

## Assembly Joint Resolution No. 27

### RESOLUTION CHAPTER 145

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

[Filed with Secretary of State September 9, 2010.]

#### LEGISLATIVE COUNSEL'S DIGEST

AJR 27, 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.

WHEREAS, Violence against trade unionists persists to this day, with over 500 unionists murdered during the administration of Colombian President Alvaro Uribe; and

WHEREAS, The murder rate increased by 25 percent from 39 murders in 2007 to 49 murders in 2008; and

WHEREAS, Forty-eight trade unionists were murdered in 2009; and

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

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

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

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

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

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

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

WHEREAS, Defamatory remarks regarding trade unionists and human rights defenders in Colombia delegitimize the important and valued work of human rights defenders, close the necessary and justifiable space for them to exercise their internationally recognized right to free expression, and place individuals and entire organizations at the grave risk of physical retaliation from members of illegal armed groups; and

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

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

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

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

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

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

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