

Summary Bullet Points from New Report:

Impunity and the Violation of the Human Rights of Trade Unionists in Colombia, 2009-2010 and 2002-2010

Published by the Escuela Nacional Sindical and the Colombian Commission of Jurists

This report, released late 2010 in Spanish and mid-January 2011 in English, contains a wealth of information and analysis, looking at both recent trends (2008-2010) and the long-term view (1986-2010). We encourage you to review the report in its entirety but have culled the following bullet points, referenced with the accompanying page numbers to the original citations in the report.

Access the Spanish version of the report here:

<http://www.coljuristas.org/LinkClick.aspx?fileticket=8xSBvJ24tfY%3d&tabid=36&language=es-CO>

Access the English version of the report here:

<http://www.usleap.org/files/ENS%20October%202010%20English.pdf>

Recent Violence Against Trade Unionists, 2008-2010

- In the first eight months of 2010, there were 35 murders of trade unionists, 16 murder attempts, 201 threats, 5 kidnappings, 5 disappearances, and 10 cases of harassment (p. 8). By mid-December 2010, ENS reported 42 murders of trade unionists.
- Although there was a 6.2% decrease in the total number of violations committed against trade unionists in 2009 compared with 2008, there was a 125% increase in the number of murder attempts. The number of illegal searches, illegal detention, and cases of harassment and torture also increased (p. 14).
- Of the 715 violations against trade unionists in 2009, 445 (58%) of the authors of the crime have not been identified. Paramilitary groups committed the most violations, followed by state bodies and guerrilla groups (p. 17).
- In 2009, state bodies were responsible for 33 arbitrary detentions, 10 cases of harassment, six cases of torture, six threats, two murder attempts, and two illegal searches (p. 19).
- In 2009, women unionists represented 25.3% of the total number of violations committed, falling victim to 106 threats, 51 forced displacements, 7 murder attempts, 5 murders and 4 cases of harassment (p. 25).

Sectors, Unions, and Regions Most Affected by Violence

- In 2009, the education sector was most affected by violence, with 413 violations (57.8% overall). The agricultural sector was next (72 violations), followed by the community and personal services sector with 66 violations, a 46.7% increase over the previous year (p. 30).

- Violence decreased against the mining and quarrying sector, the industrial manufacturing sector, and the electricity, gas and water sectors. Violence increased against the transport, warehousing and communications sector, the financial sector, and the legal sector (p. 31).
- In 2009, 80.7% of anti trade union violence was directed against 15 unions, of which 6 belonged to the education sector (p. 33).
- In 2009, Antioquia, Valle and Santander were the departments most affected by violence (p. 35).

Violence Against Trade Unionists, 1986-2010

- Between the January 1, 1986 and August 30, 2010, 2,842 trade unionists were murdered. Of these, 731, or 25.7%, were trade union leaders (p. 61).
- There were at least 11,096 violations of the right to life, liberty and security, including 274 attempted murders, 217 forced disappearances, at least 4,828 death threats, and 1,696 forced displacements (p. 62).
- From 1999-2009, 63.12% of the murders committed in the world occurred in Colombia (p. 67).

Impunity, 1986-2010

- The level of impunity in the cases of violence trade union rights is 98.36%, according to information provided by the Colombian government (p. 77).
- As of May 18, 2010, 5.56% of cases under investigation had reached the judgment phase of the legal proceedings. There were 118 guilty verdicts reached out of 1,659 cases (p. 75).
- A special Labor Subunit, established in 2007 to focus on violence against trade unionists, is investigating only 3.2% of violence committed between 1986 and 2010. Of these, only 948 of the 1,546 cases definitively involve unionists (p. 82).
- The Subunit prioritized 185 cases for investigation. Of these, more than 50% remain in the preliminary stage of investigation, and only 22.7% have resulted in sentences (p. 82).
- Only 10% of cases investigated by the Subunit looked at trade union violence systematically, including the circumstances affecting the individual, the particular union to which they belonged, and anti-trade union violence in general (p. 85).
- Almost half of guilty verdicts involved plea-bargaining, allowing the judge to sentence the perpetrator without investigating what happened (p. 86).
- Frequently, the courts accept accusations that the victim was a member of a guerilla group without dispute. Rarely are the intellectual authors of the crime brought to justice (p. 86).

Policies to Combat Trade Union Violence

- Law 1309 (2009) increases prison sentences for some forms of violations against trade unionists and extends the statute of limitation for others. The law only applies to crimes committed after June 26, 2009, however, and increases sanctions without addressing the roots of systemic violence (p. 94).
- Law 975, the “Justice and Peace Law” (2005), offered members of paramilitary groups alternate sentences, with a maximum of eight years imprisonment, under the condition that they promised to reveal the truth in the crimes they committed (p. 95).
- Issues with Law 975 include: extradition of paramilitary leaders at the request of the U.S. justice system, limited ability for victims to participate in proceedings, difficulties in determining the links between state agents and paramilitary leaders, and a limitation on determining the responsibility of the members of paramilitary groups before July 2005 (p. 96).
- The protection program established by President Uribe to defend threatened trade unionists was unable to support the number of at-risk trade unionists. DAS agents in charge of providing protection were also found to be spying on unionists, undermining trust. Between June and August 2009, the protection program ran out of money and shut down (p. 60).

Violence Against Unionists Under Álvaro Uribe, 2002-2010

- Violence against trade unionists fell by 15.2% under President Álvaro Uribe (p. 41). However, there were still 4,483 total violations, including 565 murders, 96 attempted murders, and 36 forced disappearances (p. 43).
- President Uribe, high-ranking government servants and military officials frequently, and publicly, questioned the legitimacy of trade union activities, further stigmatizing trade unions and unionists (p. 43).
- In 2006, the Department of Administrative Security (DAS), Colombia’s intelligence agency supervised by the Executive Branch, was investigated for: passing lists of trade unionists targeted for murder to paramilitaries, illegal interception of communication, organizing break-ins at trade union offices, employing DAS agents responsible for the protection of trade unionists to gather information and use it to harass the people they were assigned to protect, and even to generate false evidence, and directly threaten or harass trade union leaders (p. 46).

Additional and related reports are available on the ENS and CCJ websites:

ENS: <http://www.ens.org.co/index.shtml?s=a>

CCJ: <http://www.colectivodeabogados.org/Comision-colombiana-de-juristas>

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