



Human Rights Council Complaint

UN High Commission for Human Rights (OHCHR)

Filed by UNI Global Union

On behalf of the union leaders and activists of

Prosegur Workers' Union - Peru

Sintravalores - Colombia

7 October 2014

Human Rights Council
Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

**I. Information concerning the author (s) of the communication or the alleged victim (s)
if other than the author**

Individual Group of individuals NGO Other

Last name: UNI Global Union on behalf of leaders and activists in Prosegur Workers' Union (Peru) and Sintravalores (Colombia).....

First name(s):

Nationality: ...Peru and Colombia.....

Address for correspondence on this complaint: UNI, 8-10 Avenue Reverdil, 1260 Nyon, Switzerland.....

Tel and fax: (please indicate country and area code) ...+41 79 769 9061 (Switzerland)....

E-mail: Alice.Dale@uniglobalunion.org.....

Website: www.uniglobalunion.org.....

Submitting the complaint: Alice Dale, Head of Dept. Property Services, UNI Global Union

On the author's own behalf:

On behalf of other persons: (Please specify: Elected leaders and union activists in the two unions listed above.....)

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): Private company, Prosegur, in Peru and Colombia.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

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Peru:

- In July 2014, UNI became aware of anonymous pamphlets being distributed within secure Prosegur cash-in-transit facilities in Lima, in the street outside the CGTP office (the union center to which the security union is affiliated) and posted on the internet. The pamphlets identified and ridiculed leaders of Prosegur Workers' Union and falsely accused them of misappropriating union funds. A photograph of the General Secretary's home was on the pamphlets.
- The General Secretary of the union, Luis Cardenas, was violently assaulted in front of his home as he was leaving for work on August 22, 2014, which resulted in him being hospitalized with a large cut to his head that required four stitches. No personal property was taken during the attack.
- Since that attack, messages have been sent to Luis indicating that this is what happens to union leaders and insinuating that something worse could happen. False accusations about him continued to be made in pamphlets, again circulated in Prosegur secure work areas, claiming that he has been misusing union funds for personal purposes such as remodeling his home.
- Defamatory information about Luis has also been posted on Facebook, claiming he has been having an affair. These tactics have been used in the past to attack trade unionists in South America so that when an assault (or worse) occurs it will appear to law enforcement officials that it was based on a "crime of passion" rather than retaliation for union activity.
- UNI America's Regional Secretary, Adriana Rosenzvaig, has begun receiving harassing messages claiming that Luis was having an affair and that the author would be watching him. The messages made reference to the physical attack on Luis. These messages were received by Adriana on twitter, Facebook, on her UNI and personal email accounts.

Colombia

- In January of 2014, the Vice-President of Sintravalores, Angel Ovidio Quiroz Urrego, was approached in the street by unidentified helmeted men on motorcycles some of whom took photographs of him, his wife and son. A complaint was filed by Angel with the Office of the Colombia Attorney General to seek protection for his himself and his family. The Attorney General's Office issued a letter to the police in March, requesting protection.
- On August 4, 2014, UNI wrote a letter to the CEO and President of Prosegur in Madrid raising concerns about a company manager in Colombia that had accused the Vice-President of the union, in writing, of being a "terrorist", thereby putting this worker's personal safety at risk. On August 22, 2014, the union received a letter from the company's Colombian HR manager accusing him of speaking in a "subversive tone" – also putting his safety at risk by linking him to terrorist organisations. ("Subversive" is the adjective used by Colombian authorities to describe terrorist organisations in the country.) An apology for this accusation was

made to the Vice-President but the issue of personal risk remains, if the initial letter is distributed.

- In August of 2014, other union members complained that they are being followed and having their photographs taken in the street during their work shifts by unidentified individuals. This has occurred during the loading and unloading of cash, a particularly dangerous activity in which the guards are armed, causing them to fear for their personal safety.

The ongoing acts and escalation of harassment, intimidation, threats of, and actual, physical harm are of the utmost concern to UNI and our affiliates.

UNI has called on Prosegur's CEO and President to take immediate and decisive action to:

- 1) Accept responsibility for providing a safe workplace by taking concrete steps to minimize the danger its employees face. Specifically, UNI has asked Prosegur for a notice to be placed in all Prosegur workplaces in Peru and Colombia that explicitly says that Prosegur will not tolerate threats or violence against its employees and will not allow the distribution of material that incites violence against its employees, including union leaders and activists.
- 2) Ensure that Prosegur managers cease and desist from making comments about union leaders that could link them to "subversive" or "terrorist" organizations, subjecting them to risk of physical harm.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

State law enforcement officials have been contacted and have recommended some procedures to provide protection to workers – Police Department and Attorney General's Office(see attached documents).....

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

Some of the violence and threats appear to be fomented by material circulated in workplaces which are under the supervision and control of Prosegur, a private security firm with its headquarters in Spain. UNI Global Union and UNI Americas, our regional office covering South America, have written to the CEO and President of Prosegur AB about these concerns 5 times since May 2014. To date, UNI has received one response from the company, dated 26 September 2014, concerning these matters. This letter denies any involvement, condemns the violence and threatens to sue UNI if we did not take down an electronic email petition to the company which was launched on the UNI web page because the company has taken no

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

steps to address these concerns in nearly half a year of repeated requests for it to do so.

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V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

UNI submitted information to the UN Global Compact in September 2014 about these matters. Additionally, an OECD complaint was filed by UNI in November 2013 with the Spanish government, which cited a variety of human rights violations, including intimidation and harassment of union leaders and activists. No action has occurred on the complaint to date. These recent acts of harassment, intimidation and violence demonstrate increasing pressure on workers for exercising freedom of association rights.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

The UN Global Compact received this information on 19 September 2014 but it has only mediation authority, not enforcement authority, over matters such as this. The OECD complaint was filed on 26 November 2013. The Spanish NCP attempted to schedule mediation between UNI and Prosegur on 16 June 2014. Prosegur was unavailable and has been unwilling to schedule another date, despite requests by UNI Global Union.

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VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes No X

Please indicate which information you would like to be kept confidential

Date: 7 October 2014

Signature: 

Head of Department, Property Services, UNI Global Union

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N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):X
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):X
- Any other evidence or supporting documents deemed necessary:X

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>