



UNIÓN EUROPEA



## ***STATUS OF HUMAN RIGHTS OF COLOMBIAN UNION MEMBERS***

*January - August 2004\**

Document prepared by the  
Area of Human & Labor Rights  
By Escuela Nacional Sindical

### **Presentation**

There are several facts occurred this year that deserve to be mentioned on the dynamic of violence against union members in Colombian.

First of all, we have to manifest the extra-judicial execution by the Colombian Army of three recognized union members in the State of Arauca on August 5, LEONEL GOYENECHE, treasurer of the CUT Sub-Director in that State, JORGE EDUARDO PRIETO CHAMUCERO, president of the ANTHOC local branch and ALIRIO MARTÍNEZ, president de Union of Agriculture Workers. In the same action the following peers were detained: The President of CUT in Arauca SAMUEL MORALES FLORES and RAQUEL CASTRO affiliated to ASEDAR.

Second, the large number of union members victims of continuous homicides continues to be alarming, in spite of the fact that the number is lower than that in the same term of 2003. Between January First and August 25<sup>th</sup> of this year, a total of 47 union workers were assassinated, 16 of them were leaders, during the same period last year our data bank in human rights registered 62 homicides, of whom 25 were leaders.

Third, the restriction to incorporate unions is maintained. This is evident in the records contained in the Official Diary with just 3 union organizations incorporated in January –July, 2004.

It is in this framework of reference that we are presenting this report on the Status of the right to life, freedom and physical integrity of Colombian Union members for the term between January 1<sup>st</sup> and August 25, 2004, <sup>1</sup>

**1. The situation of human rights of the union members during the government of government of Álvaro Uribe**

**Total violations to life, freedom and integrity of union workers**

**In Colombia**

**August 7, 2000 – AUGUST 25, 2004**

<b>Type of Violations</b>	<b>August 7 2000 to August 6, 2002 Pastrana Government</b>	<b>August 7 2002 to August 25 2004. Uribe Government</b>
Threats	357	681
Illegal Searching	2	14

<sup>1</sup>Data presented in this report for January –August2004 are partial data, therefore, it is probable that the panorama of violations presented, for that period may be incomplete.

Assaulted with injuries or not	39	28
	23	10
Arbitrary Disappearance	10	111
Forced Displacement	73	98
Homicide	387	178
Harassment	32	63
Kidnapping	69	17
Torture	2	1
<b>Total</b>	<b>994</b>	<b>1170</b>

Source: Data Bank in Human rights at ENS

These figures show the following changes: First of all, the group of violations was increased in 17.7%, contradicting the statement made by the government announcing that during this government the situation of human rights for union members had improved; second, there has been a significant increase in the number of threats, premise searching at homes of union members or union sites; detentions and hostilities, most of these violations are caused by state agents; third, it is important to stress the significant decrease in homicides. In this period there was a decrease of 54% in this type of violations to human rights. It is in the decrease to the most serious of violations to human rights: The right to life, where Uribe's government has based his statement that the human rights situation of union members has improved during his government.

Since August, 2002, until August 25, 2004, women have been victim of 330 violations to life, freedom and integrity. This is 30% of total violations to Human rights registered. This corresponds to 212 death treats, 43 homicides, 42 displacements, 14 detentions, 9 cases of harassment, 5 kidnappings and 4 premises searching.

It is important to mention that of the total violations to human rights of workers, 51%, (599 cases), were committed against union leaders, members of board of executive committees and sub-directions of the union central. Of the total number of union members assassinated, 62 were leaders; this figure indicates that the trend of the decade is maintained: an average of 30 assassinations per year is the proof the thesis that there is a systematic and deliberated action against the union leaders. Of the total 660 death threat, (44%) were against high level union leaders, an addition 47 leaders were arrested, 14 suffered assaults, 7 were disappeared, 53 suffered some kind of harassment, 9 were kidnapped and 12 were victims of illegal search at their homes.

## 2. Balance of violations to human rights in 2004.

**Total violations to life, freedom and  
Physical integrity  
Colombian Union Members  
January 1st - August 25  
2003 and 2004**

Type of violation	2003	2004
Death threats	252	276
Homicides	62	47
Assaults with or without injuries	18	2
Disappearance	2	2
Detention	29	51

Harassment	52	9
Kidnapping	4	3
Illegal Search	9	2
Torture	-	-
Total	428	392

Source: Human Rights Database, Due to restrictions in the data collection on information for the category of forced displacements for the Term January – August, 2004, we have excluded it from this chart, for the same period in the previous year we registered a total of 91 cases.

Of the 392 cases of violations to life, freedom and physical integrity registered by the Human Rights databank of Escuela Nacional Sindical, in the term January – August, is possible to mention the following issues: First of all, that there is an increase in union persecution and threats against union leaders at times of difficult labor conflicts; second the situation with the Colombian teachers in the States of Valle, Arauca, Magdalena and Atlántico s getting worse, and finally, there is a continuous government policy for restriction, penalization and consideration of illegality for union activities and all the rights that are related to it.

In parallel and in the framework of strong labor conflicts, the personal safety situation of Colombian Union members and their families, has become worse, spaces for agreement continue to be closed, labor relations with public and private has deteriorated and restriction to the right of strike are maintained, as well as restriction to incorporation of unions and collective negotiations.

In spite of the fact that there has been a decrease in the number of homicides this year, we do not expect that the positive trends will be maintained<sup>2</sup> as a consequence of the decrease of 51 % decrease in homicides, and 77% decrease in union members kidnapping. Once again it seem to confirm that positive variations are related to the result of changes in the military strategy and political calculations by individuals in the armed conflict, and not so much as a consequence of application of government policies oriented to guaranteeing and protecting the union activities and freedom of association in the country.

As stated in our 2003 annual report, in 2004 we have also seen that there are more violations related to death threats, arbitrary detention of workers, and violence against women, while in contrast, there has been a decrease in homicides, kidnapping and force disappearance of union members. These variations are due to general changes in the violence modalities in the country, this means, that they responded to the cessation of hostilities by some paramilitary sectors and changes on the guerrilla action produced by the offensive of the military forces.

The 47 cases of union members assassinated between January 1<sup>st</sup> and August 25, the extra-judicial execution of 3 union leaders in Arauca; persecution to FENSUAGRO; assassination of CARMEN ELISA NOVA a union leader of Sintrahospiclínicas in Bucaramanga, where immediately after her assassination a series of threats was promoted against CUT union leaders in the State of Santander; the mass threat against leaders of Sinaltrainal in the framework of the hunger strike decreed by that organization on March 15, 2004; the kidnapping on March 17 of Carlos Herrera vice-president of Asociación de Empleados del Departamento de Antioquia, by the 34th. Front of FARC<sup>3</sup>; the

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<sup>2</sup> In the period January 1<sup>st</sup> to December 31, 2003 a total of 90 members were assassinated and in the same period in 2002 a total of 184 union members were assassinated.

<sup>3</sup> See communication from ADEA date April 12, 2004.

worsening of the education sector situation in various regions of the country, and the declaration of illegality of the strike promoted by Union Sindical Obrera, once again proved that the current government as it was the case it almost all governments before, lack the political will to guarantee and protect the right of union freedom in Colombia, and that all changes in human rights of Colombian unions continue to be attached to the situation of the Colombian armed conflict..

## **HOMICIDES AGAINSTS UNION LEADERS**

**January –August**

**2003 and 2004**

<b>Type of Union Member</b>	<b>2003</b>	<b>2004</b>
Union Leader	25	15
Base Worker	37	30
Union Advisor		2
Total	62	47

As we have mentioned before in our partial and annual reports, violence against union members in Colombia is selective, discriminated and premeditated. The violence is again confirmed in 2004, by the fact that 64% of death threats and 34 % of homicides are against the members of the boards of directors of unions, federations and centrals, and with the fact that threats and homicides occur precisely during labor conflicts in which these leaders are participating.

The first aspect is illustrative, with the extra-judicial execution of the union leaders in the State Arauca. The assassination of Carlos Alberto Chicaiza, leader of the Union Sindicato de Trabajadores de las Empresas de Servicio Público del Valle –Sintraemsirva-, murdered on April 15,2004 in the municipality of Calima,

Valle del Cauca; the murder of Carlos Raúl Ospina, union leader of Sintraemsdes killed on February 24, 2004 in Tulúa, the murder of Álvaro Granados Rativa, union leader of Sutimac, on February 8, 2004 in Bogota; murder of Luis José Torres Pérez, union leader of ANTHOC, on March 4, 2004 in Barranquilla; murder of Cesar Julio García, union leader of ASEIMPEC, on March 13, 2004 in Cartago; murder of Carmen Elisa Nova, leader of Sintrahospiclínicas on July 15 in Bucaramanga.

### **3. Violence Increase against Colombian Teachers**

In Colombia the most affected sector by violation to rights of life, physical integrity and freedom is workers in the public utilities service sector; a sector that groups together workers of public and private corporations and institutions that belong to the state doing education activities, domiciliary public services, health justice and construction of public works, and they are the ones that have suffered violations to their right of life, physical integrity and freedom.

This situation has not been different in 2004, since 254 teachers have been threatened in the country and 28 more have been killed. The most difficult situation is for the teachers in the State of Antioquia – ADIDA- who have reported 107 threats and 8 homicides. Second, is the situation of union teachers in the State of Valle, SUTEV, who have reported 48 affiliates who have been threatened and third is the situation of teachers in the State of Sucre, who have reported a total of 42 teachers threatened.

### **4. Terror Strategy against women union members**

As stated before, the human rights situation of women union members has become dramatic. In our 2003 report we registered with tremendous fear an increase 600%. Unfortunately the violence trend against women is maintained in 2004, when 9 women union members have been murdered, 106 have been threatened and 6 have been arbitrarily detained. As we have mentioned it in previous reports, the significant increase of violations against women union

members shows their intentions with a symbolic and strategic goal of immobilizing and terrifying.

Women are murdered in presence of their children, they are mutilated, and suffer threats against their children due to the activities they perform, or they are used as pressure means, and become the symbol through which others are threatened. These violations are not the goal, they are the image of terror strategically focused to others: children, relatives, neighbors, and other union members, expecting to press them to choose among life and integrity or union activities.

### 5. Anti Union Violence in the regions

Violence dynamics against union members has extended to the national territory, in previous years it was mainly focused to some states, in especial Antioquia. As it is clearly seen in the following chart, the Caribbean Coast, Norte de Santander, Arauca and the Colombian South West have become dangerous land for union activities.

**Homicides and Death Threats against Union Members  
in the various States  
January 1st to August 25  
2004**

States	Homicides	Threats
Antioquia	9	107
Valle	9	54
Atlántico	5	20 <sup>4</sup>
Arauca	5	4

<sup>44</sup> In the State of Atlántico the AUC have threatened in block all members of Sindiba, Anthoc, Sindicosta, Sindicons,

Magdalena	3	
Bogotá-Cundinamarca	2	15
Cauca	2	1 <sup>5</sup>
Putumayo	2	-
Norte de Santander	2	1
Boyacá	2	-
Cesar	1	4
Bolívar	1	4
Sucre	1	45
Santander	1	7
Guajira	1	1
Caldas	-	11
Meta	1	-
Risaralda	-	2
TOTAL	47	276

Source : ENS

**6. (The Unitary Workers Central) Cental Unitaria de Trabajadores, is the one with most victims.**

### Homicides per Union Centrals.

**Term January to August 2003 & 2004**

Central sindcial	2003	2004
CUT	57	46
CGTD	1	1

<sup>55</sup> Likewise the Teachers Union of Cauca, received a general threat sent by an organization called (DEATH TO UNNION MEMBERS) MUERTE A SINDICALISTAS.

NON CONFEDERATES	4	
TOTAL	62	47

As we have stated, since 1991, The Central Unitaria de Trabajadores is the Union central that has suffered the highest number of victims in all types of violations to human right as per information gathered. Likewise, this year, 98% of homicide victims were members of CUT, however, Central General de Trabajadores Democráticos de Colombia - CGTD - has suffered 6 homicides and 21 of their affiliates have suffered threats this year."

### **7. Is the State the Main Responsible?**

Another important change in violence against union members is that since August 2002, there is a higher responsibility of armed institutions and State Safety bodies in violations to human rights of union members. In 2004 the historic trend of silence is maintained in 276 cases registered, this means that in 70.% of total cases we know nothing about the intellectual or material authors of the crimes. Of the 30% balance of violations (116 cases) on which we have real information on possible authors we must say that 53 violations have been committed under state responsibility (50.8%), 38 were committed by AUC (32.7%), 13 are the result of common criminals (11.2%), and 5 by the guerrilla (4.3%).

We must stress that the state responsibility is focussed in arbitrary detentions or premise searches and in the extra-judicial executions committed against our union leaders in the State of Arauca.

## **8. The Union activity continues to be sanctioned by the State**

Once that the situation lived by the Colombian union members in 2002 was analyzed, it is seen that the Uribe government has a policy of security and war with an attitude of persecution and penalization towards participants in the armed and social conflict located outside the armed action.

This year as a seal of the policies for security or war – there was a scandalous increase in repression to the union association right, and an increase in detentions, premise searches and harassment by the public force against union organizations in the context labor conflicts. The policy against unions promoted by Uribe's government has not only changed but it has worsened this year, as we have registered 51 cases of arbitrary detentions of union members.

There has not been any change either in the position against unions that has been stressed by the tremendous facts, for instance, with the verdict awarded last March 26 by the 28 Criminal court of the Bogota Circuit through which the union leader of USO, Hernando Hernández was found NOT GUILTY. The decision made by the judge demonstrated that there were proof documents that were amended, bribed, manipulation of information and false proof presentation to incriminate ia Hernando Hernández on the crime of rebellion<sup>6</sup>.

A similar situation was lived during 2004 by Luz Perly Córdoba, Responsible for Human Rights at the Federación Nacional Sindical Unitaria Agropecuaria – Fensuagro- , who was victim on

February 18, 2004 of a premise search at her home, and later arrested and accused of rebellion, also, on March 8, Gilma Culman Sánchez, a union member affiliated to Sindicato de Trabajadores Agrícolas del Tolima, who was also presented to the media as a member of a rebel organization.

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<sup>6</sup> Al respecto sentencia No. 50 , causa No. 0226-3 del Juzgado 28 penal del circuito de Bogotá, Sentencia absolutoria de Hernando Hernandez Pardo, por el delito de rebelión

In addition and in virtue of the democratic security policy there are premise searches and union leaders are arrested and investigated accusing them of being rebels or collaborators of rebel groups. This is done easily under almost no control.

In contrast, up-to-date, only in two cases related to homicides of union members it has been possible to identify those responsible and they have been sentenced and in 99% of cases of homicides committed against union members there are no advances made in the investigations and most of the cases are in their preliminary phase, or just with a formal opening of investigations.

## **9. Persistent Policy Denying and restricting union freedoms**

2003 was one of the worst years for union freedom rights in the country, in addition to the difficult situation of labor rights, workers and their organizations saw how the Ministry of Social Protection, whose public function should be the promotion of unions and surveillance of labor regulations, was committed to preventing the incorporation of unions and restricting the union activities. A dramatic evidence of this situation was the **approval of 26 petitions to declare labor cessation and strikes as illegal of the 30 that were presented by entrepreneurs.**

The Declaration of illegality of the shrike promoted by USO and termination of 248 of its affiliates, among whom there were, 7 members of the national board of directors, in addition to demonstrating the anti union policy by the government President Uribe, clearly demonstrates a government policy of being against the international regulations, as it was stated in its speech at the most recent conference of ILO where he said that he is excluding from the scope of public services several economic activities, as he follows a French tradition and not the one contained in the ILO agreements and in the Doctrine of the Committee for Union freedom. In this subject, as it is the case in others, the Colombian government is not interested in respecting the international standards that protect rights derived from agreements, recommendations and mandates of

the International Labor Organization.

Since President Uribe started his term in office, there is a radical shift related the treatment of labor conflicts; Instead of dialogue and agreement with union organizations, the treatment has been to consider all their actions and illegitimate and illegal.

On one hand, it is clear that there has been an increase in the petitions to declare protest or strike actions by workers of public and private companies confident in receiving a positive response from the State as illegal, and on the other hand, how it provides positive responses to these petitions, contradicting the international work law once again; more than 80 % of petitions for illegality presented in the last two years have been resolved through processes that compromise the independence of the Ministry of Social Protection and the legality of these actions. In Colombia it is not up to the labor judges the responsibility to decide on these petitions. It is under the authority of the Ministry of Social Protection, who through administrative decisions easily and promptly makes such decisions, acting at the same time as the judge and the party, even in cases where there is conflict with state corporations.

Likewise, there has been a brutal decrease in the legal recognition to new union organizations, in this case, the Ministry of Social Protection systematically rejects registration of new union organizations under the excuse of formal reasons or even arguing public order, once again on this respect, the, government has interfered in the internal life of union associations violating the principle of autonomy, so important to maintain the right of association. The authorization for 9 unions to operate 2003 and only 3 in 2004 are a clear evidence of this policy.

There are other serious facts that frame the anti-union policy and the labor precarious situation in this government. Colombian negotiators at TLC have opposed to include in the treaty issues related to international labor standards. All national spaces for agreement and social dialogue have been closed, the law that reformed the administrative career of public servers in Colombia removes stability of career officers and does not guarantee the right to free association, collective negotiation or strike.

Proposals submitted by President Uribe for the new pension reform, expects when eliminating especial regimes, to disregard collective conventions that are national juridical standards making the scarce respect to this right even worse in our country. At the ILO Conference at the end of June, the Colombian government accomplished its goal disguising the serious situation of labor rights in Colombia so that there were no unleashing of any investigation instruments due to non compliance of statutory or constitutional agreements. It is expected that the case will be discussed at the Especial Session that the Committee on Union freedom will hold in November exclusively dedicated to the Colombian case.

Actions by the current government are related to its systematic urge to neutralize union forces. A country with no unions and citizens with no right of association or to protest or to negotiate working conditions, is the goal of the current union and labor policy of the government.