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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

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CC:

Magdalena Valerio, Ministerio de Trabajo, Migraciones y Seguridad Social
Dolores Delgado, Ministro de Justicia
Confederación Sindical de Comisiones Obreras (CCOO)
Clément Nyaletsossi Voule, United Nations Special Rapporteur on the rights
to freedom of peaceful assembly and of association

August 2018

Dear Prime Minister Sánchez,

The International Centre for Trade Union Rights is writing to express grave concerns about reports of police violence against striking workers in Spain in July.

ICTUR understands that police attacked and seriously injured workers while they participated in a strike at Amazon's logistics centre in San Fernando de Henares, Madrid. It is reported that over 1200 workers participated in the 3-day strike over wages and working conditions after union negotiations with company failed to produce a fair deal. On 17 July, the second day of the strike, workers who were peacefully picketing at the entrance to the plant, were attacked by police in riot gear armed with batons, on the pretext that the protest was obstructing traffic. It is reported that three protestors were injured, one of whom lost teeth and was left with a broken jaw after being clubbed in the head. It is understood that several workers were arrested but later released.

The use of force against workers is a serious violation of the principles of freedom of association, enshrined in the International Labour Organisation Conventions 87 and 98, and under Article 11 of the European Convention on Human Rights. According to the ILO's Committee on Freedom of Association the rights of workers 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' (*Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth Edition, 2006, paras. 42-45). The Committee has clearly stated that the deployment of police should be limited to cases where there is 'genuine threat to public order' and that the 'use of police for strike-breaking purposes is an infringement of trade union rights' (*ILO Digest*, paras. 643-7). The Committee has further declared that States should investigate assaults on the physical or moral integrity of trade unionists through instituting an independent judicial inquiry immediately to investigate and determine responsibility (*ILO Digest*, paras. 46, 50, 184, 191).

In a matter of further interest to our organisation, ICTUR understands that on 17 July you announced to Congress that as President it was your intention to secure the repeal of Article 315.3 of the Spanish Penal Code, which makes provisions for prison sentences for picketing trade unionists. In recent years, hundreds of Spanish trade unionists were prosecuted under this provision, further to their participation in the general strikes of 2010 and 2012. ICTUR welcomes this commitment to remove this provision, and urges the Spanish authorities to ensure rapid progress towards this goal.

ICTUR calls on the government to initiate a thorough and prompt enquiry into the police actions, in order to hold those responsible to account and to provide adequate remedies to the victims. ICTUR further urges the government to take all measures necessary to ensure 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 dark ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director