



Human Rights Respect Policy for GREPALMA and its members





BACKGROUND

Aware that respect for human dignity is the fundamental basis of their daily activities, the Association of Palm Growers of Guatemala -GREPALMA- and its members have made the commitment to respect human rights, with which they join the efforts by Guatemalan business organizations represented in the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) and in the Chamber of Agriculture.

In 2018, in pursuit of the commitment acquired as a member of CACIF, and based on its culture of compliance with the law and its vision to produce food for the world, generating productive, decent and sustainable employment, the Chamber of Agriculture defined its own policy to address specific issues in the agricultural sector in capacity-building, due diligence and dialogue with stakeholders on matters related to human rights.

The Guatemalan palm-growing sector, a world benchmark in palm oil yields per hectare, aims to be recognized for its actions in the responsible and sustainable production of oil palm, to thus promote the revitalization of local economies, the generation of decent employment and the development of activities that respect the environment, suppliers and communities.

This decision is consistent with and indicative of the policies and initiatives that the Association has implemented in recent years, which guide the socially, economically and environmentally responsible operation of agribusiness, and contribute to guaranteeing dignified, decent, safe and healthy work conditions for all workers. The policies and initiatives are, in chronological order: the Environmental and Climate Change Policy created by GREPALMA and its members in 2018, the voluntary commitment to zero deforestation published in 2019, the strategic partnership with the Mesoamerican Sustainable Palm Partnership Program since 2019, as well as the promotion of international standard certifications that support sustainable production, such as the Rainforest Alliance, RSPO -Roundtable on Sustainable Palm Oil-, Global GAP, ISCC.

STAKEHOLDERS

This policy involves the following stakeholders: GREPALMA's Board and workers; member associations, their workers, clients and direct suppliers; as well as the communities where operations take place; institutional partners, certification bodies; business organizations that GREPALMA is a party to, the International Organization of employers (IOE), and the International Labor Organization (ILO); State agencies, particularly ministries of Labor, Environment, Agriculture and Foreign Affairs, as well as the Human Rights Ombudsman Secretariat; civil society organizations and Guatemalan society at large.

STATEMENT OF OUR COMMITMENT¹

The Association of Palm Growers of Guatemala and its members, as subjects of Law², reaffirm our commitment to comply with, fulfill and respect the Human Rights set forth in the International Charter of Human Rights and in the Declaration of the International Labor Organization (ILO) regarding fundamental principles and rights at work. We are convinced that this commitment is a fundamental part of the road map we have set out to advance towards the sustainable development of our operations.

We also pledge to promote the UN Guiding Principles on Business and Human Rights and respect for human rights in the value chain of the Guatemalan palm oil agroindustry.

¹The detail on the human rights to be respected is in Annex I.

²Subjects of Law are understood to be the human beings or entities recognized by the Law as capable of holding title to rights and obligations.



OBJECTIVE OF THE POLICY

To provide guidelines to ensure that respect for human rights is promoted in all the operations conducted by GREPALMA and its members, by managing human rights' risks through the creation and strengthening of capabilities at all levels, the inclusion of due diligence processes and the promotion of dialogue among stakeholders.



PRIORITIES AND LINES OF ACTION

Priority Area No. 1.

Awareness-raising and capacity-building

To promote awareness and build the capacity of GREPALMA and member workers as essential to address respect for human rights and compliance with applicable laws.

LINES OF ACTION

Internally

- To offer training and continuous updates on human rights to GREPALMA workers and members, based on the UN Guiding Principles on Business and Human Rights, the ILO general principles and operational guidelines for fair recruitment, among others;
- To make methodologies, guides, manuals, tools and other instruments available, which permit the inclusion and respect for human rights in business operations, and to share them with the palm sector.

Externally

- To make contributions towards building the capacity to respect human rights throughout the value chain, by promoting partnerships with national and international agencies in order to provide technical and training support;

- To develop and share guides to promote compliance with human rights' respect among all participants in the value chain;
- To build dialogue and collaborative work among members with the communities of the areas of influence of palm operations;
- To promote partnerships that lead to local governance and strengthening of state agencies at community level.

Priority Area No. 2.

Due Diligence

In order to fulfill their responsibility to respect human rights, businesses must have a due diligence process in place to identify their strengths in the area of respect for human rights and to identify the risks of producing or helping to produce a negative consequence on human rights as a result of their own activities or through their commercial relationships. The results of this due diligence process shall be addressed through the implementation of measures to prevent, mitigate or remedy risks identified.

GREPALMA will also introduce verification mechanisms to evaluate compliance with this policy.

LINES OF ACTION

- To communicate, at all levels, the importance of including due diligence processes in business practices;



- To promote training on due diligence as a human rights' risk management instrument;
- To provide guidelines to promote understanding and implementation of due diligence mechanisms to prevent, mitigate and resolve current and potential human rights and business issues;
- To support the identification of current or potential risks in the sector for members to assess the way to address them as an organized sector;
- To develop a framework of recommendations to enable businesses to prevent or mitigate major human rights risks.

Priority Area No. 3.

Dialogue for human rights' action

The dialogue around the duty of the State to protect human rights and the duty of businesses to respect them aims to identify and implement specific actions, in particular, with regard to the presence of the State at the local level.

LINES OF ACTION

- To promote the use of UN Guiding Principles on Business and Human Rights as guidelines to identify material issues on which dialogue is established with stakeholders;
- To contribute towards domestic proposals aimed at the duty of the State to protect human rights; to promote dialogue on effective grievance mechanisms for the peaceful resolution of disputes;
- To promote dialogue around human rights with palm sector businesses and their stakeholders.



IMPLEMENTATION AND MONITORING

Compliance with and implementation of actions within the framework of this policy are the responsibility of GREPALMA and its members within their companies.

Monitoring and reviewing actions implemented through this policy will have the support of GREPALMA's Sustainability Committee. Consultation on this policy may be directed to GREPALMA's Sustainability Department.

GREPALMA will provide monitoring of the policy's implementation through its Board meetings and will offer its Progress Communications biannually through its communication platforms to stakeholders.

As part of the assessment process of the palm sector operations' context, the contents of this policy will be reviewed annually, including the relevance of stakeholders.

THE INTERNATIONAL HUMAN RIGHTS CHARTER³

The International Human Rights Charter includes: 1. The Universal Declaration of Human Rights, adopted in 1948, 2. The International Covenant on Civil and Political Rights and, 3. The International Covenant on Economic, Social and Cultural Rights, all adopted by the General Assembly of the United Nations in 1966, with entry into force in 1976.

1. UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are

entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one

that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

³More information visit: <https://www.un.org/es/universal-declaration-human-rights/>

Article 16.

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without

interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

Article 21.

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case

be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

2. CIVIL AND POLITICAL RIGHTS

The International Covenant of 1976 reflects, within its provisions relating to these human rights, the rights which **protect individual freedoms** and guarantee the right of any citizen to **participate in social and political life** in conditions of equality and free from discrimination. Some of them are:

- Freedom of movement;
- Equality before the Law, the right to fair trial and to the presumption of innocence;
- Freedom of thought, conscience, and religion;
- Freedom to hold opinions and to express them; peaceful assembly; freedom of association; participation in public affairs and in elections;
- Protection of the rights of minorities;
- It forbids deprivation of life, torture, cruel or degrading treatment or punishment, slavery and forced labor, arbitrary detention or imprisonment, discrimination and the advocacy of racial or religious hatred.

3. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

These are essential rights for personal dignity and development, and include:

- The right to work in fair and favorable conditions; the right to freedom of association
- The right to social protection, to an adequate standard of living and the enjoyment of the highest attainable standard of physical and mental health
- The right to education and to the enjoyment of the benefits of cultural freedom and scientific progress
- The right to food, clothing, housing and medical care
- The right to practice a religion and a culture
- The right to true opportunities to participate without discrimination in decisions that support positive practices and deter negative practices in respect of those rights





ILO DECLARATION ON THE FUNDAMENTAL PRINCIPLES AND RIGHTS IN THE WORKPLACE

Adopted in 1998, the Declaration commits Member States to respect and promote the principles and rights included in four categories, whether they have ratified the relevant Conventions or not:

- Freedom of association and effective recognition of the right to collective bargaining;
- Elimination of all forms of forced or compulsory work;
- Effective abolition of child labor, and
- Elimination of discrimination in respect of employment and occupation

GENERAL ILO PRINCIPLES FOR FAIR RECRUITMENT⁴

These non-binding principles aim to be guidance for the work of the ILO and of other organizations, of domestic lawmakers and of social counterparties aimed at promoting and ensuring fairness in recruitment.

1. Respect of human and labor rights
2. Response to labor market needs and promotion of decent work
3. Recruitment laws and policies applicable to all
4. Efficiency, transparency and protection of workers
5. Effective regulation of recruitment through labor inspection
6. Respect for and compliance with domestic laws and collective work agreements
7. No recruitment commissions or expenses to be borne by the worker
8. Clear and transparent work contracts
9. Voluntary labor that is free from deceit or coercion
10. Access to free, complete and accurate information
11. Freedom of movement without seizure of identity documents
12. Freedom to end contracts, change employers, and return safely to your country
13. Access to free of charge conflict resolution mechanisms and to effective remediation actions

⁴More details found in: https://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/enhanced/WCMS_632494/lang-es/index.htm



5a. Ave. 15-45 zona 10.
Edificio Centro Empresarial, Torre 2,
nivel 4, oficina 408-9
Guatemala, C.A. 01010
Phone: **(502) 2366-3648**



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Acción Global para Mejorar el Marco de la
Contratación de los Trabajadores Migrantes

