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*CGT France*

## **Director**

**Daniel Blackburn, MA**, barrister

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## **International Centre for Trade Union Rights**

*Centro Internacional para los Derechos Sindicales*  
*Centre International pour les Droits Syndicaux*

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ICTUR was founded to  
defend and extend trade union rights and  
to raise awareness of these rights and their violations  
around the world

### **Attn:**

**President Enrique Peña Nieto**  
**Residencia Oficial de Los Pinos**  
**Distrito Federal, Mexico**

**CC:** Secretary Jesus Alfonso Navarrete Prida  
Labor and Social Welfare Secretariat  
Paseo de la Reforma 98, Piso 3  
Col. Tabacalera, Delegación Cuauhtémoc  
Distrito Federal, Mexico

Office of the United Nations Special Rapporteur on the rights to  
freedom of peaceful assembly and of association

Sindicato Nacional de Trabajadores Mineros, Metalúrgicos,  
Siderúrgicos y Similares de la República Mexicana

Industrial

UNIFOR

USW Canada

**February 2018**

Dear President Peña Nieto,

The International Centre for Trade Union Rights is writing to express grave concerns about the murder of a third trade unionist at the Media Luna gold mine in Guerrero.

ICTUR understands that on 24 January 2018 Quintin Salgado – a labour activist – was killed by a group of armed men. A week prior to his murder, it is reported that Salgado was threatened and beaten while on his way to meet strikers from Torex Gold's Media Luna mine, where approximately 600 workers have been on strike since November 2017 to demand their right to join the union Sindicato Nacional de Trabajadores Mineros, Metalúrgicos, Siderúrgicos y Similares de la República Mexicana (SNTMMSSRM). Two striking workers (V́ctor and Marcelino Sahuanitla Peña) were murdered on 18 November.

The continuing state of violence and insecurity around the gold mine constitutes an egregious violation of the striking workers' fundamental labour and human rights. It is reported that Torex Gold announced on 15 January 2018 that its operations at the Media Luna mine would

recommence. Torex Gold has thanked the State Government, supported by the Federal Government for its efforts “to restore law and order to the region in a peaceful manner” (Fred Stanford, President & CEO of Torex). Following the murders of three trade unionists, the situation can be regarded as anything but “peaceful”.

The murder of trade unionists is the gravest of violations of the principles of freedom of association, enshrined in the International Labour Organisation Convention 87, which Mexico has ratified. Following the interpretation of the ILO's Committee on Freedom of Association, the rights of workers can only be “exercised in a climate that is free from violence... and it is for governments to ensure that this principle is respected” (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-45). Killings of trade unionists requires the 'institution of independent judicial inquiries in order to shed full light, at the earliest date, on the facts and the circumstances in which such actions occurred and in this way, to the extent possible, determine where responsibilities lie, punish the guilty parties and prevent the repetition of similar events'. Failure to hold guilty parties to account creates a culture of impunity, 'which reinforces the climate of violence and insecurity, and which is extremely damaging to the exercise of trade union rights' (*ILO Digest*, paras. 42-45, 46, 48 and 52).

As noted in our previous letter (December 2017), the deadline for adopting the implementing legislation for Mexico's Constitutional reforms – ostensibly aimed at strengthening workers' rights to freedom of association and collective bargaining – is also fast approaching (24 February 2018). A Bill for implementing legislation was submitted to the Senate in December 2017.

It is widely feared that this Bill would (if approved) wholly undermine the impact of these Constitutional reforms. As drafted, the proposed Bill's provisions fail to provide workers with voting rights with respect to union recognition and the establishment of collective agreements, allowing employers to retain established arrangements that do not necessarily have the support of workers. Burdensome administrative procedures would make it practicably impossible for workers to win recognition for newly formed or independent unions. The provisions also permit unlimited outsourcing of employment and remove guarantees that currently require written notice of dismissal. Though still to be debated in the Senate, correspondence sent to the ILO from Mexico's Permanent Commission to the UN in Geneva in December 2017 suggests that this Bill already has the support of the Mexican government.

These alarming developments cast serious doubts on whether the long awaited labour reforms will prove meaningful. The climate of violence surrounding the dispute at Media Luna gold mine highlights precisely why such reforms are urgently needed. ICTUR notes that these issues have been addressed several times by the ILO Committee of Experts on the Application of Conventions and Recommendations, which has requested the government to adopt “the necessary legislative and practical measures to find solutions to the problems arising out of the issue of protection trade unions and protection contracts...” (Observation

CEACR - adopted 2016, published 106th ILC session (2017), Freedom of Association and Protection of the Right to Organise Convention, 1948, No. 87). ICTUR again calls on the government to investigate the circumstances around these killings, and to ensure that all necessary measures are taken by the authorities to protect the fundamental freedoms of workers to join and form unions and to take action in defence of their interests. ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director