

Violence Against Colombia Trade Unionists and Impunity: How Much Progress Has There Been Under Uribe?

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Supporters of the Colombian Free Trade Agreement argue that under President Alvaro Uribe the Colombian government has made sufficient progress in addressing violence against trade unionists and impunity that Congress should now approve the trade pact. Their key arguments, and responses, follow.

CLAIM #1: VIOLENCE AGAINST TRADE UNIONISTS IS DOWN

Uribe backers point to the decline in the number of trade unionists murdered in Colombia, dropping from 94 killed in 2003 (Uribe's first full year in office) to 72 killed in 2006 to 39 in 2007.

Fact: *Since Uribe took office, more trade unionists have been murdered in Colombia than in the rest of the world combined.*¹

- *Murders of trade unionists have escalated in 2008, with 17 murdered in the 1st quarter, running at a pace that would make 2008 totals more than 50% higher than 2007.*²
- *In sum, during Uribe's tenure, Colombia has been the most dangerous place in the world to be a trade unionist.*
- A decline in the number of murders hardly creates the political conditions under which workers can freely exercise their basic rights. Even if all trade union killings stopped tomorrow, it would be a long time before workers in Colombia would feel free to organize without fear of violent reprisal.

CLAIM #2: IMPUNITY IS BEING ADDRESSED

Uribe backers point to a growing number of convictions, citing over 80 convictions won since 2001, nearly half of which were obtained in 2007.

Fact: *Under Uribe, progress on impunity has been meager; the government is exaggerating its modest achievements.*

- Despite an extensive backlog of trade union murders (over 2,200 since 1991), there have been only 59 cases for which homicide convictions have been achieved since Uribe took office, *an average of less than one per month.*³ For 2007, there were 26 cases of murder for which homicide convictions were achieved. (Interestingly, nine were achieved in the last ten days of December.)⁴
- Of the 59 homicide case convictions, the majority are for murders that took place in the decade before Uribe came into office. *Only 22 convictions are for the over 400 murders*

*that have taken place under Uribe—and 18 of these cases have not been completed and remain in the courts, in the appeals process, still subject to reversal.*⁵

- *Of 187 priority cases agreed to by the government and the union movement in 2006, only five cases have convictions that have been completed and closed. (As the Colombian NGO Escuela Nacional Sindical states, at this rate it would take 36 years to overcome impunity just on these 187 “priority” cases.)*⁶
- The backlog of unresolved homicide cases has increased under Uribe by over 350 cases.
- *In virtually no case has the government convicted the intellectual authors behind those who committed the murders. In the one high-profile case in which the intellectual author was sentenced, the sentencing judge was dismissed.*
- *Only 55% of those convicted are in custody, according to the Colombian Attorney General’s office. The rest are at large.*

COUNTER PUNCHES

Passing the FTA Could Very Well Halt the Meager Progress Achieved to Date

For years, the Uribe government shrugged off the level of violence (“*There are no assassinations of workers in Colombia,*” President Uribe told Washington reporters as recently as May 2007) and did little to address impunity until it finally became clear that violence and impunity were indeed serious obstacles to achieving approval of a free trade agreement with the U.S. *After a four-year average of less than 10 convictions a year for violence against trade unionists, the Uribe government claimed 36 in 2007, with nine achieved in the last ten days of the year. The incentive of getting an FTA could hardly be clearer.*⁷

What progress will there be on impunity if Congress approves the FTA? What then will be Uribe’s incentive? What will happen to the level of violence if Congress approves the FTA?

The experience of Guatemala is instructive. Murders of trade unionists in Guatemala dropped during CAFTA negotiations, averaging one every two years; once CAFTA was implemented, the guns came back out, with a big increase in union-related killings, with at least eight in the last year.

The Government’s Touted Trade Union Justice System Has Been Compromised

The Colombian government cites the appointment of three “specialized judges” assigned exclusively to cases of violence against union members. But in January 2008 the judge who handled two of the most important cases since the judges’ appointment was dismissed without cause. In 2007, Judge Nirio Sanchez had sentenced one of the only intellectual authors sentenced for an anti-union crime and also ordered an investigation of Nestle in connection with the murder of another trade unionist.⁸ He was fired in January 2008, shortly after meeting with

Rep. George Miller, who has since been seeking an explanation from the Colombian government for the firing of Judge Sanchez.

The Uribe Government has Consistently Attacked, and Endangered, Trade Unionists

The Uribe government's belligerent and dangerous attitude toward the labor movement manifested itself again in March 2008 when a presidential advisor, José Obdulio Gaviria, suggested in February that organizers of a march against violence were affiliated with the guerrillas. Several trade unionists reportedly associated with the march were then murdered the week of the march, March 4, prompting a letter of outrage signed by leading U.S. human rights groups, including Human Rights Watch and Amnesty International.⁹

This follows a pattern in which Uribe and members of his government have frequently and inaccurately denounced specific trade unionists as guerillas. E.g. the Vice President labeled as guerillas three trade unionists murdered in 2004 by Colombian army members in a high profile case in Arauca. A judge subsequently determined that army officers had planted guns in their hands of the unionists to make it appear that the victims were guerillas. (The judge, who refused to go along with the cover-up, is the judge who was dismissed in January 2008 in what is widely seen as a retaliation.)¹⁰

And in 2006, the DAS, Colombia's version of the FBI, was exposed for providing to paramilitaries a hit list of 23 trade unionists and others. Almost every person on the list has since been killed or had to flee the country.

The Assault on Trade Unions in Colombia Has Been Effective

Some pro-FTA supporters have, deplorably, implied that violence against unionists has not had much impact on the level of unionization, that it is at an acceptable level, not much different than in the U.S. or the rest of Latin America (e.g. *New York Times* Op Ed, March 31, 2008).

Over the past twenty years the Colombian labor movement has been decimated by the systematic violence of murder, disappearances, threats, and intimidation, accompanied by the systematic denial of the free exercise of labor rights by the Colombian government. The rate of unionization in Colombia has been cut by half (from 9.3% in 1984 to 4.6% in 2005) and the number of workers covered under new collective bargaining agreements has dropped to a fraction of its previous number, falling from 260,000 to 60,000 in the past 10 years.¹¹ The violent and non-violent repression of Colombian trade union movement has constituted the most egregious attack on a Latin American trade union movement in the past twenty years.

For a deeper analysis of trade union rights in Colombia, see two reports available from the AFL-CIO, http://www.aflcio.org/issues/jobseconomy/globaleconomy/upload/colombia_briefing.pdf and <http://solidarity.timberlakepublishing.com/files/ColombiaFinal.pdf>.

Fact sheets with supporting documentation and citations from the ENS and the Colombian government are on the USLEAP website, www.usleap.org or are available upon request.

¹ *Violaciones a los Derechos Humanos de las y los Sindicalistas Colombianos, January 1 to December 31, 2007*, Escuela Nacional Sindical (ENS), March 2008, p. 30, and *Annual Surveys of Violations of Trade Union Rights*, International Trade Union Confederation (ITUC). ENS reported 326 trade unionists murdered in Colombia during the 2003-2006 period; the ITUC reported 201 trade unionists killed in the rest of the world during the same period (2007 global totals are not yet available). ITUC annual surveys are available online at <http://survey07.ituc-csi.org/getcontinent.php?IDContinent=0&IDLang=EN>.

² *Preocupante Incremento en los Asesinatos Contra las y los Sindicalistas en Colombia, Interim Report, January 1 to March 31, 2008*, ENS, April 2008, p. 1.

³ *SENTENCIAS CONDENATORIAS PROFERIDAS EN LAS 1231 INVESTIGACIONES QUE HACEN PARTE DEL CASO 1787 OIT A 31 DE DICIEMBRE DE 2007*, Ministry of Social Protection, Government of Colombia, 2008.

Note #1: The higher number of convictions cited by backers of Uribe represent the number of sentencings made by the courts, not the number of murder cases for which convictions were obtained. In the same Colombian government document that lists 82 sentencings through 2007, the document, provided in March, clearly states there were convictions in only 68 cases. Some sentencings were for the same case. And of these 68 cases, three convictions occurred prior to the beginning of Uribe's term. An additional five cases were not convictions for homicide. In another case, the victim was not a trade unionist. These 9 cases have been excluded from this analysis.

Note #2: Nine previously undisclosed cases appeared in this late March document provided by the Colombian government. These cases have not yet been independently vetted with Colombian analysts but are currently being included in USLEAP reporting, at least for the time being.

⁴ Ibid.

⁵ Ibid.

⁶ *Violaciones*, op cit., p. 24.

⁷ *Sentencias*, op. cit. The Embassy of Colombia claimed 38 in "*Accomplishments in Creating a Secure, Prosperous Colombia*," circulated in Washington in spring 2008.

⁸ Ibid., p. 25.

⁹ Human Rights NGOs Letter to Uribe, March 25, 2008, available at <http://www.lawg.org/docs/FINAL%20Joint%20NGO%20Letter%20to%20Uribe.pdf>

¹⁰ *Violaciones*, op. cit., p. 25.

¹¹ *Workers' Rights, Violence and Impunity in Colombia*, AFL-CIO, January 2008, p. 13.