

detention.⁶⁶ These are not reflective of official government policy—on the contrary the Colombian government is making determined efforts at improving the observance of human rights, including increased human and fiscal resources for the Human Rights Unit of the Attorney General (Fiscal General) responsible for the investigation and prosecution of abuses of human rights. Many abuses, however, are likely to continue to occur as long as the civil conflict goes unresolved, including the terrible toll on innocent persons taken by the land mines used indiscriminately by the FARC and ELN.⁶⁷ By improving the administration of justice, the country is on the right track. The challenge ahead is to make that authority more effective in defending the rights of all Colombians.

Violence against Labor Unionists

Considerable attention has been paid to the murder of trade unionists in Colombia, as well as to other abuses against organized workers. It is useful to examine these abuses in the context of trends in overall violence on the national scale. The database of the *Escuela Nacional Sindical* (ENS), an independent labor organization in Medellín, is the key source of statistics cited by U.S., Colombian, and international labor and human rights organizations in tracking such abuses. According to the ENS, some 2,245 labor union members have been murdered in Colombia since 1991.⁶⁸ Trends in the evolution of trade union homicides tracks closely with overall murders in Colombia, rising steeply, according to ENS figures, during the mid/late 1990s (with 275 in 1996, the worst year on record) falling somewhat in 1997–98, rising again during 1999–2002 and then falling precipitously thereafter (see figure 6). According to the ENS, total abuses against trade unionists (classified by ENS as killings, arbitrary arrest, forced displacement, death threats, kidnappings, harassment, forced disappearances, attacks) showed a somewhat different trend, also rising steeply during the mid/late 1990s, falling overall between 1999 and 2002, rising again in 2002–2004 and then falling in 2004–2006.

In its annual report covering 2005, the ENS stated: “the general decrease in the principal indices of violence against unionized workers constitutes one of the most positive factors in 2005...the year with the least amount of anti-union violence in the last five years. For the ENS this fact constitutes advancement in

⁶⁶ Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices, 2006: Colombia”; UNHCR, *Global Report, 2006*, “Colombia,”

⁶⁷ Human Rights Watch (HRW), *Maiming the People: Guerilla Use of Antipersonnel Landmines and Other Indiscriminate Weapons in Colombia* (New York, HRW, July 2007).

⁶⁸ National trade union membership was estimated to be from 830,000 to 850,000 in 2006. All figures provided by the ENS and include unionized teachers. Figures from *Escuela Nacional Sindical* (ENS) annual reports, 2004 to 2006, and cited in Amnesty International, “Colombia: Killings, arbitrary detentions, and death threats—the reality of trade unionism in Colombia,” London, 2007, p. 8. Amnesty International cites ENS figures for overall union membership at 831,000 in 2007. The Solidarity Center of the AFL-CIO claims 856,000 for membership in 2006, citing ENS; see Solidarity Center, *Justice For All: The Struggle for Worker Rights in Colombia* (Washington, D.C.: Solidarity Center, May 2006), p. 11.

human rights.”⁶⁹ This positive trend continued in 2006 and the homicide rate for 2007 is on track to be by far the lowest in the past two decades, with 25 murders reported as of mid-October 2007 by the ENS.

While the downward trend in murders of trade unionists since 2002 and in overall abuses since 2004 is unmistakable, reasons for the trend are less clear, largely because information identifying the perpetrators or providing greater detail on these homicides is generally lacking. In its report covering 2004, for example, the ENS claimed that paramilitaries were “presumed responsible” for 7 percent of murders and state authorities for less than 3 percent, with the remaining 90 percent of cases with “no information” or “no identification.”⁷⁰ The 2006 report of the ENS names paramilitaries as presumed responsible for 9 of the 72 murders, guerrillas for 7, the state for 2, employers for 1 and 53 cases, nearly three-quarters of the total, in the “no information/no data” categories.⁷¹ According to ENS statistics, during the past 21 years paramilitaries were deemed responsible for 62 percent of all killings of trade unionists in the minority of cases for which an alleged perpetrator was identified and guerrillas for 31.3 percent, adding up to 93.3 percent of the total, with the Colombian armed forces presumed responsible for 4.2 percent.⁷²

To the limited extent that sufficient information is available to draw any presumed conclusions, there appears to be a direct relationship between greater (and lesser) levels of activity by illegal armed groups and violence against trade unionists. The subsequent decline in violence against labor unionists since 2002 therefore suggests yet another positive outcome stemming from the government’s success in rolling back the power of the FARC and paramilitaries.

In its annual reports for 2004 to 2006, the ENS mentions cases of specific abuses and threats against trade unionists that are related to their union activities or—in the case of the recent increase in violence against unionized teachers—because in small towns they are considered important political and social figures.⁷³ In the 23 percent of cases of abuses against union members for which there is sufficient information to determine “presumed responsibility” between 2004 and 2006 (504 cases), the ENS claimed representatives of the

⁶⁹ Juan Bernardo Rosado Duque et al., *And the Shadows Are Coming That Already Have a Name...and Those Who Forgive Are Also Coming: Report on Human Rights Violations against Colombian Unionists in the Year 2005*, Report on Human Rights Violations No. 16 (Medellín: ENS Human Rights and Labor Rights Unit, April 2006), p. 9.

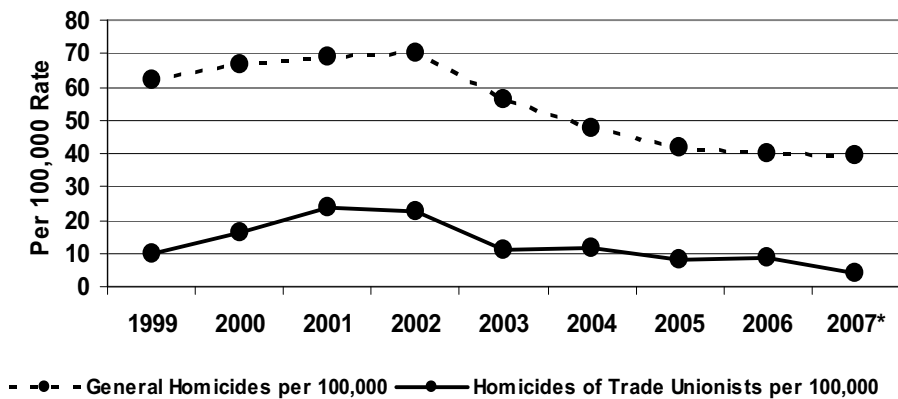
⁷⁰ Juan Bernardo Rosado and Guillermo Correa, *Esta noche tibia de la muerte primavera: Report on Human Rights Violations against Colombian Unionists in the Year 2004*, Report on Human Rights Violations No. 15 (Medellín: ENS Human Rights and Labor Rights Unit, May 2005), p. 33.

⁷¹ Elver Herrera Arenas and Leidy San Juan, *Y un grito de muerte desgarró el encantamiento: Report on Human Rights Violations against Colombian Unionists in the Year 2006*, Report on Human Rights Violations No. 18 (Medellín: ENS Human Rights and Labor Rights Unit, July 2007), p. 41.

⁷² Maria McFarland Sanchez-Moreno, “Congressional Testimony on Violence against Trade Unionists and Human Rights in Colombia” (testimony before the U.S. House of Representatives Committee on Foreign Affairs, June 28, 2007).

⁷³ Arenas Elver and San Juan, *Y un grito de muerte desgarró el encantamiento*, p. 6.

Figure 6. Homicide Rates of General Population and of Trade Unionists in Colombia, 1999–2007



* 2007 homicides of trade unionists projected from figure as of October 15, 2007; 2007 general homicides projected from figure as of August 31, 2007.

Sources: General homicides statistics from the Policía Nacional de Colombia; homicides of trade unionists from the Escuela Nacional Sindical; general homicides per 100,000 calculated using population statistics from the U.S. Census Bureau; homicides of trade unionists per 100,000 calculated using constant figure of 831,000 total trade unionists in Colombia as reported by Amnesty International citing the Escuela Nacional Sindical on July 3, 2007.

government to be the alleged perpetrators of 193 in total, the yearly number falling to 21 alleged abuses in 2006, or 5.5 percent of total abuses identified that year.⁷⁴ In the minority of cases where a presumed perpetrator is identified or those cases taking place in the midst of union organizing, strikes, or other activities, there is often indication that union members are targeted, not random, victims of violence.

Labor and human rights organizations have signaled that a very low percentage of abuses against labor union members have been investigated and brought to a judicial conclusion. A 2006 report by the International Confederation of Free Trade Unions stated that “the vast majority of violations—over 90 percent of reported cases, remain unpunished and many murder cases are not investigated.”⁷⁵ This tracks with the overall inefficiency of Colombia’s judiciary, especially during the years when levels of violence were spinning out of control. Between 1997 and 1999, for example, only one in three cases of homicide in Colombia reached the penal courts and of these only 5 percent resulted in a guilty verdict.⁷⁶ Colombia’s resource poor and often intimidated judiciary was swamped

⁷⁴ Ibid., p. 29.

⁷⁵ International Confederation of Free Trade Unions (ICFTU), “Colombia: Annual Survey of Violations of Trade Union Rights (2006),” Brussels, <http://www.icftu.org/displaydocument.asp?Index=991223865&Language=EN>.

⁷⁶ Alfredo Fuentes, “Reforma judicial en Colombia: Progreso en 15 años,” in Peter DeShazo, *Anticorruption Efforts in Latin America: Lessons Learned*, Policy Papers on the Americas, Vol. XVIII, Study 2 (Washington, D.C.: CSIS, September 2006).

by the wave of violence during the 1990s, the result being widespread impunity for crimes and abuses.

However, a new unit under the direction of the attorney general, staffed by 13 prosecutors and 75 investigators, is now dedicated to prosecuting homicides of labor union members, focusing on 187 “priority cases” agreed to in consultation with the International Labor Office and the trade unions themselves. This unit is projected to file formal charges in 27 cases during the course of 2007 with a projected 18 convictions rendered.⁷⁷ Colombia’s change to an accusatorial system of criminal justice procedure will further speed up prosecutions.

The Protection Program of the Ministry of the Interior and Justice provided special security protection to some 1,500 trade unionists in 2006 at a cost of about \$11 million.⁷⁸ None of the persons enrolled in this program was killed.

Narcotics

Narcotics money is the most significant force driving violence in Colombia.⁷⁹ Other factors are certainly important, including poverty, inequality and a history of a weak state. From the late 1970s on, however, the rise of the illegal drug business tracks closely with Colombia’s deterioration from a country that had been moving in a positive social and economic direction to one headed toward disintegration. The narcotics-fueled violence eventually affected how society functioned and how the economy performed.

Coca, Cocaine, and Heroin: Measuring Progress

Plan Colombia called for a decrease in coca cultivation by 50 percent in 6 years. That goal has not been met. At the time of the approval of support for Plan Colombia in 2000, the United States estimated that there were 136,000 hectares of coca being grown in Colombia, reflecting the steep spike in production that occurred during the 1990s. This figure rose to 170,000 hectares in 2001. As aerial spraying assets provided by the United States swung into high gear, production estimates dropped sharply in areas surveyed between 2001 and 2004, to about 114,000 hectares, indicating considerable progress in meeting Plan Colombia goals. However, U.S. government analysts decided that the surveys on which these numbers were based did not cover enough of the remote geography of the country and using a new methodology in the 2005 survey, estimated cultivation levels at 144,000, a figure that grew to 157,000 in the 2006 estimate. The U.S. government considers these figures to be highly reliable.

While these figures are discouraging, previous estimates would probably have been much higher using the methodology currently in place, taking into account

⁷⁷ Mario Iguarán, interview, October 14, 2007; UNHCR, “Report of the High Commissioner for Human Rights on the situation of human rights in Colombia”; Fiscalía General, *Proyecto Especial OIT: Unidad Nacional de Derechos Humanos*, Lima, September 30, 2007.

⁷⁸ Ministerio del Interior y de Justicia, Dirección de Derechos Humanos, “Presupuesto Ejecutado 2006.”

⁷⁹ Marcelo Guigale et al., *Colombia: The Economic Foundation of Peace* (Washington, D.C.: World Bank, 2003), p. 43.