

Impunity in Colombia:

The Displaced and the Rule of Law

By Sean Hannley

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The rule of law is essential to any society. For people to live their lives and enjoy any freedom of speech, expression or organization, they need to be assured that violence against them, including murder, will not go unpunished. The only way for a government to protect its population against violence is to ensure that those who perpetrate that violence are punished by the state, the alternative being giving everyone their own personal bodyguard. However, an atmosphere of impunity exists in Colombia which is created by the government purposely in order to silence and wipe-out political groups which the government doesn't agree with.

José Luciano Sanín Vasquez recently spoke to Congress and at the AFL-CIO about the issues facing labor rights activists and the labor movement in Colombia. He pointed out that labor laws and standards in Colombia are very poor. Of the 18 million eligible workers in Colombia, only 3 million have a contract and only 5 million receive any sort of benefits. The labor laws in Colombia were created in the 1950s while Colombia was under a dictatorship and provide very few protections for workers, and these policies continue under current President Alvaro Uribe. Uribe's government has denied over 253 requests for union recognition and union coverage of workers has declined 64%, leaving only 20% of workers covered by collective bargaining agreements. A full half of the strikes under this president have been declared "illegal".



Alvaro Uribe's government has denied over 250 requests for union recognition.

Cooperatives are a form of business owned and managed by workers which give people in developing and developed countries an alternative to sweatshop labor; however firms in Colombia are allowed to use a corrupted form of this legal structure to ban individuals from labor organizing, while maintaining exploitive labor practices. Four million workers have jobs under this new form of firm (being used as temporary labor) and are paid half of what a permanent employee would make.

Uribe has accused his political opponents of being the "intellectual arm of the FARC" and tried to create a very negative view of labor unions among the population. Anti-trade union violence is particularly prevalent in Colombia, with a full 60% of trade union murders around the globe taking place in the country. There have been 2,697 murders of trade unionists since 1986, and 482 under Uribe alone. The trade union movement considers this to be "systematic action for the purpose of elimination" or "genocide." Only 4% of these cases have been prosecuted. This creates an atmosphere of impunity in the country. On those rare occasions when there is an investigation, only the actual killers are prosecuted leaving those responsible for ordering the killings untouched. One judge from Colombia has stated that

this is the role that the state wants judges and prosecutors to play—prosecuting the few killers who are caught and not asking questions about who ordered the assassination.

The Brookings' Institute recently put together a panel on the displaced people in Colombia which featured the Swiss Ambassador Thomas Greminger and Roberto Vidal, a professor of law at Pontificia Universidad Javeriana in Bogota. The panel discussed how the lack of prosecution of paramilitaries and other armed parties is fueling a crisis of displaced persons from the decades long civil war against the FARC. There are now between 2 and 4 million displaced persons in Colombia who have lost everything, are receiving insufficient resources, services and health care and are bringing more extreme poverty into the cities. Displacement comes from the civil war itself, as well as large agri-business projects, the eradication of coca crops, and what is considered by many to be “lawlessness” in the countryside. The rate of unpunished crimes in Colombia is staggering: 400,000 in 2002, 200,000 per year from 2003-2007 and 300,000 in 2008.

The Swiss ambassador has been helping organize European efforts to provide humanitarian assistance, and has said that what is needed to stop the violence is for all parties to come to the table, including women's groups, indigenous groups, labor unions and representatives from both the government and the FARC to put their demands on the table and reach a settlement. He has said that there is a tendency for the government to demand peace before negotiations, a policy which is guaranteed to extend the length of the conflict. The problem of impunity for paramilitaries and other parties involved in the killing of civilians is also reflected in the fact that many of the displaced people who have been surveyed don't want to return to the place where they come from. Not only do many of them feel that because of the war they would be unable to sustain themselves in their point of origin, but they still don't feel safe in the regions where they come from. The situation for the displaced people is getting worse as their numbers grow. The foreign aid to those who have been displaced is substantial but not sufficient and for every \$1 the United States gives to those who have been displaced, they give \$50 to demobilized paramilitaries.



Colombia is faced with many problems: extreme poverty, a lack of education, a decades-long civil war and narco-trafficking, all of which need to be addressed. Before many of these problems can be addressed however, the atmosphere of impunity which permeates Colombian society, especially in regards to far-right paramilitaries, needs to be addressed. Only when people are free to speak out and also associate with whomever they choose will they be able to come together and solve the problems that have plagued Colombian society for generations.