

Brussels, 4 December 2012

Dear Members of the European Parliament,

Next week, you will have the opportunity to vote on the EU Free Trade Agreement (FTA) with Colombia and Peru, and the Association Agreement with the Central American Community.

We ask you to consider seriously the implications of these agreements, considering the scale of human rights violations in the countries concerned, and the EU's Treaty-based responsibility to pursue democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, in all EU external relations.

Neither agreement currently meets this benchmark, and therefore we call on you to reject both agreements.

### **Colombia-Peru FTA**

At the request of the EP (resolution 13 June 2012), both governments have presented Roadmaps on human rights and environmental protection, without any consultation with local trade union confederations.

In Colombia, one of the most dangerous countries in the world for trade unionists, CUT-CGT-CTC have not been invited to discuss the proposal. Participation has also been lacking in Peru. The text refers to a "National Agreement" (*Acuerdo Nacional*) in which many trade unions like CUT and CATP and civil society organisations were not involved, while it also mentions the existence of an ECOSOC that has never been set up.

In general, the two roadmaps do not address essential concerns and concrete and binding measures regarding:

- freedom of association and collective bargaining, including for temporary workers;
- an effective labour inspection system;
- the implementation ILO obligations in terms of social dialogue;
- an end to impunity for violence against trade unionists in Colombia, and measures to bring solutions to the social conflicts, particularly with indigenous communities as in Peru;
- the protection of the environment in full consultation with the trade unions and remedies to the damage caused to indigenous communities;
- The need for binding and measurable commitments agreed upon with the social partners.

The violation of fundamental rights remains a fact of life for many Colombian workers. The adoption of the US-Colombia Labour Action Plan, linked to the US-Colombia FTA, required some important legal and administrative changes, but unfortunately did not require proof of progress in practice before the implementation of the agreement. Thus, the reality on the ground for Colombian workers remains wholly unacceptable. Union leaders and activists continue to be assassinated, threatened, and intimidated, and perpetrators continue to enjoy almost complete impunity despite the widespread and intense international attention. Labour laws continue to be violated. Many workers throughout the economy still find themselves working under sham employment relationships, from cooperatives to newly-created schemes, despite changes in legislation and a promise to make this a priority area for labour inspection. Similarly, workers find themselves labouring under employer imposed pacts meant to weaken or eliminate the union. As a result, workers face a major obstacle to the exercise of freedom



of association. This, together with the continued violence, has led to a continued decline in unionization in Colombia.

In Peru, trade unionists also face hurdles in law and in practice to the free exercise of their rights. Anti-union dismissals, the disregard for collective agreements and bargaining rights and union busting in the public and private sector continued to be common practices while the informal economy is growing without legal protection for those workers. Workers in agribusiness, who are most frequently subcontracted and temporary workers, are among the worst treated. In general terms, despite urgent calls from the trade unions, the Peruvian state has not endorsed any decent work country programme.

This reality shows the importance of legally binding commitments to improve labour and human rights. However, these are absent from the FTA and its Sustainable Development Chapter, which is not subject to a meaningful dispute settlement procedure, as provided for the commercial provisions of the FTA. The proposed Roadmaps are an inadequate substitute in their current form.

The international trade union movement is united in this call for a vote against the FTA. To do otherwise would disregard the appalling human rights record in Colombia and continued labour violations in Peru.

### Central American Community Association Agreement

In the case of EU-Central America, little notice has been taken of the principal questions asked by civil society about the social dimension of relations with the region.

In particular, Guatemala stands out, regrettably, as the Central American country most characterised by human rights violations. Freedom of association has long been denied in law and practice in Guatemala. Over the last 20 years, the ILO has detailed extremely serious and systematic violations of the right to freedom of association, up to and including death threats and murder. The ILO (and social partners) has sought to engage in a constructive dialogue with the Government in order to find practical solutions to these extremely serious violations -- but to no avail. The fact remains that serious violations of the right to freedom of association continue unabated and without meaningful sanction (if any), leading to a situation of near total impunity. Despite many years of promises by the Government to take the necessary steps to respond to this crisis, the situation only worsens with each passing year – due largely to a glaring lack of political will.

It would be deeply disturbing if in light of the human and trade unions rights crisis in Guatemala the EU chose instead to fully embrace the Guatemalan government through an Association Agreement.

We are happy to supply further evidence to support our concerns regarding both agreements. We call on MEPs to ensure that the EU continues to place a priority on human rights in its external relations and bilateral agreements. The ratification of these agreements will send an extremely negative message to workers in Latin America, as well as your own constituents in Europe.

Yours sincerely,

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ETUC General Secretary

Sharon Burrow  
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Viktor Baez  
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