



TO DEFEND LABOR RIGHTS IS TO DEFEND HUMAN RIGHTS
HUMAN RIGHTS OF PUBLIC SERVANTS. A PANORAMIC VIEW
NATIONAL SCHOOL OF UNION WORKERS (ENS)

Human and Labor Rights Area

Norberto Ríos
Liliana María López
Juan Bernado Rosado
Guillermo Correa

1. Introduction

As we have pointed out in our partial reports and communications, in Colombia, violations to life, integrity and the freedom of union workers are determined by three processes of utmost importance: Armed conflict, antiunion culture, and the social conflict generated by the structural changes, economic recession and the subsequent appliance of decrees and laws that intend to serve as a dike to the economic and political crisis that the country is experimenting. Without ruling out the magnitude and the heightening of the labor problems subjacent to the economic crisis, it can be pointed out, that without a doubt, the great problem that the Colombian union workers live today, is the systematic and permanent violation of the right to life and the rights of personal freedom and physical integrity.

It sounds almost banal, to repeat, once more, that Colombia is “the most dangerous place in the world for Union activities”, that there are no guarantees for the exercise of association rights and that there is an abysmal distance between the precarious norm framework that protects these rights and the reality of the country.

It is necessary to reiterate, that in Colombia converge, at the same time, then, an economic crisis, a social crisis, and a political crisis, and that such convergence is symbolically manifested in a notable increase in the perception of risk that the current society lives, in its totality and that it becomes evident and materializes in the constant violation to the rights and to the citizen and political freedom, in the deterioration of the guarantees associated to the protection of economic, social and cultural rights of the ample majority of the country and in the presence of an armed conflict that advances in intensity and complexity.

On the present report, a general overview is presented of the violations to life, liberty, and personal integrity of the Colombian union workers and particularly of the workers grouped in the public sector.

In first place we will overview the general panorama of the violations to life, liberty and the integrity of Colombian union workers, in second instance, a specific panorama of the state of the human rights of public servers, and in third place, a panorama on the context of reforms and adjustments that affect the labor rights of these.

2. The violation of human rights against union workers in Colombia persist in 2002.

a. General Panorama 11 months in 2002

The information systematized by the National School of Union Workers, through its data base on Human Rights, allows to show the violations to human rights of Colombian union workers persist. Between January 1 and November 30, 2002, 172 union worker homicides, 164 death threats, 26 abductions, 17 intents, 7 forced disappearances, 132 arbitrary detentions and 80 exiles¹.

VIOLATIONS TO LIFE, LIBERTY AND INTEGRITY AGAINST COLOMBIAN UNION WORKERS JANUARY – NOVEMBER 2000, 2001, 2002

Type of violation	2000	2001	2002
Death threats	180	232	164
Homicides	135	184	172
Assassination attempts with or without injuries	13	23	15
Disappearances	17	12	7
Arbitrary detention	37	5	132
Harassment	2	12	18
Abductions	24	37	26
Torture	2	-	-
Illegal search of homes	1	2	1
Forced displacement	155	70	2
Total	566	577	537

Source National School of Union Workers

¹ The 80 correspond to cases registered by the ENS and the Colombian Federation of Educators – FECODE-

As we have pointed out reiteratively, the most part of these violations are produced as a direct consequence of the exercise of union work, that is, in moments when the union workers resolve or end a labor related conflict, during the development of national and local strikes, when they try to exercise their right of collective negotiation, when they are in the process of creating a new union, or when they legally and peacefully confront the loss of their labor and union conquests.

In terms of the violation to human rights of the union workers, the panorama in the year 2002, nonetheless being inscribed among the registered tendencies throughout the last decade, (regular tendency in the homicide of affiliates, increase in the homicide of directives, increase in the threats and forced displacement and the collective extermination of organizations), present the following characteristics:

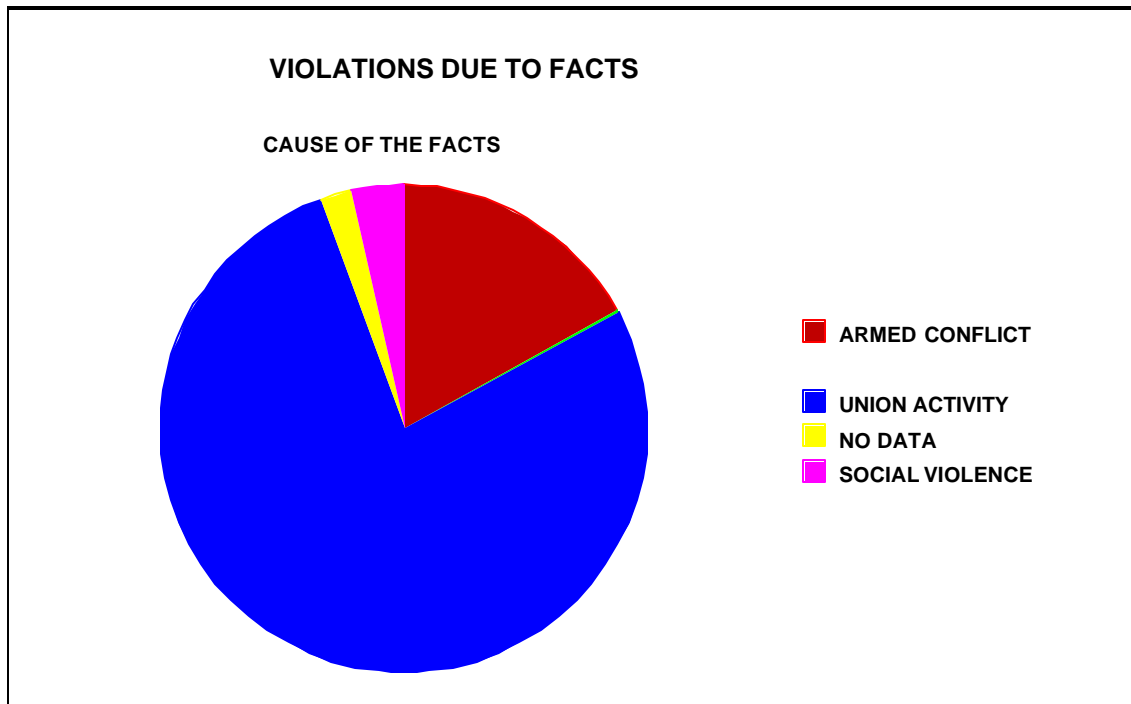
- A general decrease of the total violations to life, liberty and integrity, viewed as a compound and contrasted with a regular tendency in the homicides and an increase in the exile of union workers (from 577 violations in 2001 to 537 violations in 2002).
- An increase in the violations attributed to the guerrilla organizations, especially those related to homicides, and
- The appearance of geographical zones that traditionally did not present high indexes of violence against unionism like in the case of the southern departments of the country.

b. Armed conflict and violations to the human rights of the Unionists

It is clear and that makes the panorama more complex, the methods, forms or events that characterize the violation of human and labor rights of the unionists of the country are profoundly articulated with phenomena belonging to the Colombian armed conflict (massacres, displacements, threats and attempts) and, that in many cases, these violations are committed directly by all the armed actors involved in the conflict.

Nonetheless, to affirm that in war contexts, such as ours, a lesser capacity to guarantee human rights and the right to life of unionists exists, and that even the “normal” thing in such contexts is that war, with its logic and its grammar, is transferred to the scene of social and labor conflicts cannot conduce to its hiding and to be ignored, that the violations in Colombia to human and labor rights are, in the majority of cases, like the numbers show and how the reports and observations by the International Labor Office, the Confederation of Free Union Organizations – CIOLS- and the Colombian Central Unions corroborate, a direct consequence of the development of its union activity.

Against the thesis that makes the omnipresence of war the cause of all evils in the country, we have to say that in 2002, as in the last few years, from the total of 537 violations to the right of life, liberty and integrity of unionists, 77% has as a cause the exercise of the union activity and only 17% remits to actions directly linked to the armed conflict that the country is experimenting. It is necessary to point out also that the co-implication between the armed conflict – war – and the violation to human rights does not affect all sectors of unionism in Colombia, in the same way.



Source: Data bank of the National School of Union Workers

These numbers, (that continue to be alarming and that continue to show the perverse ways of manifestation of the social, political and armed conflict about the labor world), force the decrease to be read, with an increase in the indexes of death threats to groups and worker collectives in new zones of the country and armed actions against union sites, and new union organizations, and, shows fundamentally, the paradox to which it is being confronted and which the unionists and the social sectors confront when political negotiation processes with the actors of the armed conflict are foreseen or when the ways to affront war are changed.

It has been clear, that the purposes of peace search in the country are accompanied, generally, with a progressive hardening towards the actors in the economic and social conflict located in the legality and outside the armed action, and that this hardening is manifested in terms of citizen and political

rights, as well as in economic and labor rights. "The peace policies" or the strategies implemented to solve radically and definitely the war, contrast with a scandalous increase in the repression to union association rights, with the permanent declaration of strikes as being illegal², with the harassment from the public forces towards the protest movements, and with economic and labor reforms, that also deteriorate the economic and social rights of Colombians in general, and the labor and union rights of workers in particular.

c. **Violations to the human rights of union leaders**

From the 172 homicides against unionists, 49 cases, that is, 28% of the total victims were union leaders. Besides, the union leadership was a victim of 53% of the threats and 67% of the physical attacks. Violence against union leaders is evidence that the violation of rights of unionists in the country are discriminative and selective; they have as a fundamental cause the unionist activity and are directed fundamentally against union leaders and union organizations that possess a great negotiation capacity, and political and public pressure with the State and important business sectors of the country.

Out of the 49 union leaders who were assassinated, we want to stand out the following cases: **Rafael Jaimes Torra**, Treasurer of the subdirective of the Workers Syndicate Union in Barrancabermeja, assassinated on March 20, 2002; **Froilan Hilario Peléaz Zapata**, Member of the executive committee of the CUT in Antioquia, assassinated on May 6, 2002; **Aicardo Eliecer Ruiz**, President of Workers Syndicate in the Municipality of Bello-Antioquia, assassinated on May 3, 2002; **César Blanco Moreno**, Leader of USO, assassinated on June 18, 2002 in Bucaramanga; **Luis Enrique Coiran**, President of the subdirective ANTHOC in Tame, Arauca, assassinated on June 19, 2002; **Tito Libio Hernández Ordoñez**, Ex directive of Sintraunicol, assassinated on April 16, 2002; **Hernando Jesús Ortiz**, belonging to the CUT National Board and directive of FECODE, assassinated on April 12, 2002; **Rodrigo Gamboa Coy**, President of the CUT subdirective in Cesar, assassinated on July 31, 2002; **Enoc Samboni**, leader of the CUT-Arauca, assassinated on January 12, 2002; **Diofanol Sierra Vargas**, leader of Sinaltrainal, assassinated in Barrancabermeja, on April 8, 2002 and **Alfredo Zapata**, leader of Sutimac Antioquia, assassinated on April 4, 2002 in the municipality of Santa Barbara; **César Gómez**, President of SINTRAUNICOL, Pamplona subdirective, assassinated on September 5, 2002; **Adolfo de Jesús Múnera López**, union leader of SINTRAINAL, assassinated on August 31, 2002; **Blanca Ludibia Hernández**, union leader of SINDESS,

² An example of this was the declaration of illegality of the National Strike on September 2002. In relation to this you may refer to: Alvaro Ortiz Ramos: "Paro sí hubo". En: *Caja de Herramientas No. 87*, Bogotá. Octubre de 2002.

Córdoba Subdirective, abducted on August 7 and found murdered on the 15 of the same month. The chart illustrates the total violations against union leaders in the country:

**VIOLATIONS TO LIFE, LIBERTY AND INTEGRITY
UNION LEADERS
COLOMBIA
JANUARY - NOVEMBER 2002**

Type of Violation	No. of cases
Death threats	87
Homicides	49
Attempts with or without injuries	10
Disappearances	4
Arbitrary detentions	5
Harassment	8
Abductions	9
Others	30 ³
Total	202

Source: Data Bank, National School of Union Workers

d. CUT the most affected

This selective and discriminative violence is manifested also in the dramatic persecution that workers and affiliated organizations to the Workers Unitarian Central (CUT= Spanish Initials) and to the Colombian Educators Federation (FECODE= Spanish Initials). 155 of the 172 unionists who were assassinated between January and November, 2002, belonged to the CUT, and 79 out of the 79 teachers who were assassinated in the same period of time, belong to FECODE correspond to 45.9% in respect to the total of murdered unionists and 50% of the unionists grouped in the Unitarian Workers Central (CUT).

It is necessary to remember that the CUT has been, since 1991, the most affected central by the generality of violations and especially by homicides of unionists⁴. Also, that this central is the biggest confederation in the country, because the Central⁵ has 63.77% of the unionists in the country.

³ This data corresponds to 30 leaders who are in exile.

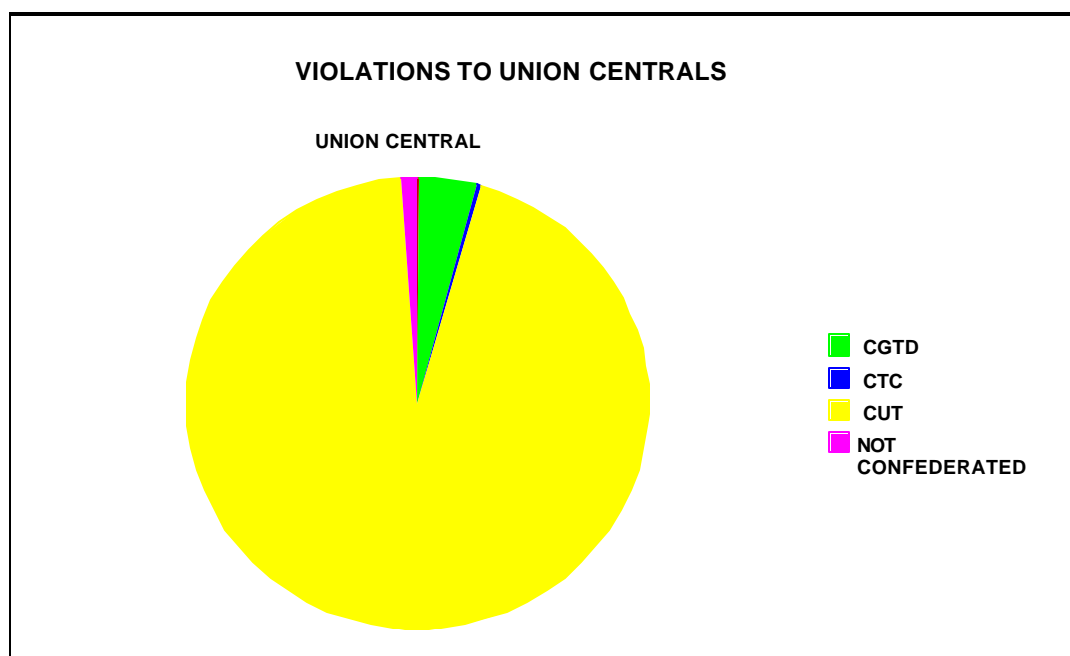
⁴ A look at the violence against workers in the CUT in the decade, may be seen in: Informe sobre violación a los derechos humanos de los sindicalistas 1995-2000. En *Cuaderno de Derechos Humanos No. 11*, Medellín, Escuela Nacional sindical, marzo 2001.

⁵ For a view on how the CUT is organized you may refer to: Alberto Orguloso Martínez and Oscar Molina García. Elecciones en la CUT por la democracia sindical. In: *Caja de Herramientas. No. 87. Op. Cit.*

TOTAL AFFILIATES AND TOTAL VIOLATIONS BY UNION CENTRAL COLOMBIA

Central	No. of affiliates up to 2000	Total violations January - November 2002
CUT	545.989	507
CGTD	121.852	22
CTC	51.048	2
Not confederated	137.210	6
Total	856.109	537

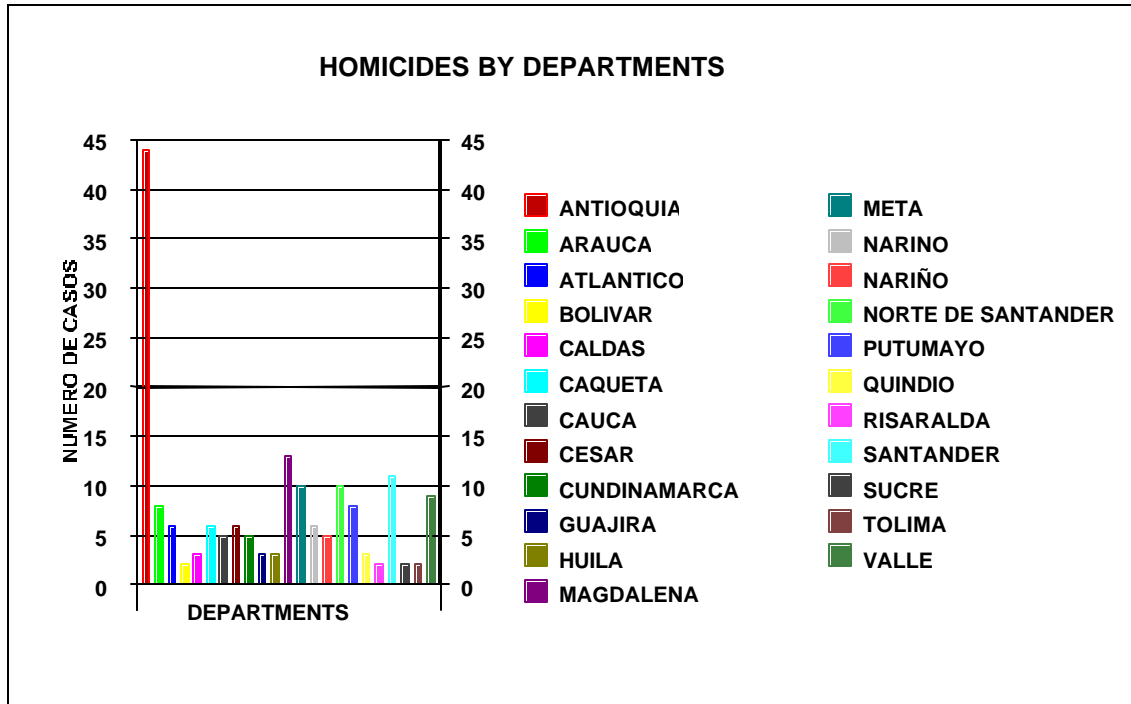
Source: Union Census and Data Bank, National School of Union Workers

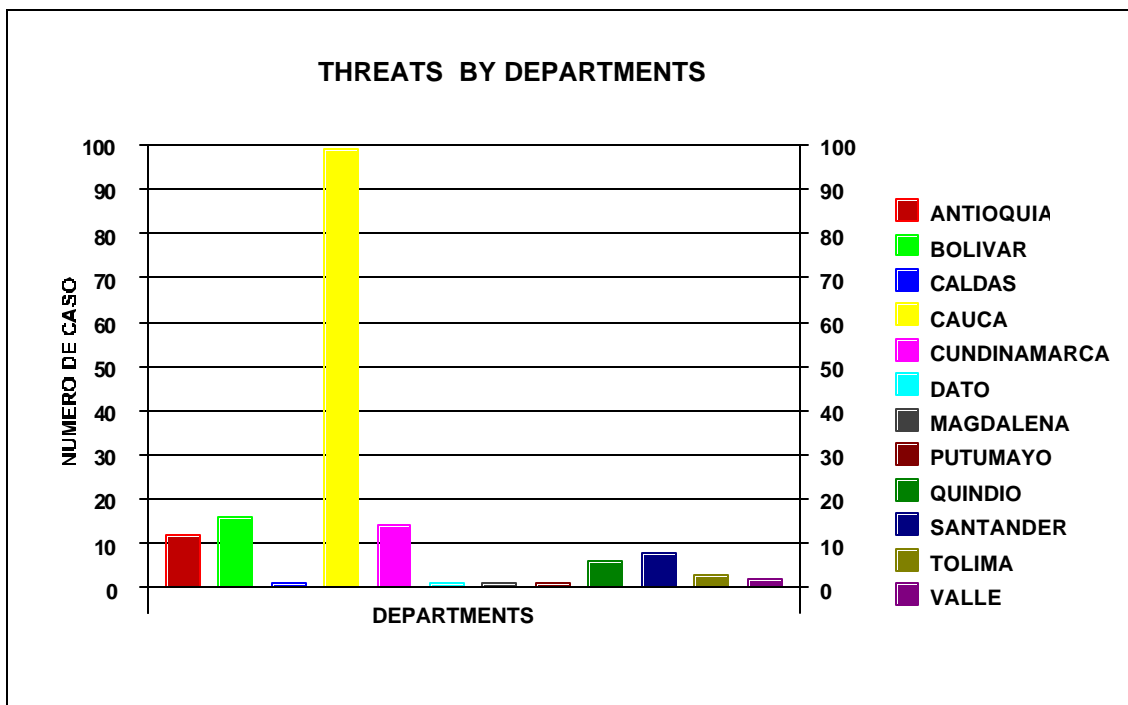


e. Territorial violations

Between January and November, the department of Antioquia was, again, the place where the majority of homicides among unionists occurred. 26% of the national total, with 44 cases, were committed in this department. In relation to the number of homicides, after Antioquia, were the departments of Santander, Norte de Santander, Magdalena, Valle, Putumayo, Arauca, Atlántico, Caquetá and Nariño.

The location of the regional stages where the majority of violations occur to the fundamental rights of workers, allow us to show, also, a considerable increase in death threats and attempts towards union workers, specifically those who perform their jobs in the south of the country, in the departments of Caquetá, Cauca, Nariño and Putumayo.





f. The presumed responsible for the violations

Just like it was pointed out, in the current year, there have been 537 violations to life, liberty and integrity. From these, 250 cases, that correspond to 46.55%, the author is unknown or was not reported. A similar situation presents in respect to the 172 unionist homicides of which 121 cases, 70%, the information about the author is not known or not supplied. This aura of darkness and impunity in which these cases have remained has escalated during 2002, because, in the majority of violations, these have remained hidden because of fear, or simply because of the conception of the inefficacy of pointing out the author. Still it is necessary to point out that from the total number of homicides in which the author was denounced, of the 172 cases, the paramilitary groups are accused of being responsible for 29 assassinations, that is 16.8% of the total homicides. The guerrilla groups are accused of being responsible for 22 cases, that is 12.7% of the total number of homicides.

**PRESUMED RESPONSIBLE
TOTAL VIOLATIONS
COLOMBIA
JANUARY - NOVEMBER 2002**

Type of Violation	No Data	Paramilitary	Guerrilla	Other	State Security Organizations	Total
Homicides	121	29	22			172
Threats	94	64	1	5		164
Attempts	11	1	-	2	1	15
Abductions	14	4	8	-	-	26
Harassment	2	-	-	-	16	18
Forced disappearance	5	1	1	-	-	7
Arbitrary detention	-	-	-	-	132	132
Other	3	-	-	-	-	3
Total	250	99	32	7	149	537
%	46.55	18.43	5.95	1.30	27.74	100

Source: Data Bank, National School of Union Workers

Another look at the authors of these violations is the one provided by the totality of cases in which the presumed author was known and denounced. In the 287 cases of violations in which the presumed author is known, the self defense groups or paramilitary continue to be the main responsible group of homicides and threats among workers. These groups are attributed 57% (29 cases) in respect to 51 cases in which the author is known and 98% (64 cases) of death threats in respect to the 65 cases where the author was denounced. On the other hand, this second view shows a huge increase in the cases attributed to guerrilla organizations, of which they are responsible for 43% of the homicides and 66% of the abductions in which the captor was identified.

g. Violations to unionist women

- 6.14%, 33 cases of the total of violations were committed against unionist women, the majority of them from the service sector (education and judicial branch). The global numbers of violations against unionist women in all the country show us a decrease of 43% in relation to the same violations in the year 2001. The following chart shows the behavior in the violations of life, and integrity in the years 2001 and 2002.

**TOTAL VIOLATIONS TO LIFE, LIBERTY AND INTEGRITY OF
UNIONIST WOMEN
COLOMBIA
2001 y 2002**

Type of violation	No. of cases 2001	No. of cases 2002
Death threats	14	6
Homicides	24	19
Attempts with or without injuries	4	-
Disappearances	1	1
Forced displacement	6	4
Arbitrary detention	--	-
Harassment	1	1
Abductions	2	2
Total	52	33

Source: Data Bank of Human Rights, National School of Union Workers

3. VIOLATIONS TO LIFE AND INTEGRITY OF PUBLIC SERVERS

In Colombia, the most affected sector by the violation of individual rights – right to life, physical integrity and liberty -, is the one of the public servers; sector that groups the workers of entities and state or private companies that are dedicated to education activities, public services, health, justice, construction of public projects. Between January and November, 2002, 38% of the violations of individual rights were committed against unionist workers of that sector. Of this total it is necessary to note that 67%, 116 cases of homicide were committed against unionists of the public sector, mainly teachers. The next paragraph will show the situation of public servers in Colombia.

When the general numbers about violation of fundamental rights of workers in Colombia are disjoined, it is possible to affirm, in first place, that workers at the service of the State are the most affected by violence and by the violation of human rights, and that in second place, teachers, health workers and municipal workers are the most affected in this sector. This can be explained by three phenomena. In first place, the State workers occupy 54% of all unionists in the country; in second place, within this sector of the economy you may find union organizations with a great political allocution towards the State and labor and economic policies; and in third place, the majority of workers, teachers, doctors, judges, district attorneys, municipal workers and officers, develop their activities and their union work throughout the country and in zones of territorial and political dispute of the armed actors in the Colombian conflict. The following charts will allow us to show the dimensions of the violence

against public workers and the rate of affiliation.

TOTAL UNIONISTS AFFILIATED IN COLOMBIA

	Affiliates	Participation %
Total unionists in the country	856.099	100
Total unionists in the public sector	463.503	54
Total unionist teachers	260.338	30

Source: Union Census, National School of Union Workers

TOTAL VIOLATIONS TO LIFE, LIBERTY AND INTEGRITY AGAINST UNIONIST WORKERS AND AGAINST PUBLIC SERVERS IN UNIONS COLOMBIA

JANUARY - NOVEMBER 2002

Type of violation	No. of cases total union workers	No. of cases sector of public servers	%
Death threats	164	53	32
Homicides	172	116	67
Attempts with or without injuries	15	9	60
Disappearance	7	4	57
Arbitrary detention	132	4	3.03
Harassment	19	2	10.52
Abductions	26	15	57.69
Other	2	-	-
Total	537	205	38

Source: Data Bank Human Rights, National School of Union Workers

Additionally, a look at the decade shows us that out of 5,875 violations to life, liberty and integrity, 3,502 cases, 60%, were committed against public sector workers, of this number that in its self is alarming, it is of interest to remember that out of 1,913 unionists assassinated in the 1991 – 2000 period, 777, 41% belonged to the public sector. The two following charts will allow us to show the dimensions of violence against public servers⁶.

⁶ A look at the situation on Human Rights of the workers in the decade may be seen in: Escuela Nacional Sindical, “Informe de Derechos Humanos de los Trabajadores sindicalizados colombianos 1995-2000”. Cuaderno de Derechos Humanos No. 11, Escuela Nacional Sindical, 2001.

**ASSASSINATED UNIONISTS
COLOMBIA
1991-2002**

Type of worker	No. of Cases
Affiliated	1493
Directives	420
Total	1913

Source: Data Bank Human Rights, National School of Union Workers

**ASSASSINATED PUBLIC SECTOR UNIONISTS
1991-2002**

Type of worker	No. of Cases
Affiliated worker	623
Directive	154
Total	777

Source: Data Bank Human Rights, National School of Union Workers

Further than this general data, the situation of public servers in the year 2002 presents the following characteristics:

- In the year 2002 (January – November) out of the total violations against the right of life and physical integrity of the union workers, 205 cases (38%) were committed against workers belonging to the public sector, especially against workers in the education, health, judicial branch and municipal administrators sector. This total refers to the sum of homicides, death threats, forced displacements , abductions, and forced disappearances, among others.
- In this same period, 67.44% of the totality of homicides of unionists had as victims, workers in the public sector. It is also worrisome the number of 82 assassinated teachers. Not only because it represents the gravest figure of the decade, but also because that means that almost 50% of the assassinated unionists in the country are teachers.

ASSASSINATED PUBLIC SECTOR UNIONISTS
January - November 2002

Type of worker	No. of cases	%
Total assassinated unionists	172	100
Total public sector unionists	116	67.44
Total unionist teachers	82	47.67

Source: Data bank Human Rights, National School of Union Workers

- The death threats constitute the second great violation to civil and political rights of union workers. In 2002, of a total of 164 death threats registered against union workers, 32% were directed against public sector workers, especially those in territorial companies or entities. It is necessary to add to this figure the 400 teachers in the South of the country, that according to FECODE (Colombian Educators Federation) have received death threats in the last few months of the year.
- During the present year, 58% of abductions of unionists have been committed against workers in the public sector. The totality of these abductions that are attributed to insurgent groups, were committed, mainly, towards teachers and workers of the judicial branch.
- Of the entirety of state workers, the most affected sectors by the violation of fundamental rights are in this order: The Colombian Educators Federation – FECODE; the workers in municipalities and public service providers, grouped in the Syndicate of Workers and Employees of Autonomous Public Services and Decentralized Institutes in Colombia (SINTRAEMSDES), the Syndicate of Official Workers of the Municipalities of Antioquia (SINTRAOFAN), the Syndicate of State workers in the Municipality of Cali (SINTRAEMCALI), the workers of the teachers guild, grouped in the Antioquean Instructors Association (ADIDA), the Association of Educators of Magdalena (EDUMAG; The Syndicate of Workers of the Universities of Colombia (SINTRAUNICOL); the health workers, grouped in the National Association of Hospital Workers of Colombia (ANTHOC), and the workers of the judicial branch grouped in ASONAL JUDICIAL.

From this general violence context against public servers, deserve a special attention the situation of the workers in the teachers guild, grouped in the

Colombian Educators Federation (FECODE) and the situation of the health workers fundamentally, the affiliates to the National Association of Hospital Workers of Colombia (ANTHOC).

3.1 The situation of the teachers guild

As we have pointed out in our annual reports since 1991, the workers of the teachers guild have been one of the most affected sectors by the violation of human rights and the International Humanitarian Rights. These violations have had as a fundamental target, the teachers in primary and secondary levels in the municipal area, mainly in the rural areas. This is explained by the preponderant weight that the municipal contour has within the consolidation strategies and territorial domination developed by the guerrillas and paramilitary. In the year 2002, the situation of the teachers guild was no different. 54% of the total violations against unionists in the service sector were committed against the teachers guild. This percentage corresponds to 82 assassinated teachers, 5 abductions, 12 threatened, 50 exiled and an approximate number of 400 displaced. The majority of threatened or murdered teachers belong to the Colombian Educators Federation (FECODE).

Within the dramatic situation that the teachers guild workers in Colombia are living, the case of the Antioquean teachers affiliated to the Association of Instructors of Antioquia (ADIDA), must be brought to attention. In this department, between January and November, 2002, 18 teachers have been assassinated and 16 have been displaced and threatened, the majority of which worked in municipalities with a high level of armed conflict.⁷

A similar situation to that of the Antioquean teachers is the one lived by the workers in the Syndicate of Workers of Magdalena (EDUMAG), the Association of Instructors of Santander del Norte, the Association of Educators in Meta, the Association of Educators in Atlántico, the Association of Educators in Putumayo and the Syndicate of Teachers in Nariño, among others.

In general terms, three causes explain the violence against the Colombian teachers guild. In first place, the educational establishments are located in territorial dispute zones amongst the contra-institutional and para-institutional actors of the Colombian armed conflict, and in second place, the teachers guild in Colombia represents a union sector with great political pressures, of social protest and interlocation, which has been reflected in the last years in strong protests against neoliberal policies conducive to the reduction in the social

⁷ The 16 threatened teachers correspond to those that are inscribed in the Committee for the Threatened in the Department of Antioquia. Nonetheless, there is an undetermined number of teachers who have not been accepted in this committee. This data corresponds to a report supplied by ADIDA.

spending and finally, the Colombian teachers guild has the biggest and most important union organization in the country.

3.2 Violence against health workers

In 2002, the health workers were victims of 13 homicides. Traditionally death threats, homicides and abductions have constituted the main violations to human rights of the workers in this sector. Nonetheless, for the year 2002, doctors, nurses, dentists and bacteriologists, affiliated to ANTHOC, ASMETROSALUD, among others, have been impeded to exercise their medical mission and have found themselves trapped between the crossfire of the armed actors in the conflict. An example of this is the grave situation of the workers of this sector that perform their work in the 13th Commune in Medellín⁸. The health sector workers that work in this area have been victims of constant threats, harassment, abductions, and extortion by the armed actors (paramilitary, guerrilla and public force organisms)

The violation to human rights appears as a constant that hinders the development of the mission, but above all, constitutes a clear proof of the violation of the International Humanitarian Rights and the way that in this country the violation to human, and labor rights are intertwined with the armed conflict.

4. Conclusions

In Colombia, the State is the biggest employer and the state unionism represents the majority of union workers in the country (54% of the total of Colombian union workers). This sector is also, as it was shown, the most affected by the totality of violations against life, liberty and integrity, reporting in 2002, 38% of the total violations to the right to life and physical integrity and 67% of the homicides (116 cases in respect to 172 murdered unionists)

The case of the public servers, especially those grouped in the health sector, evidences how in this country, a co-existence between war and the violation of human rights exists. The hindering of the medical mission, the homicides of medical personnel, the location of health centers, schools, and other working spaces in zones of territorial dispute not only makes it difficult for a full and real exercise of the right to work, but also puts the public servers in the position of targets for the armed actors (guerrilla groups, paramilitary and State security organisms). In the case of the teachers guild, it is evidenced on the constant death threats, in the attacks to schools, and the permanent risk in which teachers who develop their activities in these zones of political and territorial dispute have to live.

⁸ Central Occidental Zone in Medellín.

Historically, the union organizations in the state sector have had strong restrictions to the exercise of labor rights. The suppression of many state entities , the privatization of others, the massive firing of many workers by means of the “voluntary retirement”, anticipated pensions⁹, suppression of positions in personnel plants, the impossibility to exercise strikes, the restrictions to the collective negotiation rights, the intents to impede the affiliation of new workers, the reduction of syndicate permissions or its elimination, the unlaboralization and flexibilization, the repression of conflicts on the part of the Central State and local governments, and the recent decrees that allow a freezing of salaries of public servers, have conducted to a progressive weakening of the union organizations that belong to the State.

⁹ These voluntary retirements involved a great part of the union leadership and the majority of affiliates.