

# Armed conflict in Colombia

## Excuse to target trade unions



In a climate of political violence in South America's Colombia, trade unionists have come under sustained attack. **Miguel Puerto** traces the nature of these attacks and looks at some attempts to remedy the situation.

**T**he violence in Colombia has caused over 250 000 deaths, has led to the internal displacement of over 3 million people and the external displacement of some 4 million. This violence isn't a new phenomenon. Over the past four decades, Colombia has been afflicted by an armed conflict between the security forces and paramilitaries on the one side and guerrilla forces on the other. Successive governments have failed to deal with its roots.

The vast majority of victims of the conflict are civilians who suffer from enforced disappearances, arbitrary detentions and extrajudicial killings by the security forces, and killing and kidnappings by guerrilla groups. There are also persistent reports of killings and threats mainly by paramilitary groups against trade unionists and human rights defenders.

### ATTACKS ON TRADE UNIONS

Colombia is going through a particular political phase that contributes to the creation of hostility towards the exercise of labour rights and the freedom of association. The situation is

worsened by the more and more frequent declarations of the Colombian government against the legitimacy of the trade union movement, linking it with guerrilla groups or justifying anti-union violence as violence against armed actors in the conflict. It recklessly and misleadingly portrays the union movement as being part of an armed group.

Over the last 20 years, more than 2 515 trade unionists have been assassinated in Colombia. These numbers reflect a methodical extermination of the union movement, which is equivalent to genocide. The average number of assassinations per year is 120. In addition, hundreds of trade union organisations have been destroyed, many strikes were declared illegal and thousands of men and women workers were fired.

Almost all human rights violations against unionists in Colombia go unpunished. Among the most visible features of this is the high number of violations where there are no suspects, the very small number of investigations that reach the trial stage, and where they do reach court the duration of proceedings according to

international law standards, denies any possibility of justice.

For about the last ten years, legislation and violations in Colombia have been the focus of the International Labour Organisation's (ILO) Committee of Experts on the Application of Conventions and Recommendations, and the Committee on Freedom of Association or CFA, the ILO body which examines complaints concerning violations of freedom of association. These bodies verify year after year that Colombian workers have been denied the right to collective negotiation, to strike and to freely constitute trade unions.

Most violations of the human rights of union members are linked to labour conflicts such as strikes, but also occur in the areas of collective bargaining and the creation of unions. Violations are carried out in the defence of labour rights, and union members have been deliberately attacked and are not casual victims of the armed conflict.

Freedom of association is recognised under Colombian law and in Colombia's 1991 Constitution. The Constitution



*Members from the trade union federation, CUT, march in Colombia watched carefully by riot police*

recognises the right of trade unions to organise and to strike (except for workers in services considered essential). The Constitutional Court established that ILO Conventions No. 98 on the right to organise and to bargain collectively, and No. 87 on freedom of association and protection of the right to organise, should be considered as integral to the Constitution.

But in practice, few workers in Colombia can enjoy their fundamental rights to form and join a union, to bargain collectively and to strike, despite them being enshrined in the 1991 Constitution.

### RECORD FOR UNION MURDERS

Colombia holds the record of being the country in which the most men and women have been murdered as a direct result of their trade union work. Acts of violence against unionists also include kidnappings, attempted assassinations, disappearances, threats, detentions, torture and forced displacement.

In addition to the large number of unionists killed, the creation of new trade unions is on the decline. There are administrative obstacles which impede the registration of new trade unions even though Colombian law grants legal status to trade unions automatically on their creation.

This has led the ILO to conclude in an October 2005 Mission to Colombia that “the climate of violence against trade unionists could only be understood within the context of the laws, policies and practices that it felt seriously

undermined trade unionism in the country.

Among the issues raised as having a severe impact on freedom of association and collective bargaining were: restructuring of companies to eliminate union representation, the use of cooperatives to disguise employment relationships and avoid unionization; subcontracting and the use of commercial and civil contracts to keep workplaces union free; collective accords and their impact on unions and collective bargaining; the use of the union contract; the denial of collective bargaining for public servants; obstacles to trade union registration; and the legal prohibition of the right to call for a strike in services not considered as essential in the strict sense, in many public services that are not essential in the strict sense...”

These rights are closely related to other fundamental human rights such as the right to life, physical integrity and freedom of expression. As a member of the United Nations and the Organization of American States, Colombia has voluntarily undertaken a legal commitment to uphold the provisions set out in numerous international and regional human rights treaties.

Trade unionists are human rights defenders. Human rights defenders are crucial actors in the struggle for political, social and economic rights. Human rights defenders are all those men and women whose actions, individual or collective,

contribute to the effective elimination of all violations of fundamental rights and the government has international obligations to protect human rights defenders.

### ATTEMPTS AT REMEDIES

In June 2006, during the 95th international conference on labour at the ILO, Colombia's tripartite delegation (labour, government, business) signed an agreement “to foster the rights of association and democracy”. The goal of the agreement was to seek respect and guarantees for the right to union organisation, union freedoms, collective bargaining, decent work, social dialogue, and the strengthening of democracy.

In order to promote criminal investigations, the General Prosecutor's Office (Fiscalia) established a sub-unit of prosecutors in different regions of the country to bring to court cases of violence against trade union leaders and members.

So far, the ILO's permanent representation in Colombia has not fulfilled expectations, and has limited itself to holding meetings with the government, employers, public servants and union leaders of the country. The systematic violations of the human rights of union leaders and members, and the situation of impunity, remains unchanged. Until now, no resources have been made available and no action has been undertaken. The situation continues to be serious and the government continues to

deny the true number of assassinations of Colombian union members.

In this context, the Colombian union movement demands access to the truth, guarantees, and democracy. In particular it demands collective reparations for the unions, as well as respect for the victims, the acknowledgement of the legitimacy of the union movement, and the elimination of all obstacles that inhibit the exercise of union freedoms.

## CONCLUSION

The human rights situation faced by trade unionists in Colombia remains critical. Successive Colombian governments have tried to implement several policies to improve the safety of trade unionists, but these measures have been insufficient to effectively guarantee their safety. The long-term security of unionists depends on decisive action by the Colombian authorities who turn a blind eye to the majority of those responsible for attacks.

The repeated death threats and

killings of unionists coupled with numerous arbitrary judicial proceedings against them, represent a direct attack on the rights encompassed in ILO Conventions.

Further, the human rights violations and abuses committed against unionists by all parties to the conflict are intended to undermine the legitimate work of trade union organisations while the arbitrary judicial proceedings initiated against numerous trade union activists is designed to discredit their work.

The International Centre for Trade Union Rights (ICTUR), strongly encourages the support of the South African labour movement in our struggle and we would welcome any kind of support to Colombian trade unionists. Unfortunately, the severity of the human rights crisis in Colombia still receives insufficient attention from the international labour movement, the legal profession, and international bodies such as the ILO.

In 2006 ICTUR opened a legal activist centre, the Trade Union

Rights Centre (TURC), in Bogotá, Colombia's capital. The TURC works to address those who escape justice and to seek justice for the human rights violations suffered by unionists and their families.

TURC has already had a number of successful cases, and has played a key role in criminal prosecutions against serving army officers who were found guilty of the murder of three health worker trade unionists from the Arauca region and were subsequently sentenced to lengthy prison terms.

Please visit ICTUR's website [www.ictur.org](http://www.ictur.org) for more information about our work in Colombia or contact me, Miguel Puerto, for any more detailed information about Colombian trade unions and how the South African labour movement might offer its support and solidarity.

LB

*Miguel Puerto works for the International Centre for Trade Union Rights (ICTUR) in London  
tel: +44 (0)20 7498 4700,  
fax: +44 (0)20 7498 0611,  
email: miguel@ictur.org*

## ILO hearing on Colombian trade unions

The Colombian government appeared in Geneva before the Committee on the Application of Standards at the ILO's annual session of the International Labour Conference.

During the debate, worker representatives from around the world referred to the violations of freedom of association and collective bargaining rights in Colombia.

Since the beginning of 2008, 26 trade unionists have been murdered, a 71% increase for the same period last year. For all of these murders impunity persists, as for some 97% of the more than 2 500 murders of Colombian trade unionists since 1986.

The Colombian government appeared before the committee as the result of the extraordinary pressure from the international labour movement, which rejected its attempts to avoid coming before the committee. The outcome of the discussion on Colombia will be included in the full conclusions and recommendations of the committee. [International Trade Union Confederation ITUC, 4 June 2008]