

## Anti-union violence in 2018:

### Growing number of attacks against activists and union leaders

The human rights situation in Colombia over the past year continues to raise serious concerns. Persecution and violence against social leaders, trade unionists and human rights defenders continue to increase.

According to Sinderh, from January 1 to August 27, 2018, there were **161** violations of life, liberty and physical integrity against trade unionists in Colombia, including **14** homicides, **6** attacks against life, **134** threats, **4** harassments and **1** illegal search. An increase in the number of incidents of persecution and threats during the last quarter has been noted. Additionally, there have been more actions against union organisations collectively<sup>1</sup>, increasing from **9** cases in **2017** to **35** cases so far in **2018**.

Alongside this, there is an unfavourable context of lack of implementation of Peace Agreements and obstacles that have prevented progress in the dialogue with the ELN (National Liberation Army). While the Colombian Government, in the Universal Periodic Review presented in May 2018, points out advances in the field of human rights, social organisations and movements consider that the situation is not so encouraging.

The new government faces huge challenges with regards to promotion, protection and guarantee of all human rights, with special focus on those who are being persecuted and killed for defending labour rights, territories, the environment, populations, for demanding the restitution of land, supporting peace, denouncing corruption and leading protests and social mobilisations.

According to the Program "Somos Defensores" (We are Defenders), 90 social leaders have been killed<sup>2</sup> so far in 2018. This dreadful situation has been happening in different regions of the country, mainly those prioritised as post-conflict areas where the absence of the state and the vacuum left by the Farc, lead to territorial disputes for illegal mining and logging, extensive farming, social and organisational control<sup>3</sup>.

This violence also makes unions and their members vulnerable. In 2018, 89.4% of the victims of anti-union violence were leaders and steering committee members who had been defending human and labour rights, demanding guarantees for carrying out union activities, filing complaints, supporting peace, participating in strikes and protests. More seriously still, there is concern about the increase in anti-union violence in the last three months, more than half of the cases recorded in

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<sup>1</sup> These violations are attacks against the union as a whole.

<sup>2</sup> "90 social leaders have been killed in 2018 according to the NGO Somos Defensores", El Colombiano, July 13, 2018: <http://www.elcolombiano.com/colombia/cuantos-lideres-sociales-han-asesinado-en-colombia-durante-2018-DF8997104> [Consulted July 14]

<sup>3</sup>Attorney General's Office, "Systematic violence against defenders of territorial rights in Colombia", April 2018: [https://www.procuraduria.gov.co/iemp/media/file/page\\_files/Violencia%20sistem%C3%A1tica%20contra%20defensores%20de%20derechos%20territoriales%20en%20Colombia.pdf](https://www.procuraduria.gov.co/iemp/media/file/page_files/Violencia%20sistem%C3%A1tica%20contra%20defensores%20de%20derechos%20territoriales%20en%20Colombia.pdf) [Consulted June 25].

2018 occurred in this period. The persistence of anti-union violence is compounded by the criminalisation of union activities, i.e. law and order, courts and punitive actions taken against union actions.

### More than three decades of anti-union violence in Colombia

Anti-union violence prevents or limits the exercise of freedom of association and the right of workers to defend themselves. Even more so when it comes to Colombia, where trade unionism has suffered greater persecution and violence than any other union movement in the world. According to a study carried out by the ENS, from January 1, **1973** to August 27, **2018**, there have been at least **14,771** violations to life, liberty and integrity against trade unionists. Including **3,166** homicides, **404** attacks against life, **239** forced disappearances, **7,269** death threats and **1,900** forced displacements. The number of union members killed included **2,836** men, **330** women, and **921** union leaders.<sup>4</sup>

### Growing number of attacks against activists and union leaders in 2018<sup>5</sup>

**Table 1. Violations of life, liberty and integrity, against trade unionists in Colombia, 2018 (August 27)**

Type of Violation	Women	Men	Total
Threats	21	113	134
Homicides	2	12	14
Attacks with or without injuries	3	3	6
Harassment	-	4	4
Forced displacement	-	2	2
Illegal home search	1	-	1
<b>Total</b>	<b>27</b>	<b>134</b>	<b>161</b>

Source: Human Rights Information System, SINDERH

Beyond statistics, there are serious cases. For example, on June 14, 2018 organisations and union and social leaders of several departments were victims of a collective threat by the AGC Autodefensa Gaitainsta de Colombia (Gaitanista Self-Defense of Colombia). Among the union leaders that were threatened were Edgar Mojica of the CUT (Single Confederation of Workers of Colombia), Fernando Otálvaro and Diego Escobar of Asonal Judicial S.I, Hernán Arciniegas of CUT Valle, Germán Marín and Fernando Pérez of CUT Antioquia. Sintraunicol and Sinaltrainal organisations were also threatened. The threats referred to the social and union leaders' support to presidential candidate Gustavo Petro, and to the peace process that "cannot advance any more".

<sup>4</sup> Human Rights Information System, Sinderh, Escuela Nacional Sindical.

<sup>5</sup> Methodology note: The figures for 2018 are preliminary since the information is in the process of being collected, verified and ratified.

Following the trend of recent years, a preliminary look at what happened in 2018 shows that the most frequent type of violence is threat, accounting for **83.23%** of total registered cases. This is the prevalence of non-lethal violence, but that anyhow creates a vulnerable climate for conducting union activities, as well as for related social and political agendas. In the past year, a large number of union members and trade unions that were victims of threats were carrying out processes to defend rights, peace and territories, demanding the restitution of land and supporting the presidential campaign of Colombia Humana (Human Colombia).

Following are some examples: six leaders and one unionized worker from Valle del Cauca were threatened by the AGC Autodefensa Gaitainsta de Colombia on January 15, 2018. The threat was also made to Sintraunicol, Sutimac, Asonal Judicial, Sintramunicipio, CUT Valle, CUT Cauca, the CTC (Confederation of Workers of Colombia), the CGT (General Confederation of Labour), and relates the victims to pedagogy for peace and support for the new political party Fuerza Alternativa Revolucionaria del Común. Also, on March 29, 2018, a flower bouquet with a ribbon and the name of the union was sent to Sintraviescols headquarters in Cali with a card and a photo of 4 union leaders.

So far in 2018 there have been 27 violations against women unionists, **85.19%** of these victims are women with leadership and union activism roles. Who were the women victims of anti-union violence in this period? More than half are teachers, for example in Viterbo, Caldas, on January 25, 2018, María Victoria Martínez Grisales, teacher and activist of the Sindicato Educadores Unidos de Caldas, Educual (United Educators Union) received a threat. In Antioquia, Nariño and Guajira there have also been threats and murders of unionized teachers. Other women victims have been rural workers, union leaders, and a consultant for informal workers. For example, Olga Maria Perilla Bautista representative of Mesa de Víctimas del municipio de Maní, Casanare, president of Asoprovicma and member of the Executive Committee of the CGT Casanare section, received threats against her and her family on February 19, 2018.

In addition to the attacks against women presented in the framework of the defence of labour rights, a case that must be highlighted is that of Irma Beatriz López Suarez, lawyer and union advisor of CUT Valle y Asolaborales, who was attacked on April 11, 2018 in Cali, Valle. Intimidations against women who are relatives of union leaders also persist.

In July, the GAULA (Unified Action Group for Personal Liberty) arrested a gang of hit-men called "Los Magníficos". One of its members was a former member of the Sijin who was appointed by the National Protection Unit as a replacement for the permanent security escorts of several social leaders, trade unionists and a journalist from Antioquia. One of those affected was former president of the CUT Antioquia, Carlos Julio Díaz, who was the director of the Escuela Nacional Sindical (National Union School). There is a lot of concern about the security systems of social leaders

being infiltrated, this is a very serious and worrying issue that puts human rights organisations, trade unions and workers at much higher risk. These events have not been clarified by the National Protection Unit - UNP.

**Table 2. Violations of life, liberty and integrity against trade unionists in Colombia according to type of union member, 2018 (August 27)**

Type of unionist	Number of cases	%
Union leader	144	89.44%
Grassroots worker	16	9.94%
Union advisor	1	0.62%
<b>Grand total</b>	<b>161</b>	<b>100.00%</b>

Source: Human Rights Information System, SINDERH, ENS

Violence against activism and union leaders continues to increase throughout **2018**. While in **2017** these type of cases were **84.16%**, in August 2018 the number reached **89.44%** of total records. This characteristic could be related to the escalation of violence against human rights leaders and defenders, since according to the UN, the term "human rights defender" describes a person who, individually or jointly, strives to promote or protect those rights<sup>6</sup>, and that is precisely the work that trade unionists and trade unions have been doing, and today they are victims of violence: defending human, labour and victim rights, protesting against state policies, working for the protection of the environment and territories, demanding guarantees for freedom of association and supporting peace.

This targeting of violence against union leaders is very serious, as it entails the violation of individual and collective rights, preventing the free exercise of freedom of association, causing damage and affecting processes and organisations. These are just some of the cases that show what has been happening: On April 9, 2018, workers affiliated to Sinaltrainal presented a list of demands to Multinational Nestlé of Colombia; while the company refused to negotiate, in May 2018 three members of Sinaltrainal were murdered in Valle del Cauca. Gilberto Espinosa, who had been threatened in February, was murdered on May 13, 2018. Luis Eduardo Domínguez, a leader and Cristian Lozano, a grassroots worker, were murdered on May 23 in Andalucía, Valle.

There has also been anti-union violence in the Costa Caribe region. On March 2, 2018, the leaders of Sintracolechera were threatened by the Bloque Sierra Nevada de las Autodefensas Unidas de Colombia, which declared them a military objective accusing them of being leftists. There were also murders of trade unionists who were defending the environment, fighting against illegal mining and who were indigenous leaders. The most distressing case is that of Holman Mamian, teacher of

<sup>6</sup> United Nations Human Rights. Office of the High Commissioner for Human Rights. "The defenders of Human Rights. Protection of the right to defend Human Rights". Information brochure N° 29: <http://www.ohchr.org/Documents/Publications/FactSheet29sp.pdf> [Consulted November 5, 2014].

the Santa Rita Education Institution, El Ventiadero in the municipality of La Vega, Cauca, and affiliated to the Asociación de Institutores of Cauca, Asoinca.

According to Sinderh, cases of violence against trade unionists and unions were recorded in **18** departments during this period. Valle and Cauca had the highest recorded number of incidents, representing **55.9%** of total cases. Other regions with high figures are Bogotá, Antioquia, Atlántico and Caldas. Taking into account that there is under-reporting and that the 2018 figures are still preliminary, it is clear that anti-union violence has intensified in the Southwest region.

Regarding the impact of anti-union violence, the sectors that were mostly affected in this period were education, agriculture, other services where union leaders of confederations come together, women working in the security sector, penitentiaries and social organisations; and other sectors such as mining and health. It is necessary to note that under-reporting makes it difficult to access information, especially in the case of unionized teachers. The increase in violence in rural areas continues and could relate to the cases of violence against leaders and human rights defenders.

In particular, in the department of Cauca where violence against social leaders and human rights defenders has become stronger, all victims belonging to unions and peasant associations are also linked to different platforms of human rights and defence of the territory. In other words, activism is not only at trade union level but is articulated with political and popular processes. One significant case is that of Huber Ballesteros, National Director of Fensuagro and CUT, a recognized defender of human rights and a member of several social processes in Cauca who has been threatened three times so far in 2018 by the Autodefensas Unidas de Colombia-AUC-.

**Table 5. Violations of life, liberty and integrity against trade unionists in Colombia according to alleged perpetrators, 2018 (August 27)**

Alleged perpetrators	Number of cases	%
Paramilitaries	91	56.52%
Unidentified	62	38.51%
Common crime	4	2.48%
Guerrilla	2	1.24%
State agency	2	1.24%
<b>Grand total</b>	<b>161</b>	<b>100.00%</b>

Source: Human Rights Information System, SINDERH, ENS.

Finally, regarding the information on the alleged perpetrators of violence against trade unionists, so far in **2018** the highest number of incidents are those where paramilitaries were involved, representing **56.52%** of total cases. For example, individual and collective threats by the Autodefensas Gaitanistas of Colombia have been constant; others were allegedly perpetrated by the Autodefensas Unidas de



Colombia - AUC, Bloque Sierra Nevada and in Cauca, and the so-called Águilas Negras. This is a cause for alarm, mainly because it increases the vulnerability and the risks of social, union and popular leaders, peasants, land claimants, environmentalists and human rights defenders in general. Despite the increase in human rights violations, high impunity and lack of effectiveness persist in the investigative and judicial bodies and in competent authorities responsible for security and integrity of human rights leaders and defenders.

## **Escuela Nacional Sindical**

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