

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Joint Resolution

No. 27

Introduced by Assembly Member Torrico

(Coauthors: Assembly Members Ammiano, Beall, Block, Blumenfield, Chesbro, Coto, Davis, Eng, Evans, Fong, Fuentes, Furutani, Huffman, Jones, Lieu, Ma, Mendoza, Monning, Nava, V. Manuel Pérez, Ruskin, Salas, Saldaña, and Skinner)

(Coauthors: Senators Cedillo, Corbett, DeSaulnier, Kehoe, Steinberg, Wright, and Yee)

September 11, 2009

Assembly Joint Resolution No. 27—Relative to the Colombia-United States free trade agreement.

LEGISLATIVE COUNSEL'S DIGEST

AJR 27, as amended, Torrico. Colombia-United States free trade agreement.

This measure would urge the United States Congress to oppose a free trade agreement between the United States and Colombia.

Fiscal committee: no.

- 1 WHEREAS, Violence against trade unionists persists to this
- 2 day, with over 500 unionists murdered during the administration
- 3 of ~~current~~ Colombian President Alvaro Uribe; and
- 4 WHEREAS, The murder rate increased by 25 percent from 39
- 5 murders in 2007 to 49 murders in 2008; and

1 WHEREAS, ~~Forty-four~~ *Forty-eight* trade unionists were
2 murdered in 2009; and

3 WHEREAS, The continued murders and death threats have a
4 chilling effect on union activity, as workers continue to have good
5 reason to fear for their lives when they exercise their fundamental
6 labor rights, especially the crucial rights to organize, bargain
7 collectively, and strike; and

8 WHEREAS, The Office of the Attorney General of Colombia
9 has secured convictions in only about 5 percent of the over 2,700
10 cases of murder of trade unionists, and only following significant
11 international pressure to do so; and

12 WHEREAS, In the vast majority of cases, the person convicted
13 of the crime is not the originator of the crime, but rather carried
14 out the order to kill and, in roughly 40 percent of the sentences,
15 the person found responsible for the crime was either tried in
16 absentia or is otherwise not in custody and thus potentially still at
17 large; and

18 WHEREAS, The Office of the Attorney General of Columbia
19 does not attempt to investigate all outstanding unsolved murder
20 cases, but rather only the subset of cases that have been previously
21 presented to the International Labor Organization and new murder
22 cases from 2006 onward; and

23 WHEREAS, Impunity for these and other crimes persists and
24 new crimes will likely continue to be committed with similar
25 impunity because of a failure to fully investigate and prosecute
26 those responsible for these crimes, and also widespread human
27 rights violations; and

28 WHEREAS, A flawed paramilitary demobilization process has
29 contributed to thousands of “demobilized” and never-demobilized
30 paramilitaries, creating new and dangerous organizations; and

31 WHEREAS, Many of these groups, including the *Aguilas Negras*
32 (Black Eagles), are associated with powerful local or regional
33 economic and political interests and continue the violent legacy
34 of the paramilitaries, including narcotics trafficking and targeted
35 assassinations; and

36 WHEREAS, Defamatory remarks regarding trade unionists and
37 human rights defenders in Colombia delegitimize the important
38 and valued work of human rights defenders, close the necessary
39 and justifiable space for them to exercise their internationally
40 recognized right to free expression, and place individuals and entire

1 organizations at the grave risk of physical retaliation from members
2 of illegal armed groups; and

3 WHEREAS, According to a 2008 Human Rights Watch report,
4 numerous politicians, including members of the Colombian
5 Congress, have come under criminal investigation for collaborating
6 with paramilitaries—the groups responsible for the majority of
7 crimes against trade unionists where the author of the crime is
8 known; and

9 WHEREAS, According to Human Rights Watch, there is
10 overwhelming evidence of broad, systematic, and illegal
11 surveillance conducted by the Administrative Security Department
12 (DAS), the national intelligence service of Colombia, against
13 hundreds of members of human rights organizations, political
14 opposition parties, and unions, as well as Supreme Court justices,
15 journalists, and even clergy; and

16 WHEREAS, The United Nations Special Rapporteur on
17 Extrajudicial, *Summary, or Arbitrary* Executions, Phillip Alston,
18 recently found that killings of innocent civilians by the armed
19 forces have occurred throughout the country; and

20 WHEREAS, According to the International Labor Organization,
21 the labor laws of Colombia fall short of minimum international
22 labor standards; and

23 WHEREAS, The United States-Colombia Trade Promotion
24 Agreement, a comprehensive free trade agreement between
25 Colombia and the United States, was signed on November 22,
26 2006, and is currently being reviewed by the Office of the United
27 States Trade Representative; now, therefore, be it

28 *Resolved by the Assembly and the Senate of the State of*
29 *California, jointly*, That the Legislature of the State of California
30 strongly urges the United States Congress to oppose a free trade
31 agreement between the United States and Colombia; and be it
32 further

33 *Resolved*, That the Chief Clerk of the Assembly transmit copies
34 of this resolution to each Senator and Representative from
35 California in the Congress of the United States.

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