

AND

NEW YORK LABOR COMMITTEE
IN SUPPORT OF DEMOCRACY AND HUMAN RIGHTS IN
EL SALVADOR

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United Hebrew Trades
- Arthur Cheliotis, President
Local 1180 CWA
- Enio Carrion, President
Local 140 UFWA
- Rand Condell, President
Public Employees Federation
- Alec Dubro, President
National Writers' Union
- Mark Dudsic, President
Local 8-149 OCAW
- François Felix, President
Local 1-3 FLM-FJC UFCW
- Moe Foner, Executive Secretary Emeritus
National Hospital Union
- Janet Freedman, M.D., Executive Director
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- John Glasel, President
Local 802 AFM
- Lou Gordon, Business Manager
Local 107 UPIU
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**PETITION BEFORE THE U.S. TRADE REPRESENTATIVE
ON LABOR RIGHTS IN HONDURAS**

NEW YORK LABOR COMMITTEE IN SUPPORT
OF DEMOCRACY AND HUMAN RIGHTS IN EL SALVADOR

MAY 1991

As trade union leaders who have monitored the labor rights situation in Honduras with concern, we herein submit to the United States Trade Representative (USTR) a petition documenting labor rights violations in Honduras pursuant to Section 502 (b) (8) of the Trade Act. This is to request a formal public review of the labor rights situation in Honduras.

The Violation of Labor Rights in Honduras

• Assassination of Trade Union Leaders

May 31, 1990:

Trade union leader Francisco Javier Bonilla was assassinated on May 31, 1990 when he was shot five times after leaving his union office. Witnesses say Bonilla was killed by the military. His union, the Union of Workers of the Social Security Institute (SITRAIHSS), was engaged in a contract dispute with state management. Bonilla's wife says that for several days prior to her husband's assassination they had been followed by unidentified men. Since there had been two previous attempts on his life, they had good reason to be afraid.

Death
(1)

murder
(1)

**International Labor Rights Violation:*
Right to Integrity of the Person

"Trade union rights can only be exercised in a climate that is free from violence, pressure or threats of any kind against trade unionists; it is for governments to ensure that this principle is respected." (p. 19)

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June 1, 1990

Twenty-four hours later, after leaving Bonilla's wake, Ramon Briceno, a member of the Union of Workers of the Central Bank (SITRABANTRAL), was abducted, tortured, and assassinated by 11 shots. His face had been disfigured. Briceno had been receiving death threats from the TRIPLE A (Anti-Communist Action Alliance), a death squad which the independent Honduran human rights organization, CODEH, says is linked to Honduras security forces.

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Rather than calling for a thorough judicial investigation into these killings, President Callejas appointed a special military commission to investigate the homicides. The military concluded that the student movement was behind them, but also, according to the National Police,

¹. All international labor rights criteria are taken from the International Labor Organization (ILO) publication, "Freedom of Association, A Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO, Third Edition."

an intra-union dispute could not be ruled out as the motive. So obvious was the cover-up that the Honduran daily newspaper, Tiempo, was prompted to observe editorially that "now it is more apparent that behind this [the killings] hides a great perversity."

Referring to the assassination of Bonilla and Briceno the State Department report notes that:

"The civilian Government has not confronted the military on these issues, as evidenced by the Government's appointment of a military commission to investigate the murder of a labor activist and a student leader."

(Briceno was not only a key leader of the bank workers union, he was also a student leader at the University.)

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• **The Government Fails to Investigate, Prosecute or Protect Human and Labor Rights**

The government of President Rafael Callejas has been in office for a little over one year. In 1990, according to the Committee for the Defense of Human Rights (CODEH), the state or agents of the state were responsible for 77 extrajudicial killings, five assassinations of union and peasant leaders and 357 illegal detentions, which frequently include torture during interrogation. In mid-1990 the International Commission of Jurists concluded that: "the Honduran government and the judicial authorities have not followed up any of the recent violations. They have not carried out one single investigation to find or punish the guilty."

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The U.S. State Department's 1990 Country Report on Human Rights in Honduras is surprisingly critical. It includes the following:

"As in past years, there were credible reports that members of the Armed Forces, especially in the FUSEP² and the DNI³, were responsible for extrajudicial killings and the torture of detainees. The potential for improving the human rights performance and professionalism of the police is limited, partially because military officers are appointed to command positions in the police forces."

**International Labor Rights Violation:*

Right to Protection Against Arbitrary Arrest and Punishment

"The arrest -even if only briefly- of trade union leaders and trade unionists for exercising legitimate trade union activities constitutes a violation of the principles of freedom of association." (p 22)

*Included in this is the guarantee of normal judicial process, that the detainee be informed of charges against him, access to counsel and prompt trial. (p. 26)**

• **Government Forms Yellow Union**

Honduras may be unique in the blatancy of the government's attempts to control union organizations by forcibly installing parallel unions headed by government supporters.

No case more strikingly illustrates the Honduran government's intervention than its decade-long attempt to destroy the country's largest teachers' union. COLPROSUMAH represents 36,000 primary public school teachers. Its members make less than \$100 a month. COLPROSUMAH was one of the most independent and forceful voices in the Honduran labor movement.

In 1982, the government moved to destroy COLPROSUMAH. The government organized a small, handpicked assembly of teachers who supported the ruling party. Under military supervision, the assembly elected "new" union leaders, forming a parallel union to officially replace COLPROSUMAH. The government granted immediate legal recognition to the parallel leadership. The military then forcibly removed the COLPROSUMAH leadership and installed the new

²Public Security Force

³National Investigations Department

(AB 2)

leaders in COLPROSUMAH's office. The union's bank account and pension fund were confiscated. The dues check off of 36,000 teachers goes to these imposed leaders.

Even though it was stripped of its office and funding, COLPROSUMAH did not fold. Through continued rank-and-file support it maintains near total control of teachers' locals across the country. On the local level, COLPROSUMAH has continued to win gains for its members.

COLPROSUMAH has made several attempts to retake its office. In February 1986, COLPROSUMAH members marched to the union's office where they were attacked by forty paramilitary troops in civilian clothes, armed with machine guns. The COLPROSUMAH members were tear-gassed and beaten. Seven teachers were wounded and several women members were sexually abused. All this took place a block and a half from National Police Headquarters, but the police did not intervene. Afterward, military troops surrounded the office to protect the "phoney" union leaders. COLPROSUMAH's leaders report that they are the target of government surveillance.

COLPROSUMAH has called for a national assembly open to all teachers to elect authentic union representatives. The government has refused to grant such an assembly. It is more convenient for the government to have easy access to the considerable pension fund of the teachers, just as it is more convenient to have government-installed union "leaders" representing public school teachers and testifying on educational reform before the National Assembly.

COLPROSUMAH has survived because of a tremendous sense of dedication on the part of its leaders.

**International Labor Rights Violation:*

Right to Freedom from Interference in Union Activity

The ILO proscribes the use of force or intimidation to curtail union meetings, work actions or strikes. (p. 83)

• **National Association of Public Employees Broken**

More recently, at the end of 1990, the Honduran Government unilaterally and illegally fired the legitimate union leadership of the 30,000-member National Association of Public Employees, who were calling for an end to privatization.

CASE 2

***International Labor Rights Violation:
Right to Freedom from Interference in Union Activity**

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• **State Health Care Workers Under Attack**

The average wage for the 6,000 affiliates of the public sector Health Care Workers Union (SITRAMEDHYS) is \$60 a month for a 44-hour work week. SITRAMEDHYS, which is 24 years old, has organized about one-third of the public health workers. SITRAMEDHYS is a member of the Confederation of Honduran Workers (CTH), which has very close ties with the AFL-CIO.

According to the independent human rights group, CODEH: "One of the most affected unions is the union of health workers (SITRAMEDHYS) whose leaders have been harassed, threatened, dismissed, persecuted, prosecuted and, in the case of Braulio Canales Lopez, assassinated." Canales Lopez, who was the ~~president of the Comayagua local~~, was murdered on August 29, 1990 after playing a leading role in a month-long strike which ended in July. A former member of the Army testified that government hospital officials paid \$130 each to three assassins to kill Canales Lopez. There was no investigation of his murder, but SITRAMEDHYS officers were illegally detained and accused of defaming the state when they pressed for a judicial inquiry.

Since the strike, all state-run hospitals have been militarized. Two national Executive Board members of the union have been illegally fired, along with the President of SITRAMEDHYS Local 32. Dozens of strike activists have been fired or punitively transferred. Union leaders are under heavy surveillance. In a further attempt to weaken the union, the hospital administration has been privatizing a growing number of hospital functions.

Violent attacks against SITRAMEDHYS continue. On February 23, 1991, one union leader was killed and another wounded when the car they were driving was forced off the road by a jeep with polarized windows and no license plates. Manuel Garcia and Jorge Gonzalez had just left the union after a late night meeting. There had been two previous attempts on the life of Garcia. Gonzalez, who was seriously injured, is being protected around the clock by at least three SITRAMEDHYS members. Members of the military have come to the hospital several times looking for Gonzalez. The union feels his life is in danger.

The state's Health Administration is pushing a bill through the Congress (Sanitary Code Number 10), which will make it an "act of terrorism" for the union to hold a work action.

Case 3

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Union members continue to be illegally fired, and union leaders remain the target of surveillance. Administrators were present at the March 12th demonstration -- organized by the Platform of Struggle and the CTH -- recording the names of SITRAMEDHYS members who participated. Hospital officials have also begun to simply drop SITRAMEDHYS affiliates from the membership list which the Health Department administers, and the administrators refuse to sign up new union members.

In March, 1991, the Inter-American Regional Committee of the Public Service International (PSI), recommended SITRAMEDHYS for affiliation to the PSI.

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The ILO proscribes the use of force or intimidation to curtail union meetings, work actions or strikes. (p. 83)

**Right to Protection from Discrimination or Retaliation
Against Union Activities**

The ILO notes that "no person should be prejudiced in his employment by reason of his trade union membership or legitimate trade union activities," (p. 101) Acts of discrimination include retaliatory firings and punitive transfers.

Chiquita Banana Workers Repressed by Military

CASEY

The 7,500-member SITRATERCO union at the U.S.-owned Chiquita Banana plantation on the Atlantic coast is Honduras' strongest union. It was a 61-day strike by the banana workers in 1954 that led to the founding of the Honduran labor movement. Out of the strike workers won the right to organize, to bargain collectively, to strike, a labor code was drafted, and social security was initiated. SITRATERCO remains the center of the labor and popular struggle. Even the U.S. Commerce Department refers to SITRATERCO as "the flag ship union of Honduras." SITRATERCO is affiliated with the CTH Federation.

In the last two years SITRATERCO has had two major strikes over contract negotiations. Both strikes were broken by the Honduran military.

A 42-day strike in 1990 was ended on August 4th when the military intervened. A lieutenant from the 105th Infantry fired an M16 indiscriminately into a crowd of strikers. Two union members were wounded. Oddly enough three police intelligence agents who had infiltrated the union were also wounded. After evicting the strikers, the military destroyed union property. During the strike the union's phone lines were cut, as were the phone lines of a nearby Jesuit church and those of a Jesuit radio station, the "Voice of the Voiceless." This was done to cut off the SITRATERCO strikers from the outside world. The government moved to aid Chiquita Banana by declaring the strike illegal and threatening union leaders with imprisonment as well as threatening to dissolve the union as a legal institution if the strike was not called off. SITRATERCO was forced to accept company-proposed wage agreements which were less than one-half of what the union was demanding.

The banana workers have other problems as well. In humid, 100-plus degree temperatures, the workers must climb a 12-step ladder 350 times a day to meet their piece rate quota. They use the ladders to climb the banana trees to place protective plastic sacks over the bananas. Chemicals are a real problem, particularly the fungicide, dithane. The workers are often sprayed by planes spreading dithane and other pesticides. Sixty percent of the workers have been affected, suffering nose bleeds, headaches, fainting and skin peeling. Several workers' children have been born deaf. The workers are paid \$4 a day.

In 1990, Chiquita fired 15 union activists. Another method Chiquita is using in its attempt to weaken the union is subcontracting banana production to individual farmers. In 1988, Chiquita tried to replace the union's leadership with a parallel executive board chosen by the company. When this failed, Chiquita attempted to establish a solidarista association. After a strike by SITRATERCO ended this effort 1989, Chiquita unsuccessfully sought to have the government dissolve the union.

**International Labor Rights violations:*

Right to Freedom from Interference in Union Activity

The ILO proscribes the use of force or intimidation to curtail union meetings, work actions or strikes. (p. 83)

Right to Hold Public Meetings and Demonstrations

The ILO states that "public authorities should refrain from any interference which would restrict...the right to organize public meetings...[which] constitutes an important aspect of trade union

rights." (p.33-35)

Right to Protection from Discrimination or Retaliation Against Union Activities

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Impossible for Unions to Organize in Maquila Sector

The leaders of the Independent Workers' Federation of Honduras (FITH) explained to us that it is impossible for unionists to enter the industrial parks to organize. Attempts to organize in the fast-growing maquiladora industry have been met with threats, beatings, firings, and plant closings. Those fired from a maquila factory for showing interest in organizing a union are immediately blacklisted throughout the entire industry.

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According to U.S. Commerce Department figures there was an 80 percent increase in maquila clothing and textile production in Honduras in 1989 over the previous year. The vast majority of this \$100 million plus production enters the U.S. under the generous 807 tariff program. As the Commerce Department explains, "Honduras has no quotas for apparel at this time, enhancing its attractiveness for firms interested in the U.S. market."

fact 5 -

Manufacturing Textiles of Honduras in San Pedro Sula employs 500 workers to produce clothing for the U.S. market under the Union Jack label, among others. FITH organized the plant where, from 6:30 AM to 3:30 PM, workers rush to meet their piece work quota. Average pay is \$2 per day. This was too much for plant owner Michael Fayad, who has laid off 161 union workers, some of whom had worked in the factory for over 20 years. Fayad has opened another factory called CAM, which is non-union and where the work day exceeds 12 hours. Production is being shifted from Manufacturing Textiles to CAM in an attempt to break the union, which appears likely to be successful. Neither the Minister of Labor nor the courts have done anything to protect workers fired for union activities.

In a March issue of the English-language business weekly Honduras This Week the same Michael Fayad was advertising another one of his companies, the Great American Apparel Factory. His ad states: "Firm offers sewing operations for drawback to interested parties. '807' opportunity. Firm specializes in dresses, skirts, shirts, blouses, bathrobes, and t-shirts."

Meanwhile the FITH union leaders are constantly being followed by police agents of the National Investigations Department (DNI).

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• **Massacre of Farm Cooperativists**

Case 6

May 3, 1991: Five farm cooperativists (murdered) and seven others seriously wounded.

On May 1, 1991, farm cooperativists belonging to the National Association of Honduran Campesinos, ANACH --which is affiliated with the International Confederation of Free Trade Unions and supported by the AFL-CIO-- occupied 28 hectares of farm land near the town of Agua Caliente in northern Honduras, not far from the Atlantic Coast. The farm had been granted to the cooperative in 1976 by the government's National Land Institute (INA) as part of its land reform program. Despite the fact that INA paid the former owner of the property and the cooperative holds the legal decree giving them possession of the land, for the past fifteen years they have never been able to actually take possession of their land. After receiving the money from INA, the former owner illegally resold the property. Today, Honduran military Colonel Leonel Galindo claims to own the land. Every attempt by the cooperative to move onto their farm has been blocked by threats of violence.

Death
85
15
-90-

Beak =
-8-

On May 1, the ANACH cooperativists decided to occupy the land which is legally theirs. According to witnesses, at 5 a.m. on May 3, soldiers under the command of Col. Galindo along with civilian employees of the colonel opened fire on the farm cooperativists, killing five cooperativists and seriously wounding seven others. Two of those killed were shot in the head while lying, pleading for help after having been wounded.

Even Honduran President Rafael Callejas agrees that the cooperativists had been massacred while they were on their legitimate property.

The Honduran military is denying all responsibility in the case. The unions are demanding a thorough investigation in a civilian court of law.

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Attempt to Fire Strikers

On April 30 the Union of Workers of the National Electrical Energy Company (STENEE) went on strike to protest government increases in electricity rates and the state-management's plan to lay off 500 unionized workers and privatize several sectors of the industry. Many unions --including the AFL-CIO-supported Confederation of Honduran Workers (CTH)-- supported STENEE's demands with solidarity strikes.

Seven hundred workers of the Union of Workers of Beverages and Similar Industries (STIBYS) at the Honduran Brewery walked off the job to join an eight-hour solidarity strike. The company is owned by the U.S. Chiquita Banana Company. Management at the Honduran Brewery is now attempting to fire 300 union leaders and activists for having participated in the eight-hour strike.

Chiquita Banana was greatly embarrassed by the electrical workers strike when the STENEE union pointed out that Chiquita and other transnational banana companies owe the National Electrical Energy Company over three million lempiras in debt, which is one of the reasons the Energy Company needed to seek a rate increase.

Case 7

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Legalized Misery

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The Committee for the Defense of Human Rights in Honduras investigated working conditions at a relatively large (110 employees) and successful company, the kind of company which would interest foreign investors. The work shift at this factory was 12 hours a day, including Saturdays, totalling a 72-hour work week. The average wage was \$20 a week. Under the Honduran Labor Code this was legal.

After Haiti, Honduras is the poorest country in the Western Hemisphere. Seventy percent of the population earns \$60 --or less-- a month. Only 30 percent of the workforce is employed full time. Per capita income is approximately \$700 a year, or one twentieth that in the U.S. Honduran government figures show that over 60 percent of the Honduran people suffer from malnutrition. In the countryside 50 percent of the campesinos live in abject poverty bordering on starvation. For a population of 4.5 million people there are only 17 public hospitals. Thirty-six percent of school-aged children cannot attend school because of the lack of teachers and classrooms. Less than 17 percent of the population receives a sixth grade education. sixty percent of the population is illiterate. Infant mortality has soared to 114 deaths per 1000 live births, which is ten times the U.S rate. The Pan-American Health Organization estimates that every five minutes a Honduran child dies of malnutrition.

The Honduran military has responded to the economic and social demands of the unions by leaking "classified intelligence documents" which state that popular organizing on economic and social issues is the most serious danger Honduras is facing. Honduran General Arnulfo Cantarero equated popular protest with terrorism and declared "democracy is not maintained with words or violins, but with arms."

***International Labor Rights Violation:**

Right to acceptable conditions of work with respect to minimum wage. hours of work and occupational safety and health.

