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**International Centre for Trade Union Right**

*Centro Internacional para los Derechos Sindical*  
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ICTUR was founded  
to defend and extend trade union right  
and to raise awareness of these right  
and their violations around the world

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By e-mail:

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Attn:

**President Pedro Pablo Kuczynski**  
**Jirón de la Unión, s/n 1ra. Cuadra,**  
**Lima PERU**

CC:

Fernando Zavala, Presidente del Consejo de Ministros  
Alfonso Grados Carraro, Ministro de Trabajo y Promoción del Empleo  
Annalisa Ciampi, United Nations Special Rapporteur on the rights to  
freedom of peaceful assembly and of association

Dear President Kuczynski,

The International Centre for Trade Union Rights is concerned for the rights  
of workers in Peru and by the deployment of the military to suppress  
workers' protests.

On 13 June 2017 a state of emergency was declared in Tumán, Chiclayo,  
temporarily suspending constitutional rights, including freedom of assembly.  
The state of emergency was extended on 12 July. It is understood that the  
measures are designed to suppress protests by workers at the Agroindustrial  
Tumán (Lambayeque) sugar operations, who are protesting against the  
administration of the company. ICTUR understands that military personnel  
and police were deployed, with tear gas and violence directed against  
protestors. Dozens of workers are reported to have been arrested and  
detained, with several injured.

ICTUR understands that on 21 July 2017, a state of emergency was also  
declared in several provinces in response to a strike led by the Sindicato  
Unitario de Trabajadores por la Educación del Perú (SUTEP). It is  
understood that the decree imposing the state of emergency effectively  
suspends constitutional rights (including freedom of assembly) in the  
affected areas, and that the armed forces and police are permitted to conduct

raids and detain civilians without a court order. It is understood that the SUTEP members are protesting to demand better working conditions and salaries, and to oppose proposed reforms in education, after the Ministry of Education refused to negotiate further with the union's regional branches.

During a strike by thousands of miners on the 20-22 July, ICTUR further understands that police fired tear gas at strikers in Lima. The miners were protesting labour reforms, which they fear will undermine workers rights and health and safety regulations in the mining industry.

ICTUR wishes to further highlight the issue of modern slavery in Peru, following the fire on 22 June 2017 in the Las Malvinas district of Lima, which killed four workers, two of whom were trapped inside a padlocked container on the roof. One of those killed was just 15 years old. It is understood that hundreds of labour inspectors went on strike in June to call for an increase in the Labour Inspectorate's budget to ensure proper protection of labour rights in Peru.

ICTUR wishes to remind the government of its obligations under the International Labour Organisation's fundamental Conventions, all of which Peru has ratified. The various decrees imposing a state of emergency and suspending constitutional rights in regions of Peru constitute a serious interference with workers' fundamental rights. The ILO's Committee on Freedom of Association has clearly stated that the 'intervention of the army in relation to labour disputes is not conducive to the climate free from violence, pressure or threats that is essential to the exercise of freedom of association' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, para. 641).

Concerning the right to life, security and the physical and moral integrity of the person, the Committee has further declared: that the 'rights of workers' and employers' organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected' (*ILO Digest*, para. 44); that any 'intervention of the forces of order should be in due proportion to the danger to law and order that the authorities are attempting to control' and that governments have a duty to ensure that excessive violence is not deployed (*ILO Digest*, para. 140); and that 'measures involving detention must be accompanied by adequate judicial safeguards' even during a state of emergency (*ILO Digest*, paras. 83). The Committee has clearly stated that 'trade unions should be able to have recourse to protest strikes, in particular where aimed at criticizing a government's economic and social policies' (*ILO Digest*, para. 529). The Committee has further noted that the education sector does not constitute an essential service, nor do any possible long-term consequences of strikes in the teaching sector justify their prohibition (*ILO Digest*, paras. 588 and 590).

**In light of the foregoing, the measures taken in respect of strikes and workers' protests in Tumán and Lima, and the regional teachers' strike present a clear threat to the exercise of freedom of association in Peru. The suspension of constitutional rights, including freedom of assembly and the use of military force against protestors may be regarded as excessive and disproportionate, as well as wholly inimical to the peaceful resolution of these disputes.**

**ICTUR calls on the government to take all measures necessary to review these situations and to ensure the fundamental freedoms of all workers to join and form unions and to take action in defence of their interests. ICTUR welcomes reports that the Peruvian authorities are launching an investigation into issues of forced labour in Peru and further calls on the government to take swift and effective action to tackle child and forced labour in Peru.**

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