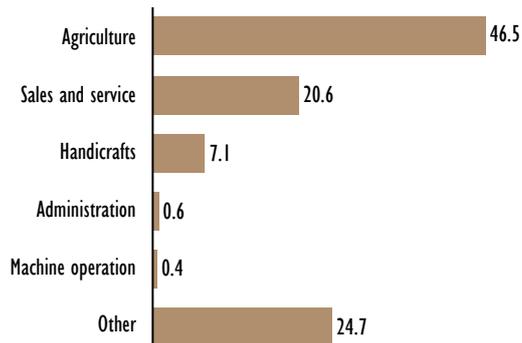
More than 10% of children under 14 work

On average, 10.7% of Guatemalan children between the ages of 7 and 14 work. In the rural areas, this percentage is even higher: 15.3%, according to data from INE, Guatemala’s national statistical institute.

Percentage of children under age 15 who work



Child labour by type of work



Source: ENEI 2015

man, who can then contact inspectors at the Ministry of Labour and Social Welfare and send them out to a plantation to investigate the conditions. But according to Minera, it doesn't do much good for the ombudsman to crack down on plantations with child labour.

"If we crack down, they will stop. But as soon as we leave the plantation again, the problems continue," he says.

Children apply pesticides

In addition to picking coffee and carrying sacks of coffee, children are also assigned other tasks on the coffee plantations. One of the most dangerous is the application of pesticides.

"Children also mix the chemicals," says Lesbia Amézquita from MSICG, who helped make a documentary about coffee workers in Guatemala. They saw about twenty children applying pesticides on the plantations they visited for the documentary, the youngest of which was 7 years old.

According to MSICG and the other labour organisations interviewed by Danwatch in Guatemala, the coffee workers apply chemicals like the herbicide paraquat, which is illegal in the EU because of its extreme toxicity. According to the EU's classification, paraquat may cause respiratory irritation; it can be lethal when inhaled; and it can cause organ damage with prolonged or repeated use.

"The children wear neither protective goggles, nor masks, nor boots, nor any other kind of protective equipment when they apply the pesticides," says Lesbia Amézquita of MSICG.

Worst forms of child labour

Danwatch contacted the coffee plantation owners' trade organisation in Guatemala, Anacafé, to ask what it is doing to ensure that young children do not pick coffee on its members' plantations, and whether it can guarantee that children do not apply pesticides without protective equipment.

In response, Anacafé wrote that it actively works to prevent child labour and to improve conditions in the rural regions of Guatemala. The organisation emphasised that it is absolutely illegal to allow minors to apply pesticides, calling the practice one of the worst forms of child labour. Anacafé says that it offers workshops and educational programmes to inform its members about labour laws and to promote compliance with those laws. It also provides infor-

mation to its members about pesticides that are banned abroad.

"But we have no legal authority to impose sanctions if there are violations," says the group.

Danwatch also asked Anacafé whether it can guarantee that coffee workers on its members' plantations are not paid less than the minimum wage, and for its reaction to coffee workers' claims that they and their children go to bed hungry. Anacafé did not respond directly to these questions.

Born to pick coffee

Back on the coffee plantation, where the little boy is picking the red berries from the coffee bush, a family cooks some food over an open fire in front of the open concrete building – the so-called *galera* – in which the workers sleep. Next to the living quarters stand guards armed with shotguns.

The place is teeming with little children in bare feet. Many of them can expect to work

on coffee plantations for the rest of their lives.

"Poverty is inherited. Their parents work on coffee plantations. They were born there, and they will work there as adults," says Lesbia Amézquita. ■

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The children wear neither protective goggles, nor masks, nor boots, nor any other kind of protective equipment when they apply the pesticides

- Lesbia Amézquita, legal counsel for the labour organisation MSICG



According to Mario Minera, from the office of Guatemala's Ombudsman, one of the most widespread problems is that coffee workers are not paid the minimum wage.
Photo: James Rodríguez.



Anacafé, the trade organisation for coffee plantation owners in Guatemala, told Danwatch that it is working to prevent child labour and improve living conditions in Guatemala's rural areas. The group emphasised that it is absolutely illegal to allow minors to apply pesticides, calling the practice one of the worst forms of child labour. Photo: James Rodriguez.



Fewer than 0.1% of Guatemala's coffee workers belong a union, according to MSICC, one of the country's umbrella organisations for labour unions. Photo: James Rodríguez.

3: Union organisers put their lives on the line

Virtually none of the coffee workers in Guatemala are organised into unions. Attempts to demand their rights can cost workers their lives. Workers who complain disappear, and union members experience violence, receive death threats, and are forced into exile.

A young woman in traditional dress smiles shyly. She is with a group of fellow coffee workers who have come to a secure location in the city of Huehuetenango in western Guatemala.

How many of you are members of a union?

None of the coffee workers raises a hand.

“If we try to organise, we can be killed,” says a young man whose first language is a Mayan dialect called Mam. Several of the coffee workers say they know people who have been threatened and persecuted because they tried to organise.

According to the International Labour Organisation (ILO), about 2.5% of Guatemala’s workforce are union members, and the number is even lower for agricultural workers. One of Guatemala’s umbrella organisations for labour unions, MSICG, estimates that fewer than 0.1% of Guatemala’s coffee workers are organised.

“Working conditions in Guatemala are characterised by extensive violations of the law. By and large, out on the plantations, no one knows anything about unions or labour ministry inspectors,” says Jesper Nielsen, an international advisor at 3F.

Workers banned

In 2015, Guatemala was named one of the ten worst countries in the world with respect to poor working conditions and disregard for labourer’s rights, according to the International Trade Union Confederation (ITUC).

“We try to organise the coffee workers,” says Lesbia Amézquita, legal counsel for MSICG, “but it’s very hard, because they risk being fired, killed, or thrown in prison.”

The right to form and join a union is enshrined in Guatemalan law, but even so, in the coffee workers’ experience, it is impossible to organise or complain of harsh conditions on the plantations.

“Plantation owners don’t want people to complain. If you find fault with something, you’re thrown out and told never to show your face again,” says a 53-year-old coffee worker in a blue shirt.

He knows a coffee worker that tried to complain about the conditions on a plantation, and who was thrown out as a result.

“The following year, he returned to the plantation to work, but after a week the security guards recognised him. They took him away, and no one has seen him since,” says the man in the blue shirt.

According to José Chic, a member of the labour union Comité Campesino del Altiplano, workers who try to complain about conditions are banned from working on any plantations.

“The workers are hired via a middleman, who will make sure not to take on anyone who has caused trouble in the past,” says José Chic.

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The following year, he returned to the plantation to work, but after a week the security guards recognised him. They took him away, and no one has seen him since

- coffee worker in Guatemala.

No contracts or pay slips

Because the workers are not organised, they often have nothing but a verbal agreement with the plantation owner to establish the terms of their employment.

“There are no contracts. In any case, most of the workers neither read nor write. But sometimes they are told to put their fingerprint on a blank sheet of paper that the plantation owner can then fill out any way he likes,” says Lesbia Amézquita from MSICG.

The workers are usually paid in cash, and receive no pay slip that details how their wages were calculated.

“They just shout out your name and give you the money. Often you don’t get the right amount, but there’s nothing you can do,” says a female coffee worker.

She continues, “I’m not so good at figures, and I’m just glad to get paid, even though it’s not much. But if I feel the pay is wrong, there’s nothing I can do about it.”

Plantation owners: We respect unions

Danwatch contacted Anacafé, the coffee plantation owners’ trade organisation in Guatemala, to ask whether it can guarantee that employees on its members’ plantations receive contracts and pay slips, and to ask for its reaction to workers’ fears of being fired, threatened, attacked or killed if they try to form unions.

Anacafé did not directly respond to these questions, but in a written reply stated that it educates coffee plantation owners in subjects related to the protection of labourer rights, like employment contracts and wage payment.

The organisation went on to say, “The coffee sector respects both the right to organise and to form unions as well as workers’ rights to choose the type of organisation they prefer.”

Union representatives risk their lives

In the meantime, the unions that are trying to change conditions for Guatemalan coffee workers are under enormous strain.

Lesbia Amézquita of MSICG describes how she has gone through periods when she has been followed by unmarked cars and motorcycles. Once a car tried to hit her. Finally, the pressure became so intense that she moved to Chile for a few months until things settled down and she could return home.

The International Trade Union Federation has characterised Guatemala as the most dangerous country in the world in which to be a union official.

“Many union leaders have been murdered,” says Jesper Nielsen,



Lesbia Amézquita, a lawyer with the workers’ rights organisation MSICG, went to live in exile for a time because she felt threatened. Photo: James Rodríguez.

an international advisor at 3F. He explains that both union representatives and their families have been threatened and physically attacked.

According to the ITUC, at least 53 union representatives were murdered in Guatemala between 2007 and 2013. Since then, at least 7 more have been killed. Many more have been threatened and attacked. ■

Guatemala is one of the ten worst places in the world for workers

Because of armed attacks, murder, and a lack of due process, Guatemala is one of the ten worst countries in the world in which to be a worker, according to the ITUC. The countries are listed in alphabetical order.

Belarus: Discrimination – forced labour – repression of protests.

China: Discrimination – arrests – precarious work – lack of due process.

Columbia: Murder – collective bargaining undermined – discrimination.

Egypt: Police brutality – mass arrests – abductions.

Guatemala: Armed attacks – murder – lack of due process.

Pakistan: Large-scale exclusions of workers from labour law – arrests – violence.

Qatar: Migrants excluded from labour law – forced labour.

Saudi Arabia: Migrants excluded from labour law – forced labour.

Swaziland: Trade unions banned – police violence – imprisonment.

United Arab Emirates: Migrants excluded from labour law – forced labour.

Source: ITUC 2015



According to the trade organisation for coffee plantation owners in Guatemala, Anacafé, the coffee sector respects the right to organise and form unions. Photo: James Rodríguez.



The middlemen who hire people to pick coffee often retain the workers' identification papers while they are employed on the coffee plantations. Photo: James Rodríguez.

4: Widespread indicators of forced labour on Guatemala's coffee plantations

Armed guards, withheld identification papers, deferred wages and debts to employers are both classic signs of forced labour and daily fare for many Guatemalan coffee workers.

"You must hand over your identity papers when you arrive at the coffee plantation," says a coffee worker in a dark brown shirt. "You don't get them back until the end of the coffee harvest."

The man in the dark brown shirt has come with a group of coffee workers to a safe location in the city of Huehuetenango in western Guatemala to speak to Danwatch about life on Guatemala's coffee plantations. The meeting must be held in secret, and workers can give only anonymous statements, because they risk the loss of their jobs, as well as threats and violence. Other workers and union representatives confirm the story told by the worker in the dark brown shirt: the middlemen who hire the workers to pick coffee keep their personal identification papers throughout the period of their employment on the coffee plantations.

"The retainment of personal identification papers is a classic sign of forced labour," says Anders Lisborg, an international expert in forced labour and human trafficking.

"Forced labour occurs when you end up in an employment situation where you are being exploited, and that you have a hard time leaving for some reason, for example because your personal papers have been taken from you."

Confiscation of identity papers is just one of many indications that forced labour is widespread on Guatemala's coffee planta-

tions, where armed guards and debts to plantation owners make it practically impossible for some coffee workers to leave their jobs.

Mayans especially vulnerable

Many of Guatemala's coffee workers, including the one in the dark brown shirt, are internal migrants. Typically indigenous Mayans, they are driven by poverty to travel to other parts of the country with their entire families to work the coffee harvest. They are often hired by middlemen who find work for them on coffee plantations in exchange for either a fixed price per worker or for a percentage of their wages.

"Often, the workers don't know the plantation owner, only the middleman that hired them," explains Lesbia Amézquita, legal counsel for the labour organisation Movimiento Sindical, Indígena y Campesino Guatemalteco (MSICG), which strives to improve the circumstances of Guatemala's coffee workers.

The middleman transports workers and their families in trucks to the coffee plantations, which may be several hundreds of miles from the workers' homes.

"The workers speak different Mayan languages, and so they can't necessarily communicate with each other," says Amézquita. There are twenty-two different Mayan languages in Guatemala, and since

many Mayans do not understand Spanish, they cannot communicate with the plantation owner without an interpreter.

If the workers are unhappy with their working conditions, there's not much they can do about it.

"In principle, the workers could leave the coffee plantation, but they would have to do it without their identity papers, without their pay, and without being able to speak the language," says Amézquita, adding that they usually don't even have enough money to pay for transportation back to their hometowns.

In debt to the plantation owner

On some of Guatemala's coffee plantations, workers end up in debt spirals. Their wages are withheld until the coffee harvest is completed, and in the meantime, workers must purchase food and other necessities on credit from the plantation owner.

During the most recent coffee harvest, the worker in the dark brown shirt picked coffee on a plantation with his wife and two sons. Even though the four of them picked coffee all day long, their debt to the plantation's owner continued to grow.

"We were told that we would not be paid until the coffee harvest was over," says the worker.

Since he had no money, he was obliged to buy food on credit in a store on the coffee plantation.

"They wrote down what I bought, and when I finally got my wages, they deducted what I owed."

According to José Chic, a member of the labour union Comité Campesino del Altiplano, it's not unusual for coffee workers in Guatemala to receive no wages until the end of the harvest, despite the fact that the law requires coffee workers to receive their pay every two weeks.

"It's a way to control the workers. If they need food or other

necessities, they must buy it on credit from the plantation owner. That way, they are dependent on him," says Chic.

He continues, "Life on coffee plantations can be very hard, so it's a way for the plantation owner to ensure that his workers don't leave."

Fear and armed guards

The coffee worker in the dark brown shirt knows how difficult plantation life can be. On the plantation where he and his family picked coffee during the last harvest, the workers all slept in one



Many of the coffee workers are indigenous Mayans. Because of poverty, they leave their homes to work during the coffee harvest. Photo: James Rodríguez.



Danwatch was able to document the presence of young children in the living quarters of a Guatemalan coffee plantation in November 2015. Photo: James Rodríguez.

large concrete building without outer walls called a *galera* (galley, ed.). Families lay pressed up against each other, directly on the cold concrete floor, while the whole plantation was watched over by armed guards.

“The guards are there to protect the plantation owner, not to protect the workers,” he says.

The group of coffee workers that Danwatch meets in Huehuetenango reports that there are armed guards on the plantations where they work. In the town of Coatepeque, near the Pacific coast, Danwatch meets another group of workers who tell much the same story.

“I’m a little afraid of the guards,” says a 25-year-old woman in a white lace top. Her mother, who works on the same plantation, agrees.

“The guards are angry. They speak roughly to you.”

A labourer in a blue shirt describes how a coffee worker he knows was taken away by guards because the worker had complained about working conditions. No one has seen that worker since.

Everyday violence

Guatemala has one of the highest civilian murder rates in the world: in 2014, 96 Guatemalans were murdered per week on average. According to the Overseas Security Advisory Council, an agency of the US Department of State, the extremely high murder rate can be attributed in part to the unwillingness and/or inability of Guatemala’s police and judicial system to bring criminals to justice.

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Coffee workers have real reason to be scared about violence to themselves or family members

- Verité, which has interviewed 372 coffee workers

Workers that complain about conditions on coffee plantations risk being fired, blacklisted, threatened or disappeared.

“Coffee [plantation] workers have real reason to be scared about violence to themselves or family members if they complain about working conditions or payment, try to unionize, or leave their jobs before the end of the harvest season,” concludes the American NGO Verité, which has anonymously interviewed 372 coffee workers over several years in Guatemala and has published a report on indicators of forced labour in Guatemala’s coffee sector.

According to Verité, numerous signs of forced labour are present on Guatemala’s coffee plantations, such as false promises regarding terms of employment, induced indebtedness, non-payment of wages and withholding of identity papers.

Plantation owners: Guards are necessary

Danwatch contacted the coffee plantation owners’ trade organisation in Guatemala, Anacafé, and asked about several of the indicators of forced labour that are present on the country’s coffee plantations.

Danwatch asked what the organisation does to ensure that coffee workers’ identity papers are not withheld on its members’ plantations; whether Anacafé can guarantee that coffee workers on members’ plantations do not end up in debt spirals; whether there are armed guards on its members’ plantations; and if so, what Anacafé does to ensure that workers on members’ plantations do not feel threatened by the armed guards.

Anacafé did not answer Danwatch’s questions directly, but

wrote, “In reference to forced labour, Anacafé is unaware of the existence of these practices in the coffee sector.”

Anacafé also explained that the general insecurity in the country, as well as the authorities’ inability to guarantee security and protect private property rights, force Guatemalans to hire private security guards. Coffee producers who cannot afford guards, says Anacafé, risk becoming victims of theft.

Laws not enforced

Despite the fact that signs of forced labour are widespread on the country’s coffee plantations, Guatemalan labour organisations say that government inspectors very seldom visit to investigate working conditions.

“I have never heard of inspectors visiting a plantation,” says José Chic. “They just sit in their offices and add to the national bureaucracy.”

According to the report issued by Verité, the inspectors are understaffed and undermined by corruption. The report quotes a high-level representative of the Labour Inspectorate’s central office as saying that their work is seriously impeded by the high level of violence in Guatemala. She says that many inspectors do not dare to visit coffee plantations, fearing they could be threatened or killed, and cites the recent experience of one inspector who was threatened with a pistol on a plantation.

Ombudsman: “It’s hard”

In Guatemala, it is the government’s independent ombudsman that handles complaints from labourers regarding violations of human rights and workers’ rights, and who is responsible for contacting inspectors from the Ministry of Labour and Social Welfare and sending them out to plantations to examine conditions.

Mario Minera, National Director of Mediation and Conflict Resolution for the ombudsman’s office in Guatemala, says that inspectors do not perform regular inspections. They only go out to a plantation when they have received a complaint.

Minera says the ombudsman often faces a dilemma, however.

“If the inspectors and the Ministry put pressure on a plantation owner and force him to close, the workers would lose their jobs,” he says.

“It’s difficult for us. We don’t want to leave anyone unprotected. It’s a complicated situation.”

If a coffee plantation is not complying with labour laws, how easy is it for workers to demand their rights?

“It would be complicated for the workers, without a doubt. They would have to be part of a larger movement that could help enforce their rights,” says Minera.

The government cannot protect workers

When the coffee harvesting season is over, the coffee worker in the dark brown shirt works at odd jobs on plantations around the country, like felling trees.

“I work on the coffee plantations year-round,” he says. “If I had the chance to do something else, I wouldn’t be working on the plantations.”

Changing working conditions for him and for the other coffee workers will require a complete transformation of the country, according to Ursula Roldán Andrade, director of the Institute for Research and Social Projection of Global and Territorial Dynamics at the Rafael Landívar University in Guatemala City.

“Guatemala is considered to be a very weak state. In general, the institutions that are supposed to protect workers do not function,” she says.

Roldán says that the businesses that buy and sell coffee can make a difference, however, because the plantation owners are economically dependent on them.

“Buyers can put pressure on the plantations,” she says. ■

The ILO’s list of indicators of forced labour

The United Nations’ International Labour Organisation (ILO) has identified a series of indicators or signs of forced labour. According to the ILO, the presence of a single indicator may suggest forced labour in some cases, while in others, several indicators taken together could point to forced labour.

The eleven indicators are:

1. Abuse of vulnerability
2. Deception
3. Restriction of movement
4. Isolation
5. Physical and sexual violence
6. Intimidation and threats
7. Retention of identity documents
8. Withholding of wages
9. Debt bondage
10. Abusive working and living conditions
11. Excessive overtime

Source: ILO



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